

**SB136 ENGROSSED**



1 SB136  
2 EJTK392-2  
3 By Senator Elliott  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 13-Jan-26



## SB136 Engrossed

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



## SB136 Engrossed

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Alabama Massage Therapy Licensing Board until October 1, 2026, with additional recommendation for statutory change as set out in Section 3.

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

Section 3. Sections 34-43A-2, 34-43A-4, 34-43A-5, 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, and 34-43A-10, as last amended by Act 2025-395, 2025 Regular Session, Section 34-43A-11, Sections 34-43A-12, 34-43A-13, 34-43A-14, 34-43A-16, 34-43A-18, as last amended by Act 2025-395, 2025 Regular Session, and Section 34-43A-19, Code of Alabama 1975, are 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~~ ADVISORY COUNCIL. The Alabama Massage Therapy ~~Licensing Board~~ Advisory Council created by this chapter.

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

(4) DEPARTMENT. The Alabama Department of Public



## SB136 Engrossed

57 Health.

58 ~~(3)~~ (5) EMERGENCY ORDER. The immediate suspension of a  
59 license without a hearing when the ~~board~~ department determines  
60 that public safety is at immediate risk. An emergency order  
61 requires a licensee to cease practice pending a formal  
62 hearing. The term may also be referred to as the summary  
63 suspension of a license.

64 ~~(4)~~ (6) EXAMINATION. The National Certification Board  
65 for Therapeutic Massage and Bodywork Examination or the  
66 Federation of State Massage Therapy Board's Massage and  
67 Bodywork Licensing Examination administered by an independent  
68 agency or another nationally or internationally accredited  
69 examination administered by an independent agency approved by  
70 the ~~board~~ department, or state examination administered by the  
71 ~~board~~ department or, at the discretion of the ~~board~~  
72 department, a state examination administered by the  
73 appropriate regulating body for massage therapy located in  
74 another state. The national examination shall be accredited by  
75 the National Commission for Certifying Agencies. The ~~board~~  
76 department may also administer a written, oral, or practical  
77 examination.

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

80 ~~(6)~~ (7) LICENSE. The credential issued by the ~~board~~  
81 department which allows the holder to engage in the safe and  
82 ethical practice of massage therapy.

83 ~~(7)~~ (8) MASSAGE THERAPIST. An individual licensed  
84 pursuant to this chapter who practices or administers massage



## SB136 Engrossed

therapy or related touch therapy modalities to a client for compensation.

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

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

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

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

c. The term may include the external application and use of herbal or chemical preparations and lubricants including, but not limited to, salts, powders, liquids, nonprescription creams, mechanical devices such as cups,



## SB136 Engrossed

T-bars, thumpers, body support systems, heat lamps, hot and cold packs, salt glow, steam cabinet baths, or hydrotherapy.

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

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

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

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

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

~~(12)~~ (13) 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.

(14) STATE HEALTH OFFICER. The executive officer of the



## SB136 Engrossed

Alabama Department of Public Health.

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

"§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. 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~~ department.

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

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

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



## SB136 Engrossed

169 department.

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

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

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

187 (9) The office of a chiropractor, physician, or  
188 physical therapist which employs or contracts with a massage  
189 therapist to provide massage therapy at the physical location  
190 of the office is exempt from an establishment license.

191 (b) Nothing in this chapter shall be construed to  
192 authorize massage therapists to administer, dispense, or  
193 prescribe drugs or engage in the practice of medicine in any  
194 manner, including, but not limited to, nutrition, diagnosing  
195 or prescribing drugs for mental, emotional, or physical  
196 disease, illness, or injury."





## SB136 Engrossed

"§34-43A-5

(a) (1) There is created the Alabama Massage Therapy Licensing Board. Commencing on October 1, 2026, the board is renamed the Alabama Massage Therapy Advisory Council. The purpose of the ~~board~~ advisory council is to ~~protect~~ advise the department on all matters pertaining to the protection of the health, safety, and welfare of the public ~~by ensuring that relating to~~ massage therapists, massage therapy schools, massage therapy establishments, and massage therapy instructors ~~meet prescribed standards of education, competency, and practice. To accomplish this mission, the board shall establish standards to ensure completion of all board functions in a timely and effective manner and to provide open and immediate access to all relevant public information. The board shall communicate its responsibilities and services to the public as part of its consumer protection duties. The board shall develop and implement a long range plan to ensure effective regulation and consumer protection.~~ All members serving on the Alabama Massage Therapy Licensing Board on October 1, 2026, shall continue to serve as members of the Alabama Massage Therapy Advisory Council until the expiration of their terms.

(2) ~~All~~ On October 1, 2026, all rights, duties, records, property, real or personal, and all other effects existing in the name of the Alabama Board of Massage Therapy, formerly created and functioning pursuant to Chapter 43, or in any other name by which that board has been known, shall ~~continue in the name of the Alabama Massage Therapy Licensing~~



## SB136 Engrossed

~~Board~~ transfer to the department. 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~~ Advisory Council 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~~ October 1, 2026, 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~~ October 1, 2026, shall continue under the jurisdiction of the ~~Alabama Massage Therapy Licensing Board~~ department.

(b) (1) The ~~board~~ advisory council 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~~ advisory council shall be appointed so that not more than one active licensee member from each United States Congressional District in the state is appointed to serve at the same time. The two members appointed from the state at



## SB136 Engrossed

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~~ advisory council membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.

(3) Each ~~board~~ advisory council member shall be selected upon personal merit and qualifications, not per membership or affiliation with an association. Each ~~board~~ advisory council 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~~ advisory council shall serve more than two full consecutive terms.

(c) Of the initial nine appointees to the ~~board~~ advisory council, 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 for terms of four years, each term expiring on June 30.



## SB136 Engrossed

(d) Vacancies on the ~~board~~ advisory council 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~~ advisory council 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~~ Annually, in the month of November, the ~~board~~ advisory council shall elect a chair and a vice chair from its membership. The board shall hold no less than two meetings per year. The board may hold additional meetings at the discretion of the chair and four members of the ~~board~~ advisory council, or at the discretion of the department. A quorum of the ~~board~~ advisory council shall be a majority of the current appointed ~~board~~ advisory council members. Upon the written request of any individual, submitted to the ~~board~~ advisory council 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~~ Advisory council 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~~ advisory council meets and conducts business.

~~(g) (1) Commencing on September 30, 2026, the board may employ, and at its pleasure discharge, an executive director~~



## SB136 Engrossed

~~in the unclassified service, officers, and employees subject 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 deny, suspend, 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~~(g) An advisory council member may be removed at the request of the ~~board~~department for misfeasance, malfeasance, neglect of duty, commission of a felony, incompetence, or permanent inability to perform official duties, ~~or failing to attend two consecutive properly noticed meetings within a one-year period.~~

~~(k) (h) 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~~The members, officers, executive director, employees, and representatives of the advisory council shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other



## SB136 Engrossed

civil liability caused by or arising out of any actual or  
alleged act, error, or omission that occurred, or that the  
individual against whom the claim is made had a reasonable  
basis for believing occurred within the scope of advisory  
council employment, duties, or responsibilities. Nothing in  
this subsection shall be construed to protect any individual  
from suit or liability for any damage, loss, injury, or  
liability caused by the intentional, willful, or wanton  
misconduct of that individual. The procurement of insurance of  
any type by the advisory council does not in any way  
compromise or limit the immunity granted by this subsection.

~~(1) 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."~~

"§34-43A-6

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

(1) 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~~ department.

(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~~  
~~license numbers of those licensees. A copy of the roster shall~~  
~~be provided to any individual upon request and the payment of~~



## SB136 Engrossed

~~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.~~

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

~~(8)~~ (6) By rule, require massage therapists, massage 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~~ department upon request.

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

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

~~(1) Adopt and from time to time revise rules, not inconsistent with law, as may be necessary to implement this chapter.~~

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

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

~~(4)~~ (3) Issue subpoenas, compel the attendance of



## SB136 Engrossed

witnesses, and administer oaths to individuals giving testimony at hearings.

~~(5) Pursue the~~ (4) Refer individuals to law enforcement for prosecution of any individual who violates violations of this chapter and incur necessary related expenses.

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

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

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

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

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

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

~~(12)~~ (11) 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.

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

(c) The committee shall adopt and revise rules pursuant to the Administrative Procedure Act as necessary for the





## SB136 Engrossed

department to implement this chapter. All administrative rules of the former Alabama Massage Therapy Licensing Board existing on October 1, 2026, which reference Chapter 43A, unless in conflict with existing law, shall remain in effect as rules of the Alabama Massage Therapy Advisory Council until amended or repealed by the committee."

"§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~~ department.

(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 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



## SB136 Engrossed

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

(1) Successfully completed a course of instruction in  
massage therapy which meets the minimum criteria established  
by ~~board~~ committee rule for course content and hours of  
instruction. 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~~  
committee. The ~~board~~ committee 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~~ department may  
deny or 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.



## SB136 Engrossed

(5) Additional requirements as provided by rule.

(b) Notwithstanding the requirements listed in subdivisions (a)(1) and (a)(2), the ~~board~~ department 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 at the discretion of the board.~~

(c) Upon receipt of an application, the ~~board~~ department shall notify the applicant that his or her application is complete and shall also notify the applicant upon the approval 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~~ department. If an application is proposed to be rejected, 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~~ department.

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

(c) A massage therapy establishment shall contract with or employ only licensed massage therapists to perform massage therapy. Each establishment shall notify the ~~board~~ department



## SB136 Engrossed

of every massage therapist who performs massage therapy at or through the massage therapy establishment, and one of those massage therapists shall be designated as the individual who will ensure that the massage therapy establishment complies with state law and all applicable administrative rules.

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

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

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

(2) An applicant for a massage therapy establishment license who is a massage therapist and has completed a criminal history background check as required by the ~~board~~ department 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



## SB136 Engrossed

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

"§34-43A-10

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

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

(c) The ~~board~~ department shall issue a license 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~~ department 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~~ department. Each massage therapy establishment shall prominently post its license and the license of each massage therapist who



## SB136 Engrossed

practices within the massage therapy establishment in plain sight at the massage therapy establishment.

(e) The ~~board~~ department may ~~inspect~~ provide for the inspection of establishments at any time during normal business hours to ensure compliance with state law and ~~board~~ committee rules.

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

"§34-43A-11

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

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

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

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

(c) Licenses are valid for two years from the date of issuance. An individual whose license has expired and who has



## SB136 Engrossed

589 ceased to practice massage therapy for a period of not longer  
590 than five years may have his or her license reinstated upon  
591 payment of a reactivation fee, the submission of a renewal  
592 application, and evidence satisfactory to the ~~board~~ department  
593 that the applicant has fulfilled continuing education  
594 requirements, completed a criminal history background check as  
595 provided in Section 34-43A-13(c), paid the criminal history  
596 background check fee, and passed the examination.

597 "§34-43A-12

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

600 (b) Commencing on ~~June 1, 2024~~ October 1, 2026, the  
601 name of the separate special revenue trust fund in the State  
602 Treasury known as the Alabama Board of Massage Therapy Fund  
603 shall be renamed and then known as the Alabama Massage Therapy  
604 ~~Licensing Board~~ Advisory Council Fund. All receipts collected  
605 by the ~~board~~ department under this chapter shall be deposited  
606 in this fund and used ~~only by the department~~ to carry out this  
607 chapter. Receipts shall be disbursed only by warrant of the  
608 Comptroller. No funds shall be withdrawn except as budgeted  
609 and allotted according to Article 4 of Chapter 4 of Title 41  
610 and Chapter 19 of Title 41, and only in amounts as stipulated  
611 in the general appropriations bill or other appropriations  
612 bills."

613 "§34-43A-13

614 (a) Any individual may file with the ~~board~~ department a  
615 written complaint regarding an allegation of impropriety by a  
616 massage therapist, massage therapy establishment, or other



## SB136 Engrossed

individual or entity. Complaints shall be made in the manner prescribed by the ~~board~~ department.

(b) The ~~executive director~~ department shall provide for an investigation of the complaint and, if probable cause is found, may initiate an administrative proceeding. Upon a finding that the licensee or applicant for licensing has committed any of the following misconduct, the ~~board~~ department 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) 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~~ department for licensing.

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

(3) 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~~ committee.

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

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





## SB136 Engrossed

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

(7) Uses controlled substances or habitually and 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.



## SB136 Engrossed

(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 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~~ department 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~~ department, the Alabama State Law Enforcement Agency, or any successor entity thereof, or the approved channeler, as appropriate.

(4) Information received by the ~~board~~ department 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~~ department 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 calendar days after the date the individual discovers this activity. Upon finding that an individual has violated this~~



## SB136 Engrossed

subsection by not informing the board as required, the board may do any of the following:

~~(1) 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.~~

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

~~(e)~~ (d) 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~~ department according to the Administrative Procedure Act.

~~(f)~~ (e) The massage therapy establishment license of any massage therapy establishment wherein an individual 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~~ department determines is a sexually-oriented business, shall be permanently revoked by the ~~board~~ department according to the Administrative Procedure Act.

~~(g)~~ (f) 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~~ department may do any of the following:

(1) Impose an administrative fine of not more than ten



## SB136 Engrossed

thousand dollars (\$10,000).

(2) Issue a cease and desist order.

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

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

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

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

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

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

e. Other circumstances as determined by the ~~board~~



## SB136 Engrossed

757 department.

758           (2) Upon determining that an individual or entity  
759 governed by this chapter has performed massage therapy or  
760 operated a massage therapy establishment without a valid  
761 license as provided in subsection (g), the ~~executive director~~  
762 ~~of the board~~ State Health Officer may issue an emergency  
763 order. If the ~~executive director~~ department believes a massage  
764 therapy establishment is in violation of a local, municipal,  
765 or other applicable law, the ~~executive director~~ department  
766 shall notify local law enforcement of the possible violations.  
767 An emergency order shall identify the massage therapy  
768 establishment by its business name and state that the massage  
769 therapy establishment is closed by order of the ~~board~~ State  
770 Health Officer pursuant to this chapter and rules adopted by  
771 the ~~board~~ committee pursuant to this chapter.

772           (3) A massage therapy establishment shall remain closed  
773 to the public until it is in compliance with this chapter and  
774 rules adopted by the ~~board~~ committee pursuant to this chapter.  
775 The ~~board~~ department shall provide the massage therapy  
776 establishment with a written summary of the findings of any  
777 inspection resulting in the emergency order and shall describe  
778 the compliance measures necessary to remedy those findings.  
779 Within three business days after receipt of the findings by  
780 the massage therapy establishment, the ~~board~~ department shall  
781 issue to the massage therapy establishment, in writing, a  
782 complaint resulting in the emergency order suspending the  
783 operation of the massage therapy establishment, which  
784 describes the compliance measures which must be taken for the



## SB136 Engrossed

emergency order to be rescinded.

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

(5) A massage therapy establishment may not remove the posted emergency order or reopen for business until the ~~board~~ department determines, after a physical inspection, that the massage therapy establishment is in compliance with this chapter and rules adopted by the ~~board~~ committee 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~~ department is required to enforce the emergency order in circuit court for continued violations of this chapter or rules adopted by the ~~board~~ committee pursuant to this chapter, the court may triple any applicable fines and order the massage therapy establishment to reimburse the ~~board~~ department for all legal fees and administrative costs incurred by the ~~board~~ department 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~~ department.

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



## SB136 Engrossed

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

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

"§34-43A-14

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

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

"§34-43A-16

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

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

"§34-43A-18

(a) To be approved by the ~~board~~ department, a massage therapy school shall comply with all standards for approval established by ~~board~~ committee rule. The applicant shall also



## SB136 Engrossed

do all of the following:

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

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

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

(b) Except as provided in Section 34-43A-4(a)(5), 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~~ department 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~~ department a completed





## SB136 Engrossed

application as prescribed by the ~~board~~ department and the application fee.

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

"§34-43A-19

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

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

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

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



## SB136 Engrossed

892  
893  
894 Senate

895 Read for the first time and referred .....13-Jan-26  
896 to the Senate committee on Fiscal  
897 Responsibility and Economic  
898 Development

899  
900 Read for the second time and placed .....14-Jan-26  
901 on the calendar:  
902 0 amendments

903  
904 Read for the third time and passed .....27-Jan-26  
905 as amended  
906 Yeas 33  
907 Nays 0  
908 Abstains 0

909  
910  
911 Patrick Harris,  
912 Secretary.  
913