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4 SYNOPSIS:

5 Under existing law, termination dates are
6 established for enumerated state agencies. The agencies
7 are periodically reviewed by the Alabama Sunset
8 Committee. After the review process is completed, the
9 committee prepares its recommendation for the agencies
10 to the Legislature in the form of sunset bills which
11 either continue, terminate, or continue with
12 modification each agency reviewed.

13 This bill would provide for the continuance of
14 the Alabama Massage Therapy Licensing Board until
15 October 1, 2026, with the following changes: To rename
16 the board as the Alabama Massage Therapy Advisory
17 Council; to provide the Alabama Department of Public
18 Health with regulatory authority over massage
19 therapists, massage therapy establishments, and other
20 licensees of the former board; to require the council
21 to advise the department on matters relating to massage
22 therapy; to provide for the duties of the department,
23 the State Health Officer, and the State Committee of
24 Public Health relating to the council; to require the
25 department to provide all necessary administrative
26 services for the council; and to transfer all property
27 of the council to the department.

28



29

A BILL

31 TO BE ENTITLED

AN ACT

33

34 Relating to the Alabama Sunset Law; to continue the
35 existence and functioning of the Alabama Massage Therapy
36 Licensing Board until October 1, 2027, with certain
37 modifications; to amend Sections 34-43A-2, 34-43A-4, 34-43A-5,
38 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, and 34-43A-10, as last
39 amended by Act 2025-395, 2025 Regular Session, Section
40 34-43A-11, Sections 34-43A-12, 34-43A-13, 34-43A-14,
41 34-43A-16, 34-43A-18, as last amended by Act 2025-395, 2025
42 Regular Session, and Section 34-43A-19, Code of Alabama 1975,,
43 to rename the board as the Alabama Massage Therapy Advisory
44 Council; to provide the Alabama Department of Public Health
45 with regulatory authority over massage therapists, massage
46 therapy establishments, and massage therapy schools; to
47 require the council to advise the department on matters
48 relating to massage therapy; to provide for the duties and
49 powers of the department, the State Health Officer, and the
50 State Committee of Public Health; and to transfer all property
51 of the council to the department.

52 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

53 Section 1. Pursuant to the Alabama Sunset Law, the
54 Sunset Committee recommends the continuance of the Alabama
55 Massage Therapy Licensing Board until October 1, 2026, with
56 additional recommendation for statutory change as set out in



57 Section 3.

58 Section 2. The existence and functioning of the Alabama
59 Massage Therapy Licensing Board, created and functioning
60 pursuant to Sections 34-43A-1 to 34-43A-19, inclusive, Code of
61 Alabama 1975, is continued until October 1 2026, and those
62 code sections are expressly preserved.

63 Section 3. Sections 34-43A-2, 34-43A-4, 34-43A-5,
64 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, and 34-43A-10, as last
65 amended by Act 2025-395, 2025 Regular Session, Section
66 34-43A-11, Sections 34-43A-12, 34-43A-13, 34-43A-14,
67 34-43A-16, 34-43A-18, as last amended by Act 2025-395, 2025
68 Regular Session, and Section 34-43A-19, Code of Alabama 1975,
69 are amended to read as follows:

70 "§34-43A-2

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

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

77 (2) ~~BOARD~~ ADVISORY COUNCIL. The Alabama Massage Therapy
78 ~~Licensing Board~~ Advisory Council created by this chapter.

79 (3) COMMITTEE. The State Committee of Public Health.

80 (4) DEPARTMENT. The Alabama Department of Public
81 Health.

82 ~~(3)~~ (5) EMERGENCY ORDER. The immediate suspension of a
83 license without a hearing when the ~~board~~ department determines
84 that public safety is at immediate risk. An emergency order



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

88 ~~(4)~~(6) EXAMINATION. The National Certification Board
89 for Therapeutic Massage and Bodywork Examination or the
90 Federation of State Massage Therapy Board's Massage and
91 Bodywork Licensing Examination administered by an independent
92 agency or another nationally or internationally accredited
93 examination administered by an independent agency approved by
94 the~~board~~ department, or state examination administered by the
95 ~~board~~ department or, at the discretion of the~~board~~
96 department, a state examination administered by the
97 appropriate regulating body for massage therapy located in
98 another state. The national examination shall be accredited by
99 the National Commission for Certifying Agencies. The~~board~~
100 department may also administer a written, oral, or practical
101 examination.

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

104 ~~(6)~~(7) LICENSE. The credential issued by the~~board~~
105 department which allows the holder to engage in the safe and
106 ethical practice of massage therapy.

107 ~~(7)~~(8) MASSAGE THERAPIST. An individual licensed
108 pursuant to this chapter who practices or administers massage
109 therapy or related touch therapy modalities to a client for
110 compensation.

111 ~~(8)~~(9) MASSAGE THERAPY ESTABLISHMENT. A site, premises,
112 or business licensed by the~~board~~ department where massage



113 therapy is practiced by a massage therapist.

114 ~~(9)~~(10) MASSAGE THERAPY INSTRUCTOR. A massage therapist
115 who is approved by the ~~board~~ department to teach the practice
116 of massage therapy.

117 ~~(10)~~(11) MASSAGE THERAPY or RELATED TOUCH THERAPY
118 MODALITIES. a. The mobilization of the soft tissue which may
119 include skin, fascia, tendons, ligaments, and muscles for the
120 purpose of establishing and maintaining good physical
121 condition.

122 b. The term includes effleurage, petrissage,
123 tapotement, compression, vibration, stretching, heliotherapy,
124 superficial hot and cold applications, topical applications,
125 or other therapy that involves movement either by hand,
126 forearm, elbow, or foot, or use of manual methods or
127 mechanical or electrical devices or tools that mimic or
128 enhance the action of human hands for the purpose of
129 therapeutic massage, and any massage, movement therapy,
130 massage technology, myotherapy, massotherapy, oriental massage
131 technique, structural integration, acupressure, or polarity
132 therapy.

133 c. The term may include the external application and
134 use of herbal or chemical preparations and lubricants
135 including, but not limited to, salts, powders, liquids,
136 nonprescription creams, mechanical devices such as cups,
137 T-bars, thumpers, body support systems, heat lamps, hot and
138 cold packs, salt glow, steam cabinet baths, or hydrotherapy.

139 d. The term does not include laser therapy, microwave,
140 injection therapy, manipulation of the joints, or any



141 diagnosis or treatment of an illness which normally involves
142 the practice of medicine, chiropractic, physical therapy,
143 podiatry, nursing, midwifery, occupational therapy,
144 veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or
145 naturopathics.

146 ~~(11)~~ (12) MASSAGE THERAPY SCHOOL. A school approved by
147 the ~~board~~ department where massage therapy is taught and which
148 is one of the following:

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

152 b. If located outside of Alabama, recognized by the
153 ~~board and department~~, by a regionally recognized professional
154 accrediting body, or another state's licensing authority.

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

157 ~~(12)~~ (13) SEXUALLY-ORIENTED BUSINESS. A sex parlor,
158 massage parlor, nude studio, modeling studio, love parlor,
159 adult bookstore, adult movie theater, adult video arcade,
160 adult motel, or other commercial enterprise which has the
161 offering for sale, rent, or exhibit, or the exhibit of, items
162 or services intended to provide sexual stimulation or sexual
163 gratification to the client.

164 (14) STATE HEALTH OFFICER. The executive officer of the
165 Alabama Department of Public Health.

166 ~~(13)~~ (15) STUDENT. Any individual who is enrolled in a
167 massage therapy school."

168 "§34-43A-4



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

171 (1) A student who is rendering massage therapy services
172 under the supervision of a massage therapy instructor. A
173 student shall be designated by title clearly indicating his or
174 her training status.

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

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

182 (4) An individual providing massages to his or her
183 immediate family.

184 (5) An individual offering massage therapy instruction
185 who is visiting from another state, territory, or country,
186 provided that the individual is licensed or registered as
187 required in his or her place of residence. A visiting
188 instructor may teach continuing education courses in this
189 state for up to 100 hours per year without being licensed by
190 the ~~board~~ department. A visiting instructor who teaches
191 continuing education courses in this state for 100 hours or
192 more per year is required to be licensed by the ~~board~~
193 department.

194 (6) Members of the Massage Emergency Rescue Team
195 (MERT), or any other nationally or internationally recognized
196 disaster relief association, who practice massage therapy in



197 this state only during a time declared by the Governor or the
198 Legislature to be a city, county, or state emergency. These
199 therapists may work in this state for a period of time
200 approved by the ~~board~~ department.

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

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

211 (9) The office of a chiropractor, physician, or
212 physical therapist which employs or contracts with a massage
213 therapist to provide massage therapy at the physical location
214 of the office is exempt from an establishment license.

215 (b) Nothing in this chapter shall be construed to
216 authorize massage therapists to administer, dispense, or
217 prescribe drugs or engage in the practice of medicine in any
218 manner, including, but not limited to, nutrition, diagnosing
219 or prescribing drugs for mental, emotional, or physical
220 disease, illness, or injury."

221 "§34-43A-5

222 (a) (1) There is created the Alabama Massage Therapy
223 Licensing Board. Commencing on October 1, 2026, the board is
224 renamed the Alabama Massage Therapy Advisory Council. The



225 purpose of the board advisory council is to protect advise the
226 department on all matters pertaining to the protection of the
227 health, safety, and welfare of the public ~~by ensuring that~~
228 relating to massage therapists, massage therapy schools,
229 massage therapy establishments, and massage therapy
230 instructors ~~meet prescribed standards of education,~~
231 ~~competency, and practice. To accomplish this mission, the~~
232 ~~board shall establish standards to ensure completion of all~~
233 ~~board functions in a timely and effective manner and to~~
234 ~~provide open and immediate access to all relevant public~~
235 ~~information. The board shall communicate its responsibilities~~
236 ~~and services to the public as part of its consumer protection~~
237 ~~duties. The board shall develop and implement a long range~~
238 ~~plan to ensure effective regulation and consumer protection.~~
239 All members serving on the Alabama Massage Therapy Licensing
240 Board on October 1, 2026, shall continue to serve as members
241 of the Alabama Massage Therapy Advisory Council until the
242 expiration of their terms.

243 (2) ~~All~~ On October 1, 2026, all rights, duties,
244 records, property, real or personal, and all other effects
245 existing in the name of the Alabama Board of Massage Therapy,
246 formerly created and functioning pursuant to Chapter 43, or in
247 any other name by which that board has been known, shall
248 ~~continue in the name of the Alabama Massage Therapy Licensing~~
249 ~~Board~~ transfer to the department. Any reference to the former
250 Alabama Board of Massage Therapy, or any other name by which
251 that board has been known, in any existing law, contract, or
252 other instrument shall constitute a reference to the Alabama



253 Massage Therapy ~~Licensing Board~~ Advisory Council as created in
254 this chapter. All actions of the former Alabama Board of
255 Massage Therapy or the executive director of the former board
256 taken prior to ~~June 1, 2024~~ October 1, 2026, are approved,
257 ratified, and confirmed.

258 (3) The status of any individual or entity properly
259 licensed, accredited, or registered by the former Alabama
260 Board of Massage Therapy on ~~June 1, 2024~~ October 1, 2026,
261 shall continue under the jurisdiction of the ~~Alabama Massage~~
262 ~~Therapy Licensing Board~~ department.

263 (b) (1) The ~~board~~ advisory council shall consist of the
264 following nine members:

265 a. Three active licensees appointed by the Governor.
266 b. Two active licensees appointed by the Lieutenant
267 Governor and one at-large member appointed by the Lieutenant
268 Governor.

269 c. Two active licensees appointed by the Speaker of the
270 House of Representatives and one at-large member appointed by
271 the Speaker of the House of Representatives.

272 (2) The seven active massage therapist licensee members
273 of the ~~board~~ advisory council shall be appointed so that not
274 more than one active licensee member from each United States
275 Congressional District in the state is appointed to serve at
276 the same time. The two members appointed from the state at
277 large shall have never been licensed as massage therapists nor
278 have had any direct financial interest in the massage therapy
279 profession. One of the at-large members shall have extensive
280 knowledge of sex trafficking and related law enforcement



281 efforts to defeat sex trafficking. The at-large member
282 appointed by the Lieutenant Governor and the at-large member
283 appointed by the Speaker of the House of Representatives shall
284 be appointed from a list of three names each provided by the
285 Minority Leader of the Senate and the Minority Leader of the
286 House of Representatives, respectively. The appointing
287 authorities shall coordinate their appointments to assure the
288 ~~board~~ advisory council membership is inclusive and reflects
289 the racial, gender, geographic, urban, rural, and economic
290 diversity of the state.

291 (3) Each ~~board~~ advisory council member shall be
292 selected upon personal merit and qualifications, not per
293 membership or affiliation with an association. Each ~~board~~
294 advisory council member shall be a citizen of the United
295 States and a resident of this state for two years immediately
296 preceding appointment. No member of the ~~board~~ advisory council
297 shall serve more than two full consecutive terms.

298 (c) Of the initial nine appointees to the ~~board~~
299 advisory council, three members shall be appointed for terms
300 of two years, three members shall be appointed for terms of
301 three years, and three members shall be appointed for terms of
302 four years as determined by lot. Thereafter, successors shall
303 be appointed for terms of four years, each term expiring on
304 June 30.

305 (d) Vacancies on the ~~board~~ advisory council occurring
306 prior to the expiration of a term shall be filled by the
307 original appointing authority within 30 days after the vacancy
308 to serve for the remainder of the unexpired term. Each member



309 of the ~~board~~ advisory council shall serve until his or her
310 successor has been duly appointed and qualified.

311 (e) ~~The board shall hold its first meeting within 30~~
312 ~~days after the initial members are appointed. At the first~~
313 ~~meeting and annually thereafter~~ Annually, in the month of
314 November, the ~~board~~ advisory council shall elect a chair and a
315 vice chair from its membership. The board shall hold no less
316 than two meetings per year. The board may hold additional
317 meetings at the discretion of the chair and four members of
318 the ~~board~~ advisory council, or at the discretion of the
319 department. A quorum of the ~~board~~ advisory council shall be a
320 majority of the current appointed ~~board~~ advisory council
321 members. Upon the written request of any individual, submitted
322 to the ~~board~~ advisory council at least 24 hours in advance of
323 a scheduled meeting, the meeting shall be recorded
324 electronically, and a copy of the recording shall be made
325 available, upon request, for 30 calendar days following the
326 date of the recording.

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

331 (g) (1) ~~Commencing on September 30, 2026, the board may~~
332 ~~employ, and at its pleasure discharge, an executive director~~
333 ~~in the unclassified service, officers, and employees subject~~
334 ~~to the state Merit System as necessary to implement this~~
335 ~~chapter.~~

336 (2) ~~When necessary, the board may retain outside~~



337 ~~counsel who satisfies the qualifications required of a deputy~~
338 ~~attorney general.~~

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

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

348 ~~(j) A board~~ (g) An advisory council member may be
349 removed at the request of the ~~board~~ department for
350 misfeasance, malfeasance, neglect of duty, commission of a
351 felony, incompetence, or permanent inability to perform
352 official duties, ~~or failing to attend two consecutive properly~~
353 ~~noticed meetings within a one year period.~~

354 ~~(k) (h) Members of the board are immune from liability~~
355 ~~for all good faith acts performed in the execution of their~~
356 ~~duties as members of the board~~ The members, officers,
357 executive director, employees, and representatives of the
358 advisory council shall be immune from suit and liability, both
359 personally and in their official capacity, for any claim for
360 damage to or loss of property or personal injury or other
361 civil liability caused by or arising out of any actual or
362 alleged act, error, or omission that occurred, or that the
363 individual against whom the claim is made had a reasonable
364 basis for believing occurred within the scope of advisory



365 council employment, duties, or responsibilities. Nothing in
366 this subsection shall be construed to protect any individual
367 from suit or liability for any damage, loss, injury, or
368 liability caused by the intentional, willful, or wanton
369 misconduct of that individual. The procurement of insurance of
370 any type by the advisory council does not in any way
371 compromise or limit the immunity granted by this subsection.

372 ~~(1) Appointees to the board shall take the~~
373 ~~constitutional oath of office and shall file the oath in the~~
374 ~~office of the Governor before undertaking any duties as a~~
375 ~~board member."~~

376 "§34-43A-6

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

378 (1) Establish qualifications for licensing and issue
379 licenses to successful applicants.

380 (2) Adopt a seal and affix the seal to all licenses
381 issued by the ~~board~~ department.

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

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

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



393 ~~(6) Adopt and revise rules as necessary to implement~~
394 ~~this chapter pursuant to the Administrative Procedure Act.~~

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

397 ~~(8) (6) By rule, require massage therapists, massage~~
398 ~~therapy establishments, and massage therapy schools to carry~~
399 ~~professional and general liability insurance with an "A" rated~~
400 ~~or better insurance carrier in the amount of at least one~~
401 ~~million dollars (\$1,000,000). Proof of coverage shall be~~
402 ~~provided to the board department upon request.~~

403 ~~(9) (7) Perform other functions necessary and proper for~~
404 ~~the performance of official duties.~~

405 (b) The ~~board department~~ may do any of the following:
406 ~~(1) Adopt and from time to time revise rules, not~~
407 ~~inconsistent with law, as may be necessary to implement this~~
408 ~~chapter.~~

409 ~~(2) (1) Examine, license, and renew the licenses of~~
410 ~~qualified applicants applying for a license as a massage~~
411 ~~therapist, massage therapy establishment, or massage therapy~~
412 ~~instructor.~~

413 ~~(3) (2) Conduct investigations, hearings, and~~
414 ~~proceedings concerning alleged violations of this chapter or~~
415 ~~rules adopted pursuant to this chapter.~~

416 ~~(4) (3) Issue subpoenas, compel the attendance of~~
417 ~~witnesses, and administer oaths to individuals giving~~
418 ~~testimony at hearings.~~

419 ~~(5) Pursue the (4) Refer individuals to law enforcement~~
420 ~~for prosecution of any individual who violates violations of~~



421 this chapter ~~and incur necessary related expenses~~.

422 ~~(6)~~ (5) Keep a public record of all proceedings.

423 ~~(7)~~ (6) Prescribe standards and approve curricula for
424 educational programs that prepare individuals for licensing
425 under this chapter.

426 ~~(8)~~ (7) Provide for surveys and evaluations of
427 educational programs as the ~~board~~ department determines
428 necessary.

429 ~~(9)~~ (8) By rule, establish criteria for certifying
430 massage therapy instructors.

431 ~~(10)~~ (9) Adopt an annual budget and authorize necessary
432 expenditures from fees and other available appropriations.

433 ~~(11)~~ (10) Adopt a code of ethics for massage therapists,
434 massage therapy instructors, and massage therapy
435 establishments.

436 ~~(12)~~ (11) Provide for the inspection of the business
437 premises of any licensee, applicant, or individual or entity
438 advertising, offering to perform, or performing massage
439 therapy in the state during normal business hours.

440 ~~(13)~~ (12) Establish standards for approved massage
441 therapy schools and a list of approved massage therapy
442 schools.

443 (c) The committee shall adopt and revise rules pursuant
444 to the Administrative Procedure Act as necessary for the
445 department to implement this chapter. All administrative rules
446 of the former Alabama Massage Therapy Licensing Board existing
447 on October 1, 2026, which reference Chapter 43A, unless in
448 conflict with existing law, shall remain in effect as rules of



449 the Alabama Massage Therapy Advisory Council until amended or
450 repealed by the committee."

451 "§34-43A-7

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

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

458 (c) A massage therapist may not advertise or offer to
459 perform services outside the scope of his or her expertise,
460 experience, and education for any client who is ill or has a
461 physical dysfunction, unless the services are performed in
462 conjunction with a licensed physician, physical therapist, or
463 chiropractor.

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

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

475 "§34-43A-8

476 (a) An individual desiring to be licensed as a massage



477 therapist shall apply to the ~~board~~ department on forms
478 provided by the ~~board~~ department. Unless licensed pursuant to
479 subsection (b), an applicant for a license shall submit
480 evidence satisfactory to the ~~board~~ department that he or she
481 has met all of the following requirements:

482 (1) Successfully completed a course of instruction in
483 massage therapy which meets the minimum criteria established
484 by ~~board~~ committee rule for course content and hours of
485 instruction. To perform therapeutic massage on an animal, a
486 massage therapist shall have also graduated from a nationally
487 approved program and completed at least 100 hours of
488 postgraduate training and education in animal anatomy,
489 pathology, and physiology for the specific type of animal upon
490 which he or she will perform therapeutic massage.

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

495 (3) Completed a criminal history background check
496 pursuant to Section 34-43A-13(c). The ~~board~~ department may
497 deny or discipline an applicant who has been convicted of a
498 felony or of any crime arising out of or connected with the
499 practice of massage therapy.

500 (4) Paid all applicable fees.

501 (5) Additional requirements as provided by rule.

502 (b) Notwithstanding the requirements listed in
503 subdivisions (a)(1) and (a)(2), the ~~board~~ department may
504 license an applicant who is licensed or registered to practice



505 massage therapy in another state if the standards of practice
506 or licensing of that state, at the time the applicant was
507 originally licensed or registered, were equal to or stricter
508 than the requirements imposed by this chapter.~~All applicants~~
509 ~~may be subject to an initial in-person board hearing at the~~
510 ~~discretion of the board.~~

511 (c) Upon receipt of an application, the~~board~~
512 department shall notify the applicant that his or her
513 application is complete and shall also notify the applicant
514 upon the approval of his or her application. An application is
515 not complete until all components of the application have been
516 received and all criminal history information has been
517 delivered to the~~board~~ department. If an application is
518 proposed to be rejected, the applicant shall be entitled to a
519 hearing on his or her application."

520 "§34-43A-9

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

523 (b) A sexually-oriented business may not operate as a
524 massage therapy establishment or be licensed by the~~board~~
525 department pursuant to this chapter.

526 (c) A massage therapy establishment shall contract with
527 or employ only licensed massage therapists to perform massage
528 therapy. Each establishment shall notify the~~board~~ department
529 of every massage therapist who performs massage therapy at or
530 through the massage therapy establishment, and one of those
531 massage therapists shall be designated as the individual who
532 will ensure that the massage therapy establishment complies



533 with state law and all applicable administrative rules.

534 (d) A massage therapy establishment license is not
535 assignable or transferable.

536 (e) If the holder of a massage therapy establishment
537 license moves the location of the massage therapy
538 establishment without changing either the name or ownership of
539 that massage therapy establishment, the ~~board~~ department may
540 waive the new establishment license fee, if documentation set
541 by rule of the ~~board~~ committee is approved. This subsection
542 shall not change the expiration date of a massage therapy
543 establishment license. The new location is subject to an
544 inspection before any massage therapy services are performed
545 at the new location.

546 (f) (1) Except as provided in subdivision (2), each
547 applicant for an initial massage therapy establishment license
548 shall complete a criminal history background check pursuant to
549 rules adopted by the ~~board~~ committee.

550 (2) An applicant for a massage therapy establishment
551 license who is a massage therapist and has completed a
552 criminal history background check as required by the ~~board~~
553 department within the preceding two years shall be exempt from
554 completing the criminal history background check required in
555 subdivision (1).

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

559 (g) The physical location of a proposed massage therapy
560 establishment shall be subject to an initial inspection by the



561 ~~board department~~ before a massage therapy establishment
562 license is granted to the applicant. A massage therapy
563 establishment that provides only outcall massage therapy
564 services must designate a physical location at which records
565 and equipment are available for inspection."

566 "§34-43A-10

567 (a) Applications for licensing and renewal of a license
568 shall be on forms provided by the ~~board department~~ and shall
569 be accompanied by the applicable fee. All documents shall be
570 submitted in English.

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

575 (c) The ~~board department~~ shall issue a license to each
576 individual who qualifies to be a massage therapist and to each
577 qualified applicant for a massage therapy establishment
578 license. A license issued by the ~~board department~~ grants all
579 professional rights, honors, and privileges relating to the
580 practice of massage therapy.

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

587 (e) The ~~board department~~ may ~~inspect~~ provide for the
588 inspection of establishments at any time during normal



589 business hours to ensure compliance with state law and ~~board~~
590 committee rules.

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

593 "§34-43A-11

594 (a) With the exception of massage therapy schools,
595 which register annually, each license shall be renewed
596 biennially, on or before the anniversary date, by forwarding
597 to the ~~board~~ department a renewal application accompanied by
598 the renewal fee. Except as provided in Section 34-43A-5(a)(3),
599 any license not renewed biennially on or before the
600 anniversary date shall expire.

601 (b) Each licensee, upon application for renewal of a
602 license, shall do both of the following:

603 (1) Submit evidence of satisfactory completion of the
604 continuing education requirements pursuant to Section
605 34-43A-19.

606 (2) Complete a new criminal history background check
607 pursuant to rules adopted by the ~~board~~ committee. The board
608 may deny the application for renewal of any licensee who
609 refuses to complete a criminal history background check as
610 required by the ~~board~~ department.

611 (c) Licenses are valid for two years from the date of
612 issuance. An individual whose license has expired and who has
613 ceased to practice massage therapy for a period of not longer
614 than five years may have his or her license reinstated upon
615 payment of a reactivation fee, the submission of a renewal
616 application, and evidence satisfactory to the ~~board~~ department



617 that the applicant has fulfilled continuing education
618 requirements, completed a criminal history background check as
619 provided in Section 34-43A-13(c), paid the criminal history
620 background check fee, and passed the examination.

621 "§34-43A-12

622 (a) The ~~board~~ committee, by rule, may establish and
623 collect reasonable fees.

624 (b) Commencing on ~~June 1, 2024~~ October 1, 2026, the
625 name of the separate special revenue trust fund in the State
626 Treasury known as the Alabama Board of Massage Therapy Fund
627 shall be renamed and then known as the Alabama Massage Therapy
628 ~~Licensing Board~~ Advisory Council Fund. All receipts collected
629 by the ~~board~~ department under this chapter shall be deposited
630 in this fund and used ~~only~~ by the department to carry out this
631 chapter. Receipts shall be disbursed only by warrant of the
632 Comptroller. No funds shall be withdrawn except as budgeted
633 and allotted according to Article 4 of Chapter 4 of Title 41
634 and Chapter 19 of Title 41, and only in amounts as stipulated
635 in the general appropriations bill or other appropriations
636 bills."

637 "§34-43A-13

638 (a) Any individual may file with the ~~board~~ department a
639 written complaint regarding an allegation of impropriety by a
640 massage therapist, massage therapy establishment, or other
641 individual or entity. Complaints shall be made in the manner
642 prescribed by the ~~board~~ department.

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



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

652 (1) Obtained or attempted to obtain a license by means
653 of fraud, misrepresentation, fraudulent transcripts,
654 invalidated exam scores, or concealment of material facts,
655 including making a false statement on an application or any
656 other document required by the ~~board~~ department for licensing.

657 (2) Sold or bartered, or offered to sell or barter, a
658 license for a massage therapist or a massage therapy
659 establishment.

660 (3) Has engaged in unprofessional conduct that has
661 endangered or is likely to endanger the health, safety, and
662 welfare of the public, as defined by the rules of the ~~board~~
663 committee.

664 (4) Has been convicted of a felony or of any crime
665 arising out of or connected with the practice of massage
666 therapy.

667 (5) Has violated or aided and abetted in the violation
668 of this chapter.

669 (6) Is adjudicated as mentally incompetent by a court
670 of law.

671 (7) Uses controlled substances or habitually and
672 excessively uses alcohol.



(8) Engaged in false, deceptive, or misleading advertising.

(9) 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) Has knowingly allowed the massage therapy establishment to be used as an overnight sleeping accommodation.

(11) 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) 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 to practice massage therapy, the ~~board~~ department may request a criminal history background check of the licensee or applicant for licensing pursuant to a schedule created by rule of the ~~board~~ committee. The applicant or licensee shall submit a full set of fingerprints to the ~~board~~ department for the purpose of obtaining a state and national criminal history background check.

(2) Fingerprints obtained pursuant to subdivision (1) may be exchanged by the ~~board~~ department, the Alabama State Law Enforcement Agency, or any successor entity thereof, or any channeler approved by the ~~board~~ department, with the



701 Federal Bureau of Investigation for the purpose of obtaining a
702 state and national criminal history background check.

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

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

720 (d) ~~An individual governed by this chapter who has a
721 reasonable belief that another massage therapist has violated
722 this chapter shall inform the board in writing within 30
723 calendar days after the date the individual discovers this
724 activity. Upon finding that an individual has violated this
725 subsection by not informing the board as required, the board
726 may do any of the following:~~

727 (1) ~~Impose an administrative fine of not more than ten
728 thousand dollars (\$10,000) according to a disciplinary~~



729 ~~infraction fine schedule adopted by rule of the board.~~

730 ~~(2) Suspend, probate, reprimand, otherwise discipline,~~
731 ~~or revoke the individual's license to practice massage~~
732 ~~therapy.~~

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

739 ~~(f)~~ (e) The massage therapy establishment license of any
740 massage therapy establishment wherein an individual engages in
741 conduct which leads to a conviction of or entry of a plea of
742 nolo contendere to, an offense involving prostitution or any
743 other type of sexual offense against a client, or which the
744 ~~board department~~ determines is a sexually-oriented business,
745 shall be permanently revoked by the ~~board department~~ according
746 to the Administrative Procedure Act.

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

752 (1) Impose an administrative fine of not more than ten
753 thousand dollars (\$10,000).

754 (2) Issue a cease and desist order.

755 (3) Petition the circuit court of the county where the
756 act occurred to enforce the cease and desist order and collect



757 the assessed fine.

758 (h) (1) The ~~executive director~~ State Health Officer
759 may issue an emergency order suspending the operation of a
760 massage therapy establishment without a prior hearing when
761 public safety is at immediate risk. Public safety shall be
762 considered at immediate risk in any of the following
763 circumstances:

764 a. A law enforcement agency notifies the ~~board~~
765 department that the law enforcement agency is investigating a
766 massage therapy establishment for an offense under Section
767 13A-6-152, this chapter, or rules adopted by the ~~board~~
768 committee pursuant to this chapter.

769 b. The massage therapy establishment is operating
770 without a valid license issued by the ~~board~~ department.

771 c. The ~~board~~ department has reasonable cause to believe
772 that a massage therapy establishment is violating this chapter
773 or a rule adopted by the ~~board~~ committee pursuant to this
774 chapter, and, upon physical inspection by the board, one or
775 more violations are confirmed.

776 d. Upon physical inspection of a massage therapy
777 establishment by the ~~board~~ department, one or more violations
778 of this chapter or a rule adopted by the ~~board~~ committee
779 pursuant to this chapter are confirmed.

780 e. Other circumstances as determined by the ~~board~~
781 department.

782 (2) Upon determining that an individual or entity
783 governed by this chapter has performed massage therapy or
784 operated a massage therapy establishment without a valid



785 license as provided in subsection (g), the ~~executive director~~
786 ~~of the board~~ State Health Officer may issue an emergency
787 order. If the ~~executive director~~ department believes a massage
788 therapy establishment is in violation of a local, municipal,
789 or other applicable law, the ~~executive director~~ department
790 shall notify local law enforcement of the possible violations.
791 An emergency order shall identify the massage therapy
792 establishment by its business name and state that the massage
793 therapy establishment is closed by order of the ~~board~~ State
794 Health Officer pursuant to this chapter and rules adopted by
795 the ~~board~~ committee pursuant to this chapter.

796 (3) A massage therapy establishment shall remain closed
797 to the public until it is in compliance with this chapter and
798 rules adopted by the ~~board~~ committee pursuant to this chapter.
799 The ~~board~~ department shall provide the massage therapy
800 establishment with a written summary of the findings of any
801 inspection resulting in the emergency order and shall describe
802 the compliance measures necessary to remedy those findings.
803 Within three business days after receipt of the findings by
804 the massage therapy establishment, the ~~board~~ department shall
805 issue to the massage therapy establishment, in writing, a
806 complaint resulting in the emergency order suspending the
807 operation of the massage therapy establishment, which
808 describes the compliance measures which must be taken for the
809 emergency order to be rescinded.

810 (4) An emergency order suspending the operations of a
811 massage therapy establishment shall be printed on 8 1/2 x 11
812 inch paper and conspicuously taped to the front door of the



813 massage therapy establishment.

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

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

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

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

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

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

840 ~~(k)~~ (j) The ~~board~~ committee may adopt rules to implement



841 and administer this section."

842 "§34-43A-14

843 ~~(a) An individual or entity who does not hold a license~~
844 as a massage therapist, physical therapist, chiropractor, or
845 athletic trainer, or a license for a massage therapy
846 establishment, shall not use the words "massage" or "bodywork"
847 on any sign or other form of advertising describing services
848 performed by the individual or within the establishment.

849 ~~(b) Any advertisement by a massage therapist or massage~~
850 ~~therapy establishment shall contain the license number of the~~
851 ~~massage therapist or massage therapy establishment."~~

852 "§34-43A-16

853 (a) In addition to the criminal penalty prescribed by
854 this chapter, the ~~board department~~ may seek an injunction
855 against any individual, entity, or establishment in violation
856 of this chapter.

857 (b) In an action for an injunction, the ~~board~~
858 department may demand and recover a civil penalty of fifty
859 dollars (\$50) per day for each violation, reasonable attorney
860 fees, and court costs."

861 "§34-43A-18

862 (a) To be approved by the ~~board department~~, a massage
863 therapy school shall comply with all standards for approval
864 established by ~~board committee~~ rule. The applicant shall also
865 do all of the following:

866 (1) Submit to the ~~board department~~ a completed
867 application prescribed by the ~~board department~~ and the
868 registration fee.



869 (2) Register every two years with the ~~board department~~
870 by submitting a renewal form, the renewal fee, and a current
871 curriculum and list of active massage therapy instructors
872 teaching at the school.

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

877 ~~(4)(3)~~ Satisfy other standards as the ~~board~~ committee
878 may impose by rule.

879 (b) Except as provided in Section 34-43A-4(a)(5), every
880 massage therapy instructor teaching a course in massage
881 therapy at a massage therapy school located in this state
882 shall be licensed by the ~~board~~ department as a massage
883 therapist and registered as a massage therapy instructor.
884 Instructors who are not teaching massage therapy do not need
885 to be registered. An adjunct massage therapy instructor shall
886 be dually licensed in the state where he or she resides or be
887 nationally certified, or both.

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

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

892 (2) Submit to the ~~board~~ department a completed
893 application as prescribed by the ~~board~~ department and
894 application fee.

895 (3) Submit documentation of three years of experience
896 in the practice of massage therapy. The documentation may be



897 considered by the ~~board~~ department on a case-by-case basis."

898 "§34-43A-19

899 ~~(a) The board is subject to the Alabama Sunset Law of~~
900 ~~1981, and is classified as an enumerated agency pursuant to~~
901 ~~Section 41-20-3. The board shall automatically terminate on~~
902 ~~October 1, 2026, and every four years thereafter, unless~~
903 ~~continued pursuant to the Alabama Sunset Law.~~

904 ~~(b) The board~~ department shall adopt a program of
905 continuing education for licensees which shall be a requisite
906 for the renewal of licenses issued pursuant to this chapter
907 and not exceed the requirements of a board-approved nationally
908 recognized board certification organization such as the
909 National Certification Board for Therapeutic Massage and
910 Bodywork.

911 Section 4. The Legislature concurs in the
912 recommendations of the Sunset Committee as provided in
913 Sections 1, 2, and 3.

914 Section 5. This act shall become effective October 1,
915 2026.