

**SB112 INTRODUCED**



1 SB112  
2 SL1ZC75-1  
3 By Senator Elliott  
4 RFD: Healthcare  
5 First Read: 13-Jan-26



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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, 2027, with the following changes: To place  
16 the board as a division within the Alabama Department  
17 of Public Health; to require the department to provide  
18 all necessary administrative services for the board; to  
19 authorize the State Health Officer to provide for an  
20 executive director and outside counsel for the board;  
21 and to transfer all property of the board to the  
22 department.

23  
24  
25 A BILL

26 TO BE ENTITLED

27 AN ACT  
28

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29 Relating to the Alabama Sunset Law; to continue the  
30 existence and functioning of the Alabama Massage Therapy  
31 Licensing Board until October 1, 2027, with certain  
32 modifications; to amend Sections 34-43A-2 and 34-43A-5, as  
33 last amended by Act 2025-395, 2025 Regular Session, Code of  
34 Alabama 1975, to place the board as a division within the  
35 Alabama Department of Public Health; to require the department  
36 to provide all necessary administrative services for the  
37 board; to authorize the State Health Officer to provide for an  
38 executive director and outside counsel for the board; and to  
39 transfer all property of the board to the department.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41                   Section 1. Pursuant to the Alabama Sunset Law, the  
42                   Sunset Committee recommends the continuance of the Alabama  
43                   Massage Therapy Licensing Board until October 1, 2027, with  
44                   additional recommendation for statutory change as set out in  
45                   Section 3.

46                   Section 2. The existence and functioning of the Alabama  
47                   Massage Therapy Licensing Board, created and functioning  
48                   pursuant to Sections 34-43A-1 to 34-43A-19, inclusive, Code of  
49                   Alabama 1975, is continued until October 1 2027, and those  
50                   code sections are expressly preserved.

51                   Section 3. Sections 34-43A-2 and 34-43A-5, as last  
52       amended by Act 2025-395, 2025 Regular Session, Code of Alabama  
53       1975, are amended to read as follows:

54 "§34-43A-2

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



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

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

84 ~~(5) (6)~~ EXECUTIVE DIRECTOR. The Executive Director of

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85 the Alabama Massage Therapy Licensing Board.

86 ~~(6)~~(7) LICENSE. The credential issued by the board  
87 which allows the holder to engage in the safe and ethical  
88 practice of massage therapy.

89 ~~(7)~~(8) MASSAGE THERAPIST. An individual licensed  
90 pursuant to this chapter who practices or administers massage  
91 therapy or related touch therapy modalities to a client for  
92 compensation.

93 ~~(8)~~(9) MASSAGE THERAPY ESTABLISHMENT. A site, premises,  
94 or business licensed by the board where massage therapy is  
95 practiced by a massage therapist.

96 ~~(9)~~(10) MASSAGE THERAPY INSTRUCTOR. A massage therapist  
97 who is approved by the board to teach the practice of massage  
98 therapy.

99 ~~(10)~~(11) MASSAGE THERAPY or RELATED TOUCH THERAPY  
100 MODALITIES. a. The mobilization of the soft tissue which may  
101 include skin, fascia, tendons, ligaments, and muscles for the  
102 purpose of establishing and maintaining good physical  
103 condition.

104 b. The term includes effleurage, petrissage,  
105 tapotement, compression, vibration, stretching, heliotherapy,  
106 superficial hot and cold applications, topical applications,  
107 or other therapy that involves movement either by hand,  
108 forearm, elbow, or foot, or use of manual methods or  
109 mechanical or electrical devices or tools that mimic or  
110 enhance the action of human hands for the purpose of  
111 therapeutic massage, and any massage, movement therapy,  
112 massage technology, myotherapy, massotherapy, oriental massage



113 technique, structural integration, acupressure, or polarity  
114 therapy.

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

121 d. The term does not include laser therapy, microwave,  
122 injection therapy, manipulation of the joints, or any  
123 diagnosis or treatment of an illness which normally involves  
124 the practice of medicine, chiropractic, physical therapy,  
125 podiatry, nursing, midwifery, occupational therapy,  
126 veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or  
127 naturopathics.

128 ~~(11)~~ (12) MASSAGE THERAPY SCHOOL. A school approved by  
129 the board where massage therapy is taught and which is one of  
130 the following:

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

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

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

139 ~~(12)~~ (13) SEXUALLY-ORIENTED BUSINESS. A sex parlor,  
140 massage parlor, nude studio, modeling studio, love parlor,



141       adult bookstore, adult movie theater, adult video arcade,  
142       adult motel, or other commercial enterprise which has the  
143       offering for sale, rent, or exhibit, or the exhibit of, items  
144       or services intended to provide sexual stimulation or sexual  
145       gratification to the client.

146       ~~(13)~~(14) STUDENT. Any individual who is enrolled in a  
147       massage therapy school."

148       "§34-43A-5

149       (a) (1) a. There is created the Alabama Massage Therapy  
150       Licensing Board. Beginning on October 1, 2026, the board is a  
151       division within the Alabama Department of Public Health.

152       b. The department shall provide all administrative  
153       services necessary for the board to carry out its duties and  
154       powers pursuant to this chapter including:

155       1. Financial services;

156       2. Legal services;

157       3. Dedicated office space;

158       4. Administrative staff, who are shared with or  
159       dedicated solely to the board, and other personnel as  
160       necessary for the efficient operation of the board;

161       5. Information technology services, including website  
162       maintenance and dedicated phone lines and email addresses for  
163       board members and staff; and

164       6. Necessary office furniture and supplies.

165       c. Any contract or binding agreement for administrative  
166       services executed by the board before June 1, 2026, shall  
167       continue in effect until expiration as provided by its terms.  
168       After expiration, the department shall assume all



169 administrative services provided by paragraph b.

170 d. On October 1, 2026, all real and personal property  
171 and all other effects of the board shall transfer to the  
172 department.

173 (2) The purpose of the board is to protect the health,  
174 safety, and welfare of the public by ensuring that massage  
175 therapists, massage therapy schools, massage therapy  
176 establishments, and massage therapy instructors meet  
177 prescribed standards of education, competency, and practice.  
178 To accomplish this mission, the board shall establish  
179 standards to ensure completion of all board functions in a  
180 timely and effective manner and to provide open and immediate  
181 access to all relevant public information. The board shall  
182 communicate its responsibilities and services to the public as  
183 part of its consumer protection duties. The board shall  
184 develop and implement a long range plan to ensure effective  
185 regulation and consumer protection.

186 ~~(2)~~(3) All rights, duties, records, property, real or  
187 personal, and all other effects existing in the name of the  
188 Alabama Board of Massage Therapy, formerly created and  
189 functioning pursuant to Chapter 43, or in any other name by  
190 which that board has been known, shall continue in the name of  
191 the Alabama Massage Therapy Licensing Board. Any reference to  
192 the former Alabama Board of Massage Therapy, or any other name  
193 by which that board has been known, in any existing law,  
194 contract, or other instrument shall constitute a reference to  
195 the Alabama Massage Therapy Licensing Board as created in this  
196 chapter. All actions of the former Alabama Board of Massage



197 Therapy or the executive director of the former board taken  
198 prior to June 1, 2024, are approved, ratified, and confirmed.

199 ~~(3)~~(4) The status of any individual or entity properly  
200 licensed, accredited, or registered by the former Alabama  
201 Board of Massage Therapy on June 1, 2024, shall continue under  
202 the jurisdiction of the Alabama Massage Therapy Licensing  
203 Board.

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

206 a. Three active licensees appointed by the Governor.  
207 b. Two active licensees appointed by the Lieutenant  
208 Governor and one at-large member appointed by the Lieutenant  
209 Governor.

210 c. Two active licensees appointed by the Speaker of the  
211 House of Representatives and one at-large member appointed by  
212 the Speaker of the House of Representatives.

213 (2) The seven active massage therapist licensee members  
214 of the board shall be appointed so that not more than one  
215 active licensee member from each United States Congressional  
216 District in the state is appointed to serve at the same time.  
217 The two members appointed from the state at large shall have  
218 never been licensed as massage therapists nor have had any  
219 direct financial interest in the massage therapy profession.  
220 One of the at-large members shall have extensive knowledge of  
221 sex trafficking and related law enforcement efforts to defeat  
222 sex trafficking. The at-large member appointed by the  
223 Lieutenant Governor and the at-large member appointed by the  
224 Speaker of the House of Representatives shall be appointed



225 from a list of three names each provided by the Minority  
226 Leader of the Senate and the Minority Leader of the House of  
227 Representatives, respectively. The appointing authorities  
228 shall coordinate their appointments to assure the board  
229 membership is inclusive and reflects the racial, gender,  
230 geographic, urban, rural, and economic diversity of the state.

231 (3) Each board member shall be selected upon personal  
232 merit and qualifications, not per membership or affiliation  
233 with an association. Each board member shall be a citizen of  
234 the United States and a resident of this state for two years  
235 immediately preceding appointment. No member of the board  
236 shall serve more than two full consecutive terms.

237 (c) Of the initial nine appointees to the board, three  
238 members shall be appointed for terms of two years, three  
239 members shall be appointed for terms of three years, and three  
240 members shall be appointed for terms of four years as  
241 determined by lot. Thereafter, successors shall be appointed  
242 for terms of four years, each term expiring on June 30.

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

249 (e) The board shall hold its first meeting within 30  
250 days after the initial members are appointed. At the first  
251 meeting and annually thereafter in the month of November, the  
252 board shall elect a chair and a vice chair from its



253 membership. The board shall hold no less than two meetings per  
254 year. The board may hold additional meetings at the discretion  
255 of the chair and four members of the board. A quorum of the  
256 board shall be a majority of the current appointed board  
257 members. Upon the written request of any individual, submitted  
258 to the board at least 24 hours in advance of a scheduled  
259 meeting, the meeting shall be recorded electronically, and a  
260 copy of the recording shall be made available, upon request,  
261 for 30 calendar days following the date of the recording.

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

266 (g) (1) Commencing on September 30 October 1, 2026, the  
267 ~~board may~~ State Health Officer, upon the recommendation of the  
268 board, may employ an individual to serve as the executive  
269 director of the board using funds appropriated for use by the  
270 ~~board~~ employ, ~~and at its pleasure discharge~~, an executive  
271 ~~director in the unclassified service, officers, and employees~~  
272 ~~subject to the state Merit System as necessary to implement~~  
273 ~~this chapter~~.

274 (2) When necessary, the ~~board~~ department may retain  
275 outside counsel who satisfies the qualifications required of a  
276 deputy attorney general, using funds appropriated for use by  
277 the board, on behalf of the board.

278 (h) An affirmative vote of a majority of the members of  
279 the board shall be required to deny, suspend, revoke, probate,  
280 reprimand, or otherwise discipline a licensee holding a

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281 license to practice massage therapy or a license to operate a  
282 massage therapy establishment.

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

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

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

295 (l) Appointees to the board shall take the  
296 constitutional oath of office and shall file the oath in the  
297 office of the Governor before undertaking any duties as a  
298 board member."

299 Section 4. The Legislature concurs in the  
300 recommendations of the Sunset Committee as provided in  
301 Sections 1, 2, and 3.

302 Section 5. This act shall become effective June 1,  
303 2026.