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1 SB253
2 5VCELM6-1
3 By Senators Gudger, Elliott
4 RFD: County and Municipal Government
5 First Read: 18-Mar-25



4 SYNOPSIS:

5 Under existing law, the existence and
6 functioning of the Alabama Massage Therapy Licensing
7 Board is under the temporary jurisdiction of the Board
8 of Nursing and the Executive Director of the Board of
9 Nursing.

10 This bill would authorize the Executive Director
11 of the Board of Nursing to designate an individual to
12 perform certain powers, duties, and functions of the
13 Alabama Massage Therapy Licensing Board on behalf of
14 the executive director.

15 This bill would define what constitutes an
16 emergency order and provide further for other
17 definitions.

18 This bill would clarify that an individual
19 practicing massage therapy pursuant to a temporary
20 permit issued by the board is exempt from regulation by
21 the board; and would change the annual meeting month of
22 the board from October to November.

23 This bill would require a majority vote of the
24 membership of the board to discipline a licensee, would
25 delete temporary or transitional provisions, and would
26 provide further for the duties of the board.

27 This bill would provide further for the
28 qualifications for licensing and the contents of an



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application, for requirements for the provision of outcall massage therapy services, and for the inspections of massage therapy establishments.

This bill would authorize the board, by rule, to establish and collect reasonable fees.

This bill would provide further for investigations, discipline, and the fingerprinting of licensees and applicants for licensing.

This bill would provide for the issuance of an emergency order suspending the operation of a massage therapy establishment and the enforcement, hearing process, legal fees, and fines associated with an emergency order.

This bill would also provide further for massage therapy schools.

A BILL

TO BE ENTITLED

AN ACT

Relating to the Alabama Massage Therapy Licensing Board under the temporary jurisdiction of the Board of Nursing; to amend Section 2 of Act 2024-361, 2024 Regular Session; to authorize the Executive Director of the Board of Nursing to designate an individual to preform certain powers, duties, and functions of the Alabama Massage Therapy Licensing Board on behalf of the executive director; to amend Act 2024-361, 2024



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Regular Session, now appearing as Sections 34-43A-2, 34-43A-3, 34-43A-4, 34-43A-5, 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, 34-43A-10, 34-43A-12, 34-43A-13, 34-43A-14, 34-43A-16, and 34-43A-18, Code of Alabama 1975, to define what constitutes an emergency order and provide further for definitions; to clarify that an individual practicing massage therapy pursuant to a temporary permit issued by the board is exempt from regulation; to change the annual meeting month of the board from October to November; to require a majority vote of the board to discipline a licensee; to delete temporary or transitional provisions; to provide further for the duties of the board; to provide further for the qualifications for licensing and the contents of an application; to provide further for outcall massage therapy services and the inspections of massage therapy establishments; to authorize the board, by rule, to establish and collect reasonable fees; to provide further for investigations, discipline, and fingerprinting of licensees and applicants for licensing; to provide for the issuance of an emergency order suspending the operation of a massage therapy establishment and the enforcement, hearing process, legal fees, and fines associated with an emergency order; and to provide further for massage therapy schools.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 2 of Act 2024-361, 2024 Regular Session, is amended to read as follows:

"Section 2. (a) The existence and functioning of the Alabama Board of Massage Therapy, created and functioning



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pursuant to Chapter 43 of Title 34, Code of Alabama 1975, is terminated, and those code sections are expressly repealed.

(b)(1) Commencing on June 1, 2024, the Alabama Board of Massage Therapy shall be reconstituted as the Alabama Massage Therapy Licensing Board and all powers, duties, and functions of the new board shall be temporarily assumed and performed by the Board of Nursing pending the reconstitution of the Alabama Massage Therapy Licensing Board as provided in Chapter 43A of Title 34, Code of Alabama 1975. Additionally, commencing on June 1, 2024, the Executive Officer of the Board of Nursing, or his or her designee, shall temporarily assume and perform all duties, responsibilities, and functions of the position of an executive director for the Alabama Massage Therapy Licensing Board, as defined in Section 34-43A-2, Code of Alabama 1975, pending the appointment of an executive director by the new Alabama Massage Therapy Licensing Board.

(2) During the temporary transfer commencing on June 1, 2024, all personnel of the Board of Nursing may act as agents of and may perform those duties, responsibilities, and functions determined necessary by the Executive Officer of the Board of Nursing, or his or her designee, to support the Alabama Massage Therapy Licensing Board, created in Chapter 43A of Title 34, Code of Alabama 1975, until those duties, responsibilities, and functions temporarily assumed by the Executive Officer of the Board of Nursing, or his or her designee, pursuant to subdivision (1) are transferred to the executive director of the newly reconstituted Alabama Massage Therapy Licensing Board pursuant to subdivision (3). During



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the temporary transfer the Board of Nursing, on behalf of the Alabama Massage Therapy Licensing Board, may employ and train individuals subject to the state Merit System for the Alabama Massage Therapy Licensing Board.

(3) All powers, duties, and functions temporarily assumed and performed by the Board of Nursing and the Executive Officer of the Board of Nursing, or his or her designee, pursuant to subdivision (1), shall be transferred to the Alabama Massage Therapy Licensing Board, as created by Chapter 43A of Title 34, Code of Alabama 1975, on or before October 1, 2026.

Section 2. Act 2024-361, 2024 Regular Session, now appearing in part as Sections 34-43A-2, 34-43A-3, 34-43A-4, 34-43A-5, 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, 34-43A-10, 34-43A-12, 34-43A-13, 34-43A-14, 34-43A-16, and 34-43A-18 of the Code of Alabama 1975, is amended to read as follows:

"§34-43A-2

For purposes of this chapter, the following terms have the following meanings:

(1) ADVERTISE. To distribute a card, flier, sign, or device to any individual or entity, or allow any sign or marking on any building, radio, television, or to publicize by any other means designed to attract public attention.

(2) BOARD. The Alabama Massage Therapy Licensing Board created by this chapter.

(3) EMERGENCY ORDER. The immediate suspension of a license without a hearing when the board determines that public safety is at immediate risk. An emergency order



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requires a licensee to cease practice pending a formal hearing. The term may also be referred to as the summary suspension of a license.

~~(3)~~ (4) EXAMINATION. The National Certification Board for Therapeutic Massage and Bodywork Examination or the Federation of State Massage Therapy Board's Massage and Bodywork Licensing Examination administered by an independent agency or another nationally or internationally accredited examination administered by an independent agency approved by the board, or state examination administered by the board or, at the discretion of the board, a state examination administered by the appropriate regulating body for massage therapy located in another state. The national examination shall be accredited by the National Commission for Certifying Agencies. The board may also administer a written, oral, or practical examination.

~~(4)~~ (5) EXECUTIVE DIRECTOR. The Executive Director of the Alabama Massage Therapy Licensing Board.

~~(5)~~ (6) LICENSE. The credential issued by the board which allows the holder to engage in the safe and ethical practice of massage therapy.

~~(6)~~ (7) MASSAGE THERAPIST. An individual licensed pursuant to this chapter who practices or administers massage therapy or related touch therapy modalities to a client for compensation.

~~(7)~~ (8) MASSAGE THERAPY ESTABLISHMENT. A site, premises, or business licensed by the board where massage therapy is practiced by a massage therapist.



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169 ~~(8)~~ (9) MASSAGE THERAPY INSTRUCTOR. A massage therapist
170 who is approved by the board to teach the practice of massage
171 therapy.

172 ~~(9)~~ (10) MASSAGE THERAPY or RELATED TOUCH THERAPY
173 MODALITIES. a. The mobilization of the soft tissue which may
174 include skin, fascia, tendons, ligaments, and muscles for the
175 purpose of establishing and maintaining good physical
176 condition.

177 b. The term includes effleurage, petrissage,
178 tapotement, compression, vibration, stretching, heliotherapy,
179 superficial hot and cold applications, topical applications,
180 or other therapy that involves movement either by hand,
181 forearm, elbow, or foot, or use of manual methods or
182 mechanical or electrical devices or tools that mimic or
183 enhance the action of human hands for the purpose of
184 therapeutic massage, and any massage, movement therapy,
185 massage technology, myotherapy, massotherapy, oriental massage
186 technique, structural integration, acupressure, or polarity
187 therapy.

188 c. The term may include the external application and
189 use of herbal or chemical preparations and lubricants
190 including, but not limited to, salts, powders, liquids,
191 nonprescription creams, ~~cups~~, mechanical devices such as cups,
192 T-bars, thumpers, body support systems, heat lamps, hot and
193 cold packs, salt glow, steam cabinet baths, or hydrotherapy.

194 d. The term does not include laser therapy, microwave,
195 injection therapy, manipulation of the joints, or any
196 diagnosis or treatment of an illness that normally involves



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the practice of medicine, chiropractic, physical therapy, podiatry, nursing, midwifery, occupational therapy, veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or naturopathics.

~~(10)~~ (11) MESSAGE THERAPY SCHOOL. A school approved by the board where massage therapy is taught and which is one of the following:

a. If located in Alabama, approved by the board as meeting the minimum established standards of training and curriculum as determined by the board.

b. If located outside of Alabama, recognized by the board and by a regionally recognized professional accrediting body.

c. A postgraduate training institute accredited by the Commission on Massage Therapy Accreditation.

~~(11)~~ (12) SEXUALLY-ORIENTED BUSINESS. A sex parlor, massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult motel, or other commercial enterprise which has the offering for sale, rent, or exhibit, or the exhibit of, items or services intended to provide sexual stimulation or sexual gratification to the client.

~~(12)~~ (13) STUDENT. Any individual who is enrolled in a massage therapy school."

"§34-43A-3

Except as specifically provided by this chapter, no individual may do any of the following unless licensed pursuant to this chapter:



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(1) Advertise that he or she performs massage therapy or related touch therapy modalities.

(2) Hold himself or herself out to the public as a massage therapist, using any name or description denoting himself or herself as a massage therapist, or purporting to have the skills necessary to perform massage therapy.

(3) Practice massage therapy on the general public for compensation."

"§34-43A-4

(a) The following individuals, offices, and establishments are exempt from this chapter:

(1) A student who is rendering massage therapy services under the supervision of a massage therapy instructor, ~~or any other supervisory arrangement recognized and approved by the board, including, but not limited to, a temporary permit.~~ A student shall be designated by title clearly indicating his or her training status.

(2) An individual practicing massage therapy pursuant to a temporary permit issued by the board.

~~(3)~~ (3) A qualified member of another profession who is licensed and regulated under state law ~~while in the course of~~ rendering services which are within the scope of his or her license, provided that the individual does not represent himself or herself as a massage therapist.

~~(3)~~ (4) An individual providing massages to his or her immediate family.

~~(4)~~ (5) An individual offering massage therapy instruction who is visiting from another state, territory, or



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country, provided that the individual is licensed or registered as required in his or her place of residence. A visiting instructor may teach continuing education courses in this state for up to 100 hours per year without being licensed by the board. A visiting instructor who teaches continuing education courses in this state for 100 hours or more per year is required to be licensed by the board.

~~(5)~~ (6) Members of the Massage Emergency Rescue Team (MERT), or any other nationally or internationally recognized disaster relief association, who practice massage therapy in this state only during a time declared by the Governor or the Legislature to be a city, county, or state emergency. These therapists may work in this state for a period of time approved by the board.

~~(6)~~ (7) A Native American healer using traditional healing practices. A Native American healer who applies to the board for a massage therapist license shall comply with all licensing requirements.

~~(7)~~ (8) An individual acting under the supervision of and pursuant to delegation from a physician, a physical therapist, or a chiropractor for whom the delegated acts are within the scope of ~~his or her~~ the license of the physician, physical therapist, or chiropractor, provided that the individual does not represent himself or herself as a massage therapist.

~~(8)~~ (9) The office of a chiropractor, physician, or physical therapist which employs or contracts with a massage therapist ~~who~~ to provide massage therapy at the physical



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281 location of the office is exempt from an establishment
282 license.

283 (b) Nothing in this chapter shall be construed to
284 authorize massage therapists to administer, dispense, or
285 prescribe drugs or engage in the practice of medicine in any
286 manner, including, but not limited to, nutrition, diagnosing
287 or prescribing drugs for mental, emotional, or physical
288 disease, illness, or injury."

289 "§34-43A-5

290 (a) (1) There is created the Alabama Massage Therapy
291 Licensing Board. The purpose of the board is to protect the
292 health, safety, and welfare of the public by ensuring that
293 massage therapists, massage therapy schools, massage therapy
294 establishments, and massage therapy instructors meet
295 prescribed standards of education, competency, and practice.
296 To accomplish this mission, the board shall establish
297 standards to ensure completion of all board functions in a
298 timely and effective manner and to provide open and immediate
299 access to all relevant public information. The board shall
300 communicate its responsibilities and services to the public as
301 part of its consumer protection duties. The board shall
302 develop and implement a long range plan to ensure effective
303 regulation and consumer protection.

304 (2) All rights, duties, records, property, real or
305 personal, and all other effects existing in the name of the
306 Alabama Board of Massage Therapy, formerly created and
307 functioning pursuant to Chapter 43, or in any other name by
308 which that board has been known, shall continue in the name of



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the Alabama Massage Therapy Licensing Board. Any reference to the former Alabama Board of Massage Therapy, or any other name by which that board has been known, in any existing law, contract, or other instrument shall constitute a reference to the Alabama Massage Therapy Licensing Board as created in this chapter. All actions of the former Alabama Board of Massage Therapy or the executive director of the former board taken prior to June 1, 2024, are approved, ratified, and confirmed.

(3) The status of any individual or entity properly licensed, accredited, or registered by the former Alabama Board of Massage Therapy on June 1, 2024, shall continue under the jurisdiction of the Alabama Massage Therapy Licensing Board. ~~Any license, accreditation, or registration subject to renewal on or before October 1, 2024, pursuant to this chapter may be temporarily extended by six months unless and until otherwise provided by rule of the board.~~

(b) (1) The board shall consist of the following nine members:

- a. Three active licensees appointed by the Governor.
- b. Two active licensees appointed by the Lieutenant Governor and one at-large member appointed by the Lieutenant Governor.
- c. Two active licensees appointed by the Speaker of the House of Representatives and one at-large member appointed by the Speaker of the House of Representatives.

(2) The seven active massage therapist licensee members of the board shall be appointed so that not more than one active licensee member from each United States Congressional



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District in the state is appointed to serve at the same time. The two members appointed from the state at large shall have never been licensed as massage therapists nor have had any direct financial interest in the massage therapy profession. One of the at-large members shall have extensive knowledge of sex trafficking and related law enforcement efforts to defeat sex trafficking. The at-large member appointed by the Lieutenant Governor and the at-large member appointed by the Speaker of the House of Representatives shall be appointed from a list of three names each provided by the Minority Leader of the Senate and the Minority Leader of the House of Representatives, respectively. The appointing authorities shall coordinate their appointments to assure the board membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.

(3) ~~The members initially appointed to the board shall be appointed not later than July 1, 2024.~~ Each board member shall be selected upon personal merit and qualifications, not per membership or affiliation with an association. Each board member shall be a citizen of the United States and a resident of this state for two years immediately preceding appointment. No member of the board shall serve more than two full consecutive terms.

(c) Of the initial nine appointees to the board, three members shall be appointed for terms of two years, three members shall be appointed for terms of three years, and three members shall be appointed for terms of four years as determined by lot. Thereafter, successors shall be appointed



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for terms of four years, each term expiring on June 30.

(d) Vacancies on the board occurring prior to the expiration of a term shall be filled by the original appointing authority within 30 days after the vacancy to serve for the remainder of the unexpired term. Each member of the board shall serve until his or her successor has been duly appointed and qualified.

(e) The board shall hold its first meeting within 30 days after the initial members are appointed. At the first meeting and annually thereafter in the month of ~~October~~ November, the board shall elect a chair and a vice chair from its membership. The board shall hold no less than two ~~biannual~~ meetings ~~for the purpose of reviewing license applications per~~ year. The board may hold additional meetings at the discretion of the chair and four members of the board. A quorum of the board shall be a majority of the current appointed board members. Upon the written request of any individual, submitted to the board at least 24 hours in advance of a scheduled meeting, the meeting shall be recorded electronically, and a copy of the recording shall be made available, upon request, for 30 calendar days following the date of the recording.

(f) Board members shall not receive compensation for their services, but shall receive the same per diem and allowance as provided to state employees for each day the board meets and conducts business.

(g) (1) Commencing on September 30, 2026, the board may employ, and at its pleasure discharge, an executive director in the unclassified service, officers, and employees subject



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to the state Merit System as necessary to implement this chapter.

(2) When necessary, the board may retain outside counsel who satisfies the qualifications required of a deputy attorney general.

(h) An affirmative vote of a majority of the members of the board shall be required to ~~grant~~ deny, suspend, ~~or~~ revoke, probate, reprimand, or otherwise discipline a licensee holding a license to practice massage therapy or a license to operate a massage therapy establishment.

(i) The board shall be financed only from income accruing to the board from fees, licenses, other charges and funds collected by the board, and any monies that are appropriated to the board by the Legislature.

(j) A board member may be removed at the request of the board for misfeasance, malfeasance, neglect of duty, commission of a felony, incompetence, permanent inability to perform official duties, or failing to attend two consecutive properly noticed meetings within a one-year period.

(k) Members of the board are immune from liability for all good faith acts performed in the execution of their duties as members of the board.

(l) Appointees to the board shall take the constitutional oath of office and shall file the oath in the office of the Governor before undertaking any duties as a board member. ~~Upon receiving the oath, the Governor shall issue a certificate of appointment to each appointee."~~

"§34-43A-6



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(a) The board shall do all of the following:

(1) ~~Qualify applicants to take the licensing examination~~ Establish qualifications for licensing and issue licenses to successful applicants.

(2) Adopt a seal and affix the seal to all licenses issued by the board. ~~All licenses shall be on pre-printed, sequentially numbered certification forms.~~

(3) Create application forms for examination and licensing and assess and collect fees pursuant to this chapter.

(4) Maintain a complete record of all massage therapists and annually prepare a roster of the names and ~~addresses~~ license numbers of those licensees. A copy of the roster shall be provided to any individual upon request and the payment of a fee established by the board in an amount sufficient to cover the costs of publication and distribution.

(5) Provide for the investigation of any individual or entity who is suspected of violating this chapter.

(6) Adopt and revise rules as necessary to implement this chapter pursuant to the Administrative Procedure Act. ~~All administrative rules of the former Alabama Board of Massage Therapy existing on June 1, 2024, which reference Chapter 43, unless in conflict with existing law, shall remain in effect as rules of the Alabama Massage Therapy Licensing Board until amended or repealed by that board.~~

(7) Provide a copy of this chapter, upon request, to any licensee or applicant for a license.

(8) By rule, require massage therapists, massage



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therapy establishments, and massage therapy schools to carry professional and general liability insurance with an "A" rated or better insurance carrier in the amount of at least one million dollars (\$1,000,000). Proof of coverage shall be provided to the board upon request.

(9) Perform other functions necessary and proper for the performance of official duties.

(b) The board may do any of the following:

(1) ~~Accept or deny the application of any individual~~
Adopt and from time to time revise rules, not inconsistent with law, as may be necessary to implement this chapter.

(2) Examine, license, and renew the licenses of qualified applicants applying for a license as a massage therapist ~~upon an affirmative vote of a majority of the board,~~
massage therapy establishment, or massage therapy instructor.

(3) Conduct investigations, hearings, and proceedings concerning alleged violations of this chapter or rules adopted pursuant to this chapter.

(4) Issue subpoenas, compel the attendance of witnesses, and administer oaths to individuals giving testimony at hearings.

(5) Pursue the prosecution of any individual who violates this chapter and incur necessary related expenses.

(6) Keep a public record of all proceedings.

(7) Prescribe standards and approve curricula for educational programs that prepare individuals for licensing under this chapter.

(8) Provide for surveys and evaluations of educational



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programs as the board determines necessary.

~~(2)~~ (9) By rule, establish criteria for certifying
massage therapy instructors.

~~(3)~~ (10) Adopt an annual budget and authorize necessary
expenditures from fees and other available appropriations. ~~The
expenditures of the board may not exceed the revenues of the
board in any fiscal year.~~

~~(4)~~ (11) Adopt a code of ethics for massage therapists,
massage therapy instructors, and massage therapy
establishments.

~~(5)~~ (12) Provide for the inspection of the business
premises of any licensee, applicant, or individual or entity
advertising, offering to perform, or performing massage
therapy in the state during normal business hours, ~~upon
complaint.~~

~~(6)~~ (13) Establish standards for approved massage
therapy schools and a list of approved massage therapy
schools."

"§34-43A-7

(a) No individual may perform the duties of a massage
therapist in this state unless he or she holds a valid license
issued by the board.

(b) A massage therapist may not perform massage therapy
for a sexually-oriented business, and shall be subject to
Article 3 of Chapter 12 of Title 13A.

(c) A massage therapist may not advertise or offer to
perform services outside the scope of his or her expertise,
experience, and education for any client who is ill or has a



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physical dysfunction, unless the services are performed in conjunction with a licensed physician, physical therapist, or chiropractor.

(d) A massage therapist or massage therapy establishment may not advertise or offer to perform services on any sexually explicit website or online platform that promotes prostitution, sexually explicit services, or human trafficking.

(e) Unless exempt pursuant to Section 34-43A-4, a massage therapist may only perform massage therapy services at or through a licensed massage therapy establishment. If a massage therapist is performing outcall massage therapy services, those services shall be provided through a licensed massage therapy establishment."

"§34-43A-8

(a) An individual desiring to be licensed as a massage therapist shall apply to the board on forms provided by the board. Unless licensed pursuant to subsection (b), an applicant for a license shall submit evidence satisfactory to the board that he or she has met all of the following requirements:

~~(1)a. Completed a minimum of 650 hours of instruction which shall consist of all of the following:~~

~~1. One hundred hours of anatomy and physiology, including 35 hours of myology, 15 hours of osteology, 10 hours of circulatory system, and 10 hours of nervous system, with the remaining 30 hours addressing other body systems at the discretion of the massage therapy school.~~



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~~2. Two hundred fifty hours of basic massage therapy, the contradistinctions of massage therapy, and related touch therapy modalities, including a minimum of 50 hours of supervised massage.~~

~~3. Fifty hours of business, hydrotherapy, first aid, cardiopulmonary resuscitation, professional ethics, and state massage therapy laws.~~

~~4. Two hundred fifty hours of electives as determined by the massage therapy school.~~

~~b. The board, by rule, may increase the minimum number of hours of instruction required for a license, not to exceed the number of hours recommended by the National Certification Board for Therapeutic Massage and Bodywork.~~

(1) Successfully completed a course of instruction in massage therapy which meets the minimum criteria established by board rule for course content and hours of instruction.

~~c. In addition to paragraphs a. and b., to~~ To perform therapeutic massage on an animal, a massage therapist shall have also graduated from a nationally approved program and completed at least 100 hours of postgraduate training and education in animal anatomy, pathology, and physiology for the specific type of animal upon which he or she will perform therapeutic massage.

(2) Successfully passed a state board exam or a national standardized examination approved by the board. The board may approve other state exams on a case-by-case basis.

(3) Completed a criminal history background check pursuant to Section 34-43A-13(c). The board may deny or



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discipline an applicant who has been convicted of a felony or of any crime arising out of or connected with the practice of massage therapy.

(4) Paid all applicable fees.

(5) Additional requirements as provided by rule.

(b) Notwithstanding the requirements listed in subdivisions (1) and (2) of subsection (a), the board may license an applicant who is licensed or registered to practice massage therapy in another state if the standards of practice or licensing of that state, at the time the applicant was originally licensed or registered, were equal to or stricter than the requirements imposed by this chapter. All applicants may be subject to an initial in-person board hearing ~~determined by~~ at the discretion of the board.

(c) Upon receipt of an application, the board shall notify the applicant that his or her application is ~~pending~~ complete and shall also notify the applicant upon the approval ~~or rejection~~ of his or her application. An application is not complete until all components of the application have been received and all criminal history information has been delivered to the board. If an application is proposed to be rejected, ~~the board shall notify the applicant of the reasons for the rejection~~ the applicant shall be entitled to a hearing on his or her application."

"§34-43A-9

(a) No massage therapy establishment shall operate in this state without a license issued by the board.

(b) A sexually-oriented business may not operate as a



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589 message therapy establishment or be licensed by the board
590 pursuant to this chapter.

591 (c) A message therapy establishment shall contract with
592 or employ only licensed message therapists to perform message
593 therapy. ~~Every~~ Each establishment shall notify the board of
594 every message therapist ~~shall be registered with the board who~~
595 performs message therapy at or through the message therapy
596 establishment, and one of ~~them~~ those message therapists shall
597 be designated as the individual who will ensure that the
598 message therapy establishment complies with state law and all
599 applicable administrative rules.

600 (d) A message therapy establishment license is not
601 assignable or transferable.

602 (e) If the holder of a message therapy establishment
603 license moves the location of the message therapy
604 establishment without changing either the name or ownership of
605 that message therapy establishment, the board ~~shall~~ may waive
606 the new establishment license fee, if documentation set by
607 rule of the board is approved. This subsection shall not
608 change the expiration date of a message therapy establishment
609 license. The new location is subject to an inspection before
610 any message therapy services are performed at the new
611 location.

612 (f) (1) Except as provided in subdivision (2), each
613 applicant for ~~a~~ an initial message therapy establishment
614 license shall complete a criminal history background check
615 pursuant to rules adopted by the board.

616 (2) An applicant for a message therapy establishment



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license who is a massage therapist and has completed a criminal history background check as required by the board within the preceding two years shall be exempt from completing the criminal history background check required in subdivision (1).

(3) An applicant for a massage therapy establishment license shall be the owner, lessee, or legal possessor of the physical establishment.

(g) The physical location of a proposed massage therapy establishment shall be subject to an initial inspection by the board before a massage therapy establishment license is granted to the applicant. A massage therapy establishment which provides only outcall massage therapy services must designate a physical location at which records and equipment are available for inspection.

~~(h) If the physical location of a massage therapy establishment has been shut down by the board or by local, state, or federal law enforcement, the physical location is permanently prohibited from being licensed or operating as a massage therapy establishment."~~

"§34-43A-10

(a) Applications for licensing and renewal of a license shall be on forms provided by the board and shall be accompanied by the applicable fee. ~~A recent two-by-two-inch photograph showing a frontal view of the head and shoulders of the applicant for a massage therapy or therapy instructor license and applicant for a massage therapy establishment license, taken no more than six months earlier, shall be~~



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~~submitted with each application.~~ All documents shall be submitted in English.

(b) The board may deny the application of any applicant who refuses to complete a criminal history background check as required by the board and provided in Section 34-43A-13(c).

(c) The board shall issue a license, ~~on a pre-printed sequentially numbered form,~~ to each individual who qualifies to be a massage therapist and to each qualified applicant for a massage therapy establishment license. A license issued by the board grants all professional rights, honors, and privileges relating to the practice of massage therapy.

(d) Each massage therapist shall display his or her license in the manner specified by the board. Each massage therapy establishment shall prominently post its license and the license of each massage therapist who practices within the massage therapy establishment in plain sight at the massage therapy establishment.

(e) The board may inspect establishments at any time during normal business hours to ensure compliance with state law and board rules.

~~(e)~~ (f) A license is the property of the board and shall be surrendered upon demand of the board."

"§34-43A-12

(a) The board, by rule, ~~shall assess and collect all of the following fees not to exceed:~~ may establish and collect reasonable fees.

~~(1) One hundred dollars (\$100) for an initial massage therapist license.~~



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~~(2) One hundred dollars (\$100) for a biennial license renewal postmarked or received at the office of the board on or before the expiration date of the license.~~

~~(3) One hundred dollars (\$100) for an initial, and fifty dollars (\$50) for any renewal of, a massage therapy establishment license.~~

~~(4) One hundred fifty dollars (\$150) for an initial registration, and any renewal registration, as a massage therapy school in this state.~~

~~(5) One hundred dollars (\$100) to register and renew registration as a massage therapy instructor in this state.~~

~~(6) Seventy-five dollars (\$75) to reactivate an expired license.~~

~~(7) Twenty-five dollars (\$25) shall be added to any license fees not postmarked or received at the office of the board on or before the expiration date of the license.~~

~~(8) Ten dollars (\$10) for a duplicate license certificate or a name change on a license certificate. The board may issue a duplicate certificate for each massage therapy establishment on file with the board where the massage therapist practices massage therapy. The board may issue additional duplicate certificates only after receiving a sworn letter from the massage therapist that an original certificate was lost, stolen, or destroyed. The board shall maintain a record of each duplicate certificate issued.~~

~~(b) Necessary administrative fees may be charged by the board including, but not limited to, reasonable costs for copying, labels, and lists, and the actual costs for~~



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~~completing a criminal history background check. Examination and license fees may be adjusted by rule of the board.~~

~~(e)~~ (b) Commencing on June 1, 2024, the name of the separate special revenue trust fund in the State Treasury known as the Alabama Board of Massage Therapy Fund shall be renamed and then known as the Alabama Massage Therapy Licensing Board Fund. All receipts collected by the board under this chapter shall be deposited in this fund and used only to carry out this chapter. Receipts shall be disbursed only by warrant of the Comptroller, ~~upon itemized vouchers approved by the chair of the board.~~ No funds shall be withdrawn except as budgeted and allotted according to Sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12, and only in amounts as stipulated in the general appropriations bill or other appropriations bills."

"§34-43A-13

(a) Any individual may file with the board a written complaint regarding an allegation of impropriety by a massage therapist, massage therapy establishment, or other individual or entity. Complaints shall be made in the manner prescribed by the board. ~~Complaints received by the board shall be referred to a standing investigative committee consisting of a board member, the board attorney, and the board investigator. If no probable cause is found, the investigative committee may dismiss the charges and prepare a written statement of the reasons for that decision.~~

(b) ~~If~~ The executive director shall provide for an investigation of the complaint and, if probable cause is



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found, ~~the board shall~~ may initiate an administrative proceeding. Upon a finding that the licensee or applicant for licensing has committed any of the following misconduct, the board may suspend, revoke, probate, reprimand, otherwise discipline, or refuse to issue or renew a license or impose a civil penalty after notice and opportunity for a hearing pursuant to the Administrative Procedure Act:

(1) The ~~license was~~ licensee or applicant for licensing obtained or attempted to obtain a license by means of fraud, misrepresentation, fraudulent transcripts, invalidated exam scores, or concealment of material facts, including making a false statement on an application or any other document required by the board for licensing.

(2) The licensee or applicant for licensing sold or bartered, or offered to sell or barter, a license for a massage therapist or a massage therapy establishment.

(3) The licensee or applicant for licensing has engaged in unprofessional conduct that has endangered or is likely to endanger the health, safety, and welfare of the public, as defined by the rules of the board.

(4) The licensee or applicant for licensing has been convicted of a felony or of any crime arising out of or connected with the practice of massage therapy.

(5) The licensee or applicant for licensing has violated or aided and abetted in the violation of this chapter.

(6) The licensee or applicant for licensing is adjudicated as mentally incompetent by a court of law.



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(7) The licensee or applicant for licensing uses controlled substances or habitually and excessively uses alcohol.

(8) The licensee or applicant for licensing engaged in false, deceptive, or misleading advertising.

(9) The licensee or applicant for licensing engaged in or attempted to or offered to engage a client in sexual activity, including, but not limited to, genital contact, within the client-massage therapist relationship.

(10) The licensee or applicant for licensing has knowingly allowed the massage therapy establishment to be used as an overnight sleeping accommodation.

(11) The licensee or applicant for licensing had a license revoked, suspended, or denied in any other territory or jurisdiction of the United States for any act described in this section.

(12) The licensee or applicant ~~or licensee for~~ licensing was convicted of impersonating a massage therapist in another jurisdiction.

(c) (1) Subsequent to an official complaint, and for other requirements established by this chapter, including for the purpose of determining an applicant's suitability for a license ~~or the renewal of a license~~ to practice massage therapy, the board may request a criminal history background check of the licensee or applicant for licensing pursuant to a schedule created by rule of the board. ~~Each applicant shall submit a complete set of fingerprints and a form, sworn to by the applicant, providing written consent from the applicant~~



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~~for the release of criminal history background check~~
~~information to the board.~~ The applicant or licensee shall
submit a full set of fingerprints to the board for the purpose
of obtaining a state and national criminal history background
check.

~~(2) The board shall submit the fingerprints and form~~
~~provided by each applicant to the Alabama State Law~~
~~Enforcement Agency (ALEA). The applicant may be fingerprinted~~
~~by ALEA at the time of the form submission. ALEA shall conduct~~
~~a check of state records and forward the fingerprints to the~~
~~FBI for a national criminal history background check.~~

~~(3) The results of the state and national criminal~~
~~history background check records shall be returned to the~~
~~board by ALEA.~~

~~(4) The board shall reimburse ALEA for conducting~~
~~criminal history background checks according to the fee~~
~~schedule adopted by the Alabama Justice Information~~
~~Commission.~~

~~(5) Any criminal history background check reports~~
~~received by the board from ALEA shall be marked confidential~~
~~and shall not be disclosed or made available for public~~
~~inspection. All criminal history background check reports~~
~~received pursuant to this section are specifically excluded~~
~~from any requirement of public disclosure as a public record.~~
~~Reports received may only be used for the purposes described~~
~~in this chapter. All information provided is subject to the~~
~~rules established by the Alabama Justice Information~~
~~Commission and Public Law 92-544. An individual that uses a~~



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~~criminal history background check report for purposes other than those provided in this chapter may be subject to criminal charges under Sections 41-9-601 and 41-9-602.~~

(2) Fingerprints obtained pursuant to subdivision (1) may be exchanged by the board, the Alabama State Law Enforcement Agency, or any successor entity thereof, or any channeler approved by the board, with the Federal Bureau of Investigation for the purpose of obtaining a state and national criminal history background check.

(3) The applicant or licensee shall be responsible for all costs associated with the submission of his or her fingerprints and obtaining a state and national criminal history background check. The board may incorporate those costs into the cost of licensing or may charge the applicant or licensee a separate fee, which may be payable to the board, the Alabama State Law Enforcement Agency, or any successor entity thereof, or the approved channeler, as appropriate.

(4) Information received by the board pursuant to a state and national criminal history background check shall be confidential and shall not be a public record, except that any information received by and relied upon by the board in denying the issuance of a license or revoking, suspending, or otherwise disciplining a license or licensee may be disclosed as necessary to support the denial or revocation, suspension, or other disciplinary action.

(d) An individual governed by this chapter who has a reasonable belief that another massage therapist has violated this chapter shall inform the board in writing within 30



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calendar days after the date the individual discovers this activity. Upon finding that an individual has violated this subsection by not informing the board as required, the board may do any of the following:

a. Impose an administrative fine of not more than ten thousand dollars (\$10,000) according to a disciplinary infraction fine schedule adopted by rule of the board.

b. Suspend, probate, reprimand, otherwise discipline, or revoke the individual's license to practice massage therapy.

(e) The license of any individual who has been convicted of, or has entered a plea of nolo contendere to, a crime or offense involving human trafficking, prostitution, or any other type of sexual offense shall be permanently revoked by the board according to the Administrative Procedure Act.

(f) The massage therapy establishment license of any massage therapy establishment wherein an individual ~~has been convicted of, or entered~~ engages in conduct which leads to a conviction of or entry of a plea of nolo contendere to, an offense involving prostitution or any other type of sexual offense against a client, or which the board determines is a sexually-oriented business, shall be permanently revoked by the board according to the Administrative Procedure Act.

(g) ~~(1)~~ Upon a finding that an individual or entity who is governed by this chapter has performed massage therapy or operated a massage therapy establishment without having obtained a license, the board may do any of the following:

~~a.~~ (1) Impose an administrative fine of not more than



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869 ten thousand dollars (\$10,000).

870 ~~b.~~ (2) Issue a cease and desist order.

871 ~~c.~~ (3) Petition the circuit court of the county where
872 the act occurred to enforce the cease and desist order and
873 collect the assessed fine.

874 (h) (1) The executive director may issue an emergency
875 order suspending the operation of a massage therapy
876 establishment without a prior hearing when public safety is at
877 immediate risk. Public safety shall be considered at immediate
878 risk in any of the following circumstances:

879 a. A law enforcement agency notifies the board that the
880 law enforcement agency is investigating a massage therapy
881 establishment for an offense under Section 13A-6-152, this
882 chapter, or rules adopted by the board pursuant to this
883 chapter.

884 b. The massage therapy establishment is operating
885 without a valid license issued by the board.

886 c. The board has reasonable cause to believe that a
887 massage therapy establishment is violating this chapter or a
888 rule adopted by the board pursuant to this chapter, and, upon
889 physical inspection by the board, one or more violations are
890 confirmed.

891 d. Upon physical inspection of a massage therapy
892 establishment by the board, one or more violations of this
893 chapter or a rule adopted by the board pursuant to this
894 chapter are confirmed.

895 e. Other circumstances as determined by the board.

896 (2) Upon determining that an individual or entity



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governed by this chapter has performed massage therapy or operated a massage therapy establishment without a valid license as provided in subdivision (g)(1), the executive director of the board may issue an emergency order. If the executive director believes a massage therapy establishment is in violation of a local, municipal, or other applicable law, the executive director shall notify local law enforcement of the possible violations. An emergency order shall identify the massage therapy establishment by its business name and state that the massage therapy establishment is closed by order of the board pursuant to this chapter and rules adopted by the board pursuant to this chapter.

(3) A massage therapy establishment shall remain closed to the public until it is in compliance with this chapter and rules adopted by the board pursuant to this chapter. The board shall provide the massage therapy establishment with a written summary of the findings of any inspection resulting in the emergency order and shall describe the compliance measures necessary to remedy those findings. Within three business days after receipt of the findings by the massage therapy establishment, the board shall issue to the massage therapy establishment, in writing, a complaint resulting in the emergency order suspending the operation of the massage therapy establishment, which describes the compliance measures which must be taken for the emergency order to be rescinded.

(4) An emergency order suspending the operations of a massage therapy establishment shall be printed on 8 ½" x 11" paper and conspicuously taped to the front door of the massage



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therapy establishment.

(5) A massage therapy establishment may not remove the posted emergency order or reopen for business until the board determines, after a physical inspection, that the massage therapy establishment is in compliance with this chapter and rules adopted by the board pursuant to this chapter.

(6) A massage therapy establishment that reopens to the public while operations are suspended shall be fined one thousand dollars (\$1,000) per day for each day in violation.

(7) If the board is required to enforce the emergency order in circuit court for continued violations of this chapter or rules adopted by the board pursuant to this chapter, the court may triple any applicable fines and order the massage therapy establishment to reimburse the board for all legal fees and administrative costs incurred by the board in enforcing the violation.

(8) Within 30 days after the issuance of an emergency order suspending operations of a massage therapy establishment, the massage therapy establishment may request, in writing, a formal hearing before the board.

~~(2)~~ (i) Any individual or entity aggrieved by any adverse action of the board may appeal the action to the Circuit Court of Montgomery County.

~~(h)~~ (j) The board shall present any incident deemed serious misconduct by the board to the local district attorney for review and appropriate legal action.

~~(i)~~ (k) The board may adopt rules to implement and administer this section."



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953 "§34-43A-14

954 (a) An individual or entity who does not hold a license
955 as a massage therapist, physical therapist, chiropractor, or
956 athletic trainer, or a license for a massage therapy
957 establishment, shall not use the words "massage" or "bodywork"
958 on any sign or other form of advertising describing services
959 performed by the individual or within the establishment.

960 (b) Any advertisement by a massage therapist or massage
961 therapy establishment shall contain the license number of the
962 massage therapist or massage therapy establishment."

963 "§34-43A-16

964 (a) In addition to the criminal penalty prescribed by
965 this chapter, the board may seek an injunction against any
966 individual, entity, or establishment in violation of this
967 chapter.

968 (b) In an action for an injunction, the board may
969 demand and recover a civil penalty of fifty dollars (\$50) per
970 day for each violation, reasonable attorney fees, and court
971 costs."

972 "§34-43A-18

973 (a) To be approved by the board, a massage therapy
974 school shall ~~meet all of the following requirements~~ comply
975 with all standards for approval established by board rule. The
976 applicant shall also do all of the following:

977 (1) Submit to the board a completed application
978 prescribed by the board and the registration fee ~~specified in~~
979 ~~Section 34-43A-12.~~

980 ~~(2) Provide documentation of a curriculum that shall~~



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~~include a minimum number of required hours of instruction in the subjects required by Section 34-43A-8.~~

~~(3)~~ (2) Register ~~annually~~ biannually with the board by submitting a renewal form, the renewal fee ~~specified in Section 34-43A-12~~, and a current curriculum and list of active massage therapy instructors teaching at the school.

~~(4)~~ (3) Commencing on October 1, 2025, submit proof to the board of registration as an assigned school through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

(4) Satisfy other standards as the board may impose by rule.

(b) Except as provided in Section 34-43A-4(a)(4), every massage therapy instructor teaching a course in massage therapy at a massage therapy school located in this state shall be licensed by the board as a massage therapist and registered as a massage therapy instructor. Instructors who are not teaching massage therapy do not need to be registered. An adjunct massage therapy instructor shall be dually licensed in the state where he or she resides or be nationally certified, or both.

(c) An applicant for registration as a massage therapy instructor shall satisfy all of the following requirements:

(1) Be currently licensed as a massage therapist in this state.

(2) Submit to the board a completed application as prescribed by the board and the ~~one-time~~ application fee ~~specified in Section 34-43A-12~~.



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1009 (3) Submit documentation of three years of experience
1010 in the practice of massage therapy. The documentation may be
1011 considered by the board on a case-by-case basis."

1012 Section 3. This act shall become effective on June 1,
1013 2025.