

SB136 ENGROSSED



1 SB136

2 EJTK392-2

3 By Senator Elliott

4 RFD: Fiscal Responsibility and Economic Development

5 First Read: 13-Jan-26



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10 Relating to the Alabama Sunset Law; to continue the
11 existence and functioning of the Alabama Massage Therapy
12 Licensing Board until October 1, 2027, with certain
13 modifications; to amend Sections 34-43A-2, 34-43A-4, 34-43A-5,
14 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, and 34-43A-10, as last
15 amended by Act 2025-395, 2025 Regular Session, Section
16 34-43A-11, Sections 34-43A-12, 34-43A-13, 34-43A-14,
17 34-43A-16, 34-43A-18, as last amended by Act 2025-395, 2025
18 Regular Session, and Section 34-43A-19, Code of Alabama 1975,,
19 to rename the board as the Alabama Massage Therapy Advisory
20 Council; to provide the Alabama Department of Public Health
21 with regulatory authority over massage therapists, massage
22 therapy establishments, and massage therapy schools; to
23 require the council to advise the department on matters
24 relating to massage therapy; to provide for the duties and
25 powers of the department, the State Health Officer, and the
26 State Committee of Public Health; and to transfer all property
27 of the council to the department.

28 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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

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

39 Section 3. Sections 34-43A-2, 34-43A-4, 34-43A-5,
40 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, and 34-43A-10, as last
41 amended by Act 2025-395, 2025 Regular Session, Section
42 34-43A-11, Sections 34-43A-12, 34-43A-13, 34-43A-14,
43 34-43A-16, 34-43A-18, as last amended by Act 2025-395, 2025
44 Regular Session, and Section 34-43A-19, Code of Alabama 1975,
45 are amended to read as follows:

46 "§34-43A-2

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

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

53 (2) **BOARD ADVISORY COUNCIL.** The Alabama Massage Therapy
54 Licensing Board Advisory Council created by this chapter.

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

56 (4) **DEPARTMENT.** The Alabama Department of Public



57 Health.

58 (3)(5) EMERGENCY ORDER. The immediate suspension of a
59 license without a hearing when ~~the~~boarddepartment 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~~boarddepartment, 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



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

87 ~~(8)~~(9) MASSAGE THERAPY ESTABLISHMENT. A site, premises,
88 or business licensed by the ~~board~~ department where massage
89 therapy is practiced by a massage therapist.

90 ~~(9)~~(10) MASSAGE THERAPY INSTRUCTOR. A massage therapist
91 who is approved by the ~~board~~ department to teach the practice
92 of massage therapy.

93 ~~(10)~~(11) MASSAGE THERAPY or RELATED TOUCH THERAPY
94 MODALITIES. a. The mobilization of the soft tissue which may
95 include skin, fascia, tendons, ligaments, and muscles for the
96 purpose of establishing and maintaining good physical
97 condition.

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

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



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

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

122 (11) (12) MASSAGE THERAPY SCHOOL. A school approved by
123 the ~~board~~ department where massage therapy is taught and which
124 is one of the following:

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

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

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

133 (12) (13) SEXUALLY-ORIENTED BUSINESS. A sex parlor,
134 massage parlor, nude studio, modeling studio, love parlor,
135 adult bookstore, adult movie theater, adult video arcade,
136 adult motel, or other commercial enterprise which has the
137 offering for sale, rent, or exhibit, or the exhibit of, items
138 or services intended to provide sexual stimulation or sexual
139 gratification to the client.

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



141 Alabama Department of Public Health.

142 ~~(13)-(15)~~ STUDENT. Any individual who is enrolled in a
143 massage therapy school."

144 "§34-43A-4

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

147 (1) A student who is rendering massage therapy services
148 under the supervision of a massage therapy instructor. A
149 student shall be designated by title clearly indicating his or
150 her training status.

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

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

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

160 (5) An individual offering massage therapy instruction
161 who is visiting from another state, territory, or country,
162 provided that the individual is licensed or registered as
163 required in his or her place of residence. A visiting
164 instructor may teach continuing education courses in this
165 state for up to 100 hours per year without being licensed by
166 the ~~board~~ department. A visiting instructor who teaches
167 continuing education courses in this state for 100 hours or
168 more per year is required to be licensed by the ~~board~~



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."



197 "§34-43A-5

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

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



225 Board transfer to the department. Any reference to the former
226 Alabama Board of Massage Therapy, or any other name by which
227 that board has been known, in any existing law, contract, or
228 other instrument shall constitute a reference to the Alabama
229 Massage Therapy ~~Licensing Board~~ Advisory Council as created in
230 this chapter. All actions of the former Alabama Board of
231 Massage Therapy or the executive director of the former board
232 taken prior to ~~June 1, 2024~~ October 1, 2026, are approved,
233 ratified, and confirmed.

234 (3) The status of any individual or entity properly
235 licensed, accredited, or registered by the former Alabama
236 Board of Massage Therapy on ~~June 1, 2024~~ October 1, 2026,
237 shall continue under the jurisdiction of the ~~Alabama Massage~~
238 ~~Therapy Licensing Board~~ department.

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

241 a. Three active licensees appointed by the Governor.
242 b. Two active licensees appointed by the Lieutenant
243 Governor and one at-large member appointed by the Lieutenant
244 Governor.

245 c. Two active licensees appointed by the Speaker of the
246 House of Representatives and one at-large member appointed by
247 the Speaker of the House of Representatives.

248 (2) The seven active massage therapist licensee members
249 of the ~~board~~ advisory council shall be appointed so that not
250 more than one active licensee member from each United States
251 Congressional District in the state is appointed to serve at
252 the same time. The two members appointed from the state at



253 large shall have never been licensed as massage therapists nor
254 have had any direct financial interest in the massage therapy
255 profession. One of the at-large members shall have extensive
256 knowledge of sex trafficking and related law enforcement
257 efforts to defeat sex trafficking. The at-large member
258 appointed by the Lieutenant Governor and the at-large member
259 appointed by the Speaker of the House of Representatives shall
260 be appointed from a list of three names each provided by the
261 Minority Leader of the Senate and the Minority Leader of the
262 House of Representatives, respectively. The appointing
263 authorities shall coordinate their appointments to assure the
264 ~~board advisory council~~ membership is inclusive and reflects
265 the racial, gender, geographic, urban, rural, and economic
266 diversity of the state.

267 (3) Each ~~board advisory council~~ member shall be
268 selected upon personal merit and qualifications, not per
269 membership or affiliation with an association. Each ~~board~~
270 ~~advisory council~~ member shall be a citizen of the United
271 States and a resident of this state for two years immediately
272 preceding appointment. No member of the ~~board advisory council~~
273 shall serve more than two full consecutive terms.

274 (c) Of the initial nine appointees to the ~~board~~
275 ~~advisory council~~, three members shall be appointed for terms
276 of two years, three members shall be appointed for terms of
277 three years, and three members shall be appointed for terms of
278 four years as determined by lot. Thereafter, successors shall
279 be appointed for terms of four years, each term expiring on
280 June 30.



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

287 (e) The board shall hold its first meeting within 30
288 days after the initial members are appointed. At the first
289 meeting and annually thereafter Annually, in the month of
290 November, the ~~board~~ advisory council shall elect a chair and a
291 vice chair from its membership. The board shall hold no less
292 than two meetings per year. The board may hold additional
293 meetings at the discretion of the chair and four members of
294 the ~~board~~ advisory council, or at the discretion of the
295 department. A quorum of the ~~board~~ advisory council shall be a
296 majority of the current appointed ~~board~~ advisory council
297 members. Upon the written request of any individual, submitted
298 to the ~~board~~ advisory council at least 24 hours in advance of
299 a scheduled meeting, the meeting shall be recorded
300 electronically, and a copy of the recording shall be made
301 available, upon request, for 30 calendar days following the
302 date of the recording.

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

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



309 ~~in the unclassified service, officers, and employees subject~~
310 ~~to the state Merit System as necessary to implement this~~
311 ~~chapter.~~

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

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

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

324 ~~(j) A board~~(g) ~~An advisory council~~ member may be
325 removed at the request of the ~~board~~ department for
326 misfeasance, malfeasance, neglect of duty, commission of a
327 felony, incompetence, or permanent inability to perform
328 official duties, or failing to attend two consecutive properly
329 noticed meetings within a one-year period.

330 ~~(k)~~(h) ~~Members of the board are immune from liability~~
331 ~~for all good faith acts performed in the execution of their~~
332 ~~duties as members of the board~~ The members, officers,
333 executive director, employees, and representatives of the
334 advisory council shall be immune from suit and liability, both
335 personally and in their official capacity, for any claim for
336 damage to or loss of property or personal injury or other



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

348 ~~(1) Appointees to the board shall take the~~
349 ~~constitutional oath of office and shall file the oath in the~~
350 ~~office of the Governor before undertaking any duties as a~~
351 ~~board member."~~

352 "§34-43A-6

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

354 (1) Establish qualifications for licensing and issue
355 licenses to successful applicants.

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

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

361 (4) Maintain a complete record of all massage
362 therapists and annually prepare a roster of the names and
363 license numbers of those licensees. A copy of the roster shall
364 be provided to any individual upon request and the payment of



365 ~~a fee established by the board in an amount sufficient to~~
366 ~~cover the costs of publication and distribution.~~

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

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

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

373 (8) (6) By rule, require massage therapists, massage
374 therapy establishments, and massage therapy schools to carry
375 professional and general liability insurance with an "A" rated
376 or better insurance carrier in the amount of at least one
377 million dollars (\$1,000,000). Proof of coverage shall be
378 provided to the ~~board~~ department upon request.

379 (9) (7) Perform other functions necessary and proper for
380 the performance of official duties.

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

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

385 (2) (1) Examine, license, and renew the licenses of
386 qualified applicants applying for a license as a massage
387 therapist, massage therapy establishment, or massage therapy
388 instructor.

389 (3) (2) Conduct investigations, hearings, and
390 proceedings concerning alleged violations of this chapter or
391 rules adopted pursuant to this chapter.

392 (4) (3) Issue subpoenas, compel the attendance of



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

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

398 (6) Keep a public record of all proceedings.

399 (7) (6) Prescribe standards and approve curricula for
400 educational programs that prepare individuals for licensing
401 under this chapter.

402 (8) (7) Provide for surveys and evaluations of
403 educational programs as the ~~board~~ department determines
404 necessary.

405 (9) (8) By rule, establish criteria for certifying
406 massage therapy instructors.

407 (10) (9) Adopt an annual budget and authorize necessary
408 expenditures from fees and other available appropriations.

409 (11) (10) Adopt a code of ethics for massage therapists,
410 massage therapy instructors, and massage therapy
411 establishments.

412 (12) (11) Provide for the inspection of the business
413 premises of any licensee, applicant, or individual or entity
414 advertising, offering to perform, or performing massage
415 therapy in the state during normal business hours.

416 (13) (12) Establish standards for approved massage
417 therapy schools and a list of approved massage therapy
418 schools.

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



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

427 "§34-43A-7

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

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

434 (c) A massage therapist may not advertise or offer to
435 perform services outside the scope of his or her expertise,
436 experience, and education for any client who is ill or has a
437 physical dysfunction, unless the services are performed in
438 conjunction with a licensed physician, physical therapist, or
439 chiropractor.

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

445 (e) Unless exempt pursuant to Section 34-43A-4, a
446 massage therapist may only perform massage therapy services at
447 or through a licensed massage therapy establishment. If a
448 massage therapist is performing outcall massage therapy



449 services, those services shall be provided through a licensed
450 massage therapy establishment."

451 "§34-43A-8

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

458 (1) Successfully completed a course of instruction in
459 massage therapy which meets the minimum criteria established
460 by ~~board committee~~ rule for course content and hours of
461 instruction. To perform therapeutic massage on an animal, a
462 massage therapist shall have also graduated from a nationally
463 approved program and completed at least 100 hours of
464 postgraduate training and education in animal anatomy,
465 pathology, and physiology for the specific type of animal upon
466 which he or she will perform therapeutic massage.

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

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

476 (4) Paid all applicable fees.



477 (5) Additional requirements as provided by rule.

478 (b) Notwithstanding the requirements listed in

479 subdivisions (a)(1) and (a)(2), the ~~board~~ department may

480 license an applicant who is licensed or registered to practice

481 massage therapy in another state if the standards of practice

482 or licensing of that state, at the time the applicant was

483 originally licensed or registered, were equal to or stricter

484 than the requirements imposed by this chapter. ~~All~~ applicants

485 ~~may be subject to an initial in-person board hearing at the~~

486 ~~discretion of the board.~~

487 (c) Upon receipt of an application, the ~~board~~
488 department shall notify the applicant that his or her
489 application is complete and shall also notify the applicant
490 upon the approval of his or her application. An application is
491 not complete until all components of the application have been
492 received and all criminal history information has been
493 delivered to the ~~board~~ department. If an application is
494 proposed to be rejected, the applicant shall be entitled to a
495 hearing on his or her application."

496 "§34-43A-9

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

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

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



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

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

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

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

526 (2) An applicant for a massage therapy establishment
527 license who is a massage therapist and has completed a
528 criminal history background check as required by the ~~board~~
529 department within the preceding two years shall be exempt from
530 completing the criminal history background check required in
531 subdivision (1).

532 (3) An applicant for a massage therapy establishment



533 license shall be the owner, lessee, or legal possessor of the
534 physical establishment.

535 (g) The physical location of a proposed massage therapy
536 establishment shall be subject to an initial inspection by the
537 ~~board department~~ before a massage therapy establishment
538 license is granted to the applicant. A massage therapy
539 establishment that provides only outcall massage therapy
540 services must designate a physical location at which records
541 and equipment are available for inspection."

542 "§34-43A-10

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

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

551 (c) The ~~board department~~ shall issue a license to each
552 individual who qualifies to be a massage therapist and to each
553 qualified applicant for a massage therapy establishment
554 license. A license issued by the ~~board department~~ grants all
555 professional rights, honors, and privileges relating to the
556 practice of massage therapy.

557 (d) Each massage therapist shall display his or her
558 license in the manner specified by the ~~board department~~. Each
559 massage therapy establishment shall prominently post its
560 license and the license of each massage therapist who



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

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

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

569 "§34-43A-11

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

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

579 (1) Submit evidence of satisfactory completion of the
580 continuing education requirements pursuant to Section
581 34-43A-19.

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

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



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



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

619 (b) The ~~executive~~ director department shall provide for
620 an investigation of the complaint and, if probable cause is
621 found, may initiate an administrative proceeding. Upon a
622 finding that the licensee or applicant for licensing has
623 committed any of the following misconduct, the ~~board~~
624 department may suspend, revoke, probate, reprimand, otherwise
625 discipline, or refuse to issue or renew a license or impose a
626 civil penalty after notice and opportunity for a hearing
627 pursuant to the Administrative Procedure Act:

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

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

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

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

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



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

647 (7) Uses controlled substances or habitually and
648 excessively uses alcohol.

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

651 (9) Engaged in or attempted to or offered to engage a
652 client in sexual activity, including, but not limited to,
653 genital contact, within the client-massage therapist
654 relationship.

655 (10) Has knowingly allowed the massage therapy
656 establishment to be used as an overnight sleeping
657 accommodation.

658 (11) Had a license revoked, suspended, or denied in any
659 other territory or jurisdiction of the United States for any
660 act described in this section.

661 (12) Was convicted of impersonating a massage therapist
662 in another jurisdiction.

663 (c) (1) Subsequent to an official complaint, and for
664 other requirements established by this chapter, including for
665 the purpose of determining an applicant's suitability for a
666 license to practice massage therapy, the ~~board~~ department may
667 request a criminal history background check of the licensee or
668 applicant for licensing pursuant to a schedule created by rule
669 of the ~~board~~ committee. The applicant or licensee shall submit
670 a full set of fingerprints to the ~~board~~ department for the
671 purpose of obtaining a state and national criminal history
672 background check.



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

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

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

696 (d) An individual governed by this chapter who has a
697 reasonable belief that another massage therapist has violated
698 this chapter shall inform the board in writing within 30
699 calendar days after the date the individual discovers this
700 activity. Upon finding that an individual has violated this



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

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

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

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

715 ~~(f)~~ (e) The massage therapy establishment license of any
716 massage therapy establishment wherein an individual engages in
717 conduct which leads to a conviction of or entry of a plea of
718 nolo contendere to, an offense involving prostitution or any
719 other type of sexual offense against a client, or which the
720 ~~board~~ department determines is a sexually-oriented business,
721 shall be permanently revoked by the ~~board~~ department according
722 to the Administrative Procedure Act.

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

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



729 thousand dollars (\$10,000).

730 (2) Issue a cease and desist order.

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

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

740 a. A law enforcement agency notifies ~~the board~~
741 department that the law enforcement agency is investigating a
742 massage therapy establishment for an offense under Section
743 13A-6-152, this chapter, or rules adopted by ~~the board~~
744 committee pursuant to this chapter.

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

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

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

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



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



785 emergency order to be rescinded.

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

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

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

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

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

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



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

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

818 "§34-43A-14

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

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

828 "§34-43A-16

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

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

837 "§34-43A-18

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



841 do all of the following:

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

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

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

853 (4) (3) Satisfy other standards as the ~~board committee~~
854 may impose by rule.

855 (b) Except as provided in Section 34-43A-4(a)(5), every
856 massage therapy instructor teaching a course in massage
857 therapy at a massage therapy school located in this state
858 shall be licensed by the ~~board department~~ as a massage
859 therapist and registered as a massage therapy instructor.
860 Instructors who are not teaching massage therapy do not need
861 to be registered. An adjunct massage therapy instructor shall
862 be dually licensed in the state where he or she resides or be
863 nationally certified, or both.

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

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

868 (2) Submit to the ~~board department~~ a completed



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

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

874 "§34-43A-19

875 (a) ~~The board is subject to the Alabama Sunset Law of~~
876 ~~1981, and is classified as an enumerated agency pursuant to~~
877 ~~Section 41-20-3. The board shall automatically terminate on~~
878 ~~October 1, 2026, and every four years thereafter, unless~~
879 ~~continued pursuant to the Alabama Sunset Law.~~

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

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

890 Section 5. This act shall become effective October 1,
891 2026.



892
893
894 Senate

895 Read for the first time and referred13-Jan-26
896 to the Senate committee on Fiscal
897 Responsibility and Economic
898 Development
899
900 Read for the second time and placed14-Jan-26
901 on the calendar:
902 0 amendments
903
904 Read for the third time and passed27-Jan-26
905 as amended
906 Yeas 33
907 Nays 0
908 Abstains 0
909
910
911 Patrick Harris,
912 Secretary.
913