

SB136 ENROLLED



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



SB136 Enrolled

1 Enrolled, An Act,

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4 Relating to the Alabama Sunset Law; to continue the

5 existence and functioning of the Alabama Massage Therapy

6 Licensing Board until October 1, 2027, with certain

7 modifications; to amend Sections 34-43A-2, 34-43A-4, 34-43A-5,

8 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, and 34-43A-10, as last

9 amended by Act 2025-395, 2025 Regular Session, Section

10 34-43A-11, Sections 34-43A-12, 34-43A-13, 34-43A-14,

11 34-43A-16, 34-43A-18, as last amended by Act 2025-395, 2025

12 Regular Session, and Section 34-43A-19, Code of Alabama 1975,,

13 to rename the board as the Alabama Massage Therapy Advisory

14 Council; to provide the Alabama Department of Public Health

15 with regulatory authority over massage therapists, massage

16 therapy establishments, and massage therapy schools; to

17 require the council to advise the department on matters

18 relating to massage therapy; to provide for the duties and

19 powers of the department, the State Health Officer, and the

20 State Committee of Public Health; and to transfer all property

21 of the council to the department.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Pursuant to the Alabama Sunset Law, the

24 Sunset Committee recommends the continuance of the Alabama

25 Massage Therapy Licensing Board until October 1, 2026, with

26 additional recommendation for statutory change as set out in

27 Section 3.

28 Section 2. The existence and functioning of the Alabama



SB136 Enrolled

29 Massage Therapy Licensing Board, created and functioning
30 pursuant to Sections 34-43A-1 to 34-43A-19, inclusive, Code of
31 Alabama 1975, is continued until October 1 2026, and those
32 code sections are expressly preserved.

33 Section 3. Sections 34-43A-2, 34-43A-4, 34-43A-5,
34 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, and 34-43A-10, as last
35 amended by Act 2025-395, 2025 Regular Session, Section
36 34-43A-11, Sections 34-43A-12, 34-43A-13, 34-43A-14,
37 34-43A-16, 34-43A-18, as last amended by Act 2025-395, 2025
38 Regular Session, and Section 34-43A-19, Code of Alabama 1975,
39 are amended to read as follows:

40 "§34-43A-2

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

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

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

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

50 (4) DEPARTMENT. The Alabama Department of Public
51 Health.

52 ~~(3)~~ (5) EMERGENCY ORDER. The immediate suspension of a
53 license without a hearing when the ~~board~~ department determines
54 that public safety is at immediate risk. An emergency order
55 requires a licensee to cease practice pending a formal
56 hearing. The term may also be referred to as the summary



SB136 Enrolled

57 suspension of a license.

58 ~~(4)~~ (6) EXAMINATION. The National Certification Board
59 for Therapeutic Massage and Bodywork Examination or the
60 Federation of State Massage Therapy Board's Massage and
61 Bodywork Licensing Examination administered by an independent
62 agency or another nationally or internationally accredited
63 examination administered by an independent agency approved by
64 the ~~board~~ department, or state examination administered by the
65 ~~board~~ department or, at the discretion of the ~~board~~
66 department, a state examination administered by the
67 appropriate regulating body for massage therapy located in
68 another state. The national examination shall be accredited by
69 the National Commission for Certifying Agencies. The ~~board~~
70 department may also administer a written, oral, or practical
71 examination.

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

74 ~~(6)~~ (7) LICENSE. The credential issued by the ~~board~~
75 department which allows the holder to engage in the safe and
76 ethical practice of massage therapy.

77 ~~(7)~~ (8) MASSAGE THERAPIST. An individual licensed
78 pursuant to this chapter who practices or administers massage
79 therapy or related touch therapy modalities to a client for
80 compensation.

81 ~~(8)~~ (9) MASSAGE THERAPY ESTABLISHMENT. A site, premises,
82 or business licensed by the ~~board~~ department where massage
83 therapy is practiced by a massage therapist.

84 ~~(9)~~ (10) MASSAGE THERAPY INSTRUCTOR. A massage therapist



SB136 Enrolled

85 who is approved by the ~~board~~ department to teach the practice
86 of massage therapy.

87 ~~(10)~~ (11) MASSAGE THERAPY or RELATED TOUCH THERAPY
88 MODALITIES. a. The mobilization of the soft tissue which may
89 include skin, fascia, tendons, ligaments, and muscles for the
90 purpose of establishing and maintaining good physical
91 condition.

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

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

109 d. The term does not include laser therapy, microwave,
110 injection therapy, manipulation of the joints, or any
111 diagnosis or treatment of an illness which normally involves
112 the practice of medicine, chiropractic, physical therapy,



SB136 Enrolled

113 podiatry, nursing, midwifery, occupational therapy,
114 veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or
115 naturopathics.

116 ~~(11)~~(12) MASSAGE THERAPY SCHOOL. A school approved by
117 the ~~board~~ department where massage therapy is taught and which
118 is one of the following:

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

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

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

127 ~~(12)~~(13) SEXUALLY-ORIENTED BUSINESS. A sex parlor,
128 massage parlor, nude studio, modeling studio, love parlor,
129 adult bookstore, adult movie theater, adult video arcade,
130 adult motel, or other commercial enterprise which has the
131 offering for sale, rent, or exhibit, or the exhibit of, items
132 or services intended to provide sexual stimulation or sexual
133 gratification to the client.

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

136 ~~(13)~~(15) STUDENT. Any individual who is enrolled in a
137 massage therapy school."

138 "§34-43A-4

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



SB136 Enrolled

141 (1) A student who is rendering massage therapy services
142 under the supervision of a massage therapy instructor. A
143 student shall be designated by title clearly indicating his or
144 her training status.

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

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

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

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

164 (6) Members of the Massage Emergency Rescue Team
165 (MERT), or any other nationally or internationally recognized
166 disaster relief association, who practice massage therapy in
167 this state only during a time declared by the Governor or the
168 Legislature to be a city, county, or state emergency. These



SB136 Enrolled

169 therapists may work in this state for a period of time
170 approved by the ~~board~~ department.

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

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

181 (9) The office of a chiropractor, physician, or
182 physical therapist which employs or contracts with a massage
183 therapist to provide massage therapy at the physical location
184 of the office is exempt from an establishment license.

185 (b) Nothing in this chapter shall be construed to
186 authorize massage therapists to administer, dispense, or
187 prescribe drugs or engage in the practice of medicine in any
188 manner, including, but not limited to, nutrition, diagnosing
189 or prescribing drugs for mental, emotional, or physical
190 disease, illness, or injury."

191 "§34-43A-5

192 (a) (1) There is created the Alabama Massage Therapy
193 Licensing Board. Commencing on October 1, 2026, the board is
194 renamed the Alabama Massage Therapy Advisory Council. The
195 purpose of the ~~board~~ advisory council is to ~~protect~~ advise the
196 department on all matters pertaining to the protection of the



SB136 Enrolled

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

213 (2) All On October 1, 2026, all rights, duties,
214 records, property, real or personal, and all other effects
215 existing in the name of the Alabama Board of Massage Therapy,
216 formerly created and functioning pursuant to Chapter 43, or in
217 any other name by which that board has been known, shall
218 ~~continue in the name of the Alabama Massage Therapy Licensing~~
219 ~~Board~~ transfer to the department. Any reference to the former
220 Alabama Board of Massage Therapy, or any other name by which
221 that board has been known, in any existing law, contract, or
222 other instrument shall constitute a reference to the Alabama
223 ~~Massage Therapy Licensing Board~~ Advisory Council as created in
224 this chapter. All actions of the former Alabama Board of



SB136 Enrolled

225 Massage Therapy or the executive director of the former board
226 taken prior to ~~June 1, 2024~~ October 1, 2026, are approved,
227 ratified, and confirmed.

228 (3) The status of any individual or entity properly
229 licensed, accredited, or registered by the former Alabama
230 Board of Massage Therapy on ~~June 1, 2024~~ October 1, 2026,
231 shall continue under the jurisdiction of the ~~Alabama Massage~~
232 ~~Therapy Licensing Board~~ department.

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

235 a. Three active licensees appointed by the Governor.

236 b. Two active licensees appointed by the Lieutenant
237 Governor and one at-large member appointed by the Lieutenant
238 Governor.

239 c. Two active licensees appointed by the Speaker of the
240 House of Representatives and one at-large member appointed by
241 the Speaker of the House of Representatives.

242 (2) The seven active massage therapist licensee members
243 of the ~~board~~ advisory council shall be appointed so that not
244 more than one active licensee member from each United States
245 Congressional District in the state is appointed to serve at
246 the same time. The two members appointed from the state at
247 large shall have never been licensed as massage therapists nor
248 have had any direct financial interest in the massage therapy
249 profession. One of the at-large members shall have extensive
250 knowledge of sex trafficking and related law enforcement
251 efforts to defeat sex trafficking. The at-large member
252 appointed by the Lieutenant Governor and the at-large member



SB136 Enrolled

253 appointed by the Speaker of the House of Representatives shall
254 be appointed from a list of three names each provided by the
255 Minority Leader of the Senate and the Minority Leader of the
256 House of Representatives, respectively. The appointing
257 authorities shall coordinate their appointments to assure the
258 ~~board~~ advisory council membership is inclusive and reflects
259 the racial, gender, geographic, urban, rural, and economic
260 diversity of the state.

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

268 (c) Of the initial nine appointees to the ~~board~~
269 advisory council, three members shall be appointed for terms
270 of two years, three members shall be appointed for terms of
271 three years, and three members shall be appointed for terms of
272 four years as determined by lot. Thereafter, successors shall
273 be appointed for terms of four years, each term expiring on
274 June 30.

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



SB136 Enrolled

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

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

301 (g) (1) ~~Commencing on September 30, 2026, the board may~~
302 ~~employ, and at its pleasure discharge, an executive director~~
303 ~~in the unclassified service, officers, and employees subject~~
304 ~~to the state Merit System as necessary to implement this~~
305 ~~chapter.~~

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



SB136 Enrolled

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

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

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

324 ~~(k) (h) Members of the board are immune from liability~~
325 ~~for all good faith acts performed in the execution of their~~
326 ~~duties as members of the board~~ The members, officers,
327 executive director, employees, and representatives of the
328 advisory council shall be immune from suit and liability, both
329 personally and in their official capacity, for any claim for
330 damage to or loss of property or personal injury or other
331 civil liability caused by or arising out of any actual or
332 alleged act, error, or omission that occurred, or that the
333 individual against whom the claim is made had a reasonable
334 basis for believing occurred within the scope of advisory
335 council employment, duties, or responsibilities. Nothing in
336 this subsection shall be construed to protect any individual



SB136 Enrolled

337 from suit or liability for any damage, loss, injury, or
338 liability caused by the intentional, willful, or wanton
339 misconduct of that individual. The procurement of insurance of
340 any type by the advisory council does not in any way
341 compromise or limit the immunity granted by this subsection.

342 ~~(1) Appointees to the board shall take the~~
343 ~~constitutional oath of office and shall file the oath in the~~
344 ~~office of the Governor before undertaking any duties as a~~
345 ~~board member."~~

346 "§34-43A-6

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

348 (1) Establish qualifications for licensing and issue
349 licenses to successful applicants.

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

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

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

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

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



SB136 Enrolled

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

367 ~~(8)~~ (6) By rule, require massage therapists, massage
368 therapy establishments, and massage therapy schools to carry
369 professional and general liability insurance with an "A" rated
370 or better insurance carrier in the amount of at least one
371 million dollars (\$1,000,000). Proof of coverage shall be
372 provided to the ~~board~~ department upon request.

373 ~~(9)~~ (7) Perform other functions necessary and proper for
374 the performance of official duties.

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

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

379 ~~(2)~~ (1) Examine, license, and renew the licenses of
380 qualified applicants applying for a license as a massage
381 therapist, massage therapy establishment, or massage therapy
382 instructor.

383 ~~(3)~~ (2) Conduct investigations, hearings, and
384 proceedings concerning alleged violations of this chapter or
385 rules adopted pursuant to this chapter.

386 ~~(4)~~ (3) Issue subpoenas, compel the attendance of
387 witnesses, and administer oaths to individuals giving
388 testimony at hearings.

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

392 ~~(6)~~ (5) Keep a public record of all proceedings.



SB136 Enrolled

393 ~~(7)~~(6) Prescribe standards and approve curricula for
394 educational programs that prepare individuals for licensing
395 under this chapter.

396 ~~(8)~~(7) Provide for surveys and evaluations of
397 educational programs as the ~~board~~ department determines
398 necessary.

399 ~~(9)~~(8) By rule, establish criteria for certifying
400 massage therapy instructors.

401 ~~(10)~~(9) Adopt an annual budget and authorize necessary
402 expenditures from fees and other available appropriations.

403 ~~(11)~~(10) Adopt a code of ethics for massage therapists,
404 massage therapy instructors, and massage therapy
405 establishments.

406 ~~(12)~~(11) Provide for the inspection of the business
407 premises of any licensee, applicant, or individual or entity
408 advertising, offering to perform, or performing massage
409 therapy in the state during normal business hours.

410 ~~(13)~~(12) Establish standards for approved massage
411 therapy schools and a list of approved massage therapy
412 schools.

413 (c) The committee shall adopt and revise rules pursuant
414 to the Administrative Procedure Act as necessary for the
415 department to implement this chapter. All administrative rules
416 of the former Alabama Massage Therapy Licensing Board existing
417 on October 1, 2026, which reference Chapter 43A, unless in
418 conflict with existing law, shall remain in effect as rules of
419 the Alabama Massage Therapy Advisory Council until amended or
420 repealed by the committee."



SB136 Enrolled

421 "§34-43A-7

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

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

428 (c) A massage therapist may not advertise or offer to
429 perform services outside the scope of his or her expertise,
430 experience, and education for any client who is ill or has a
431 physical dysfunction, unless the services are performed in
432 conjunction with a licensed physician, physical therapist, or
433 chiropractor.

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

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

445 "§34-43A-8

446 (a) An individual desiring to be licensed as a massage
447 therapist shall apply to the ~~board~~ department on forms
448 provided by the ~~board~~ department. Unless licensed pursuant to



SB136 Enrolled

449 subsection (b), an applicant for a license shall submit
450 evidence satisfactory to the ~~board~~ department that he or she
451 has met all of the following requirements:

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

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

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

470 (4) Paid all applicable fees.

471 (5) Additional requirements as provided by rule.

472 (b) Notwithstanding the requirements listed in
473 subdivisions (a) (1) and (a) (2), the ~~board~~ department may
474 license an applicant who is licensed or registered to practice
475 massage therapy in another state if the standards of practice
476 or licensing of that state, at the time the applicant was



SB136 Enrolled

477 originally licensed or registered, were equal to or stricter
478 than the requirements imposed by this chapter. ~~All applicants~~
479 ~~may be subject to an initial in-person board hearing at the~~
480 ~~discretion of the board.~~

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

490 "§34-43A-9

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

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

496 (c) A massage therapy establishment shall contract with
497 or employ only licensed massage therapists to perform massage
498 therapy. Each establishment shall notify the ~~board~~ department
499 of every massage therapist who performs massage therapy at or
500 through the massage therapy establishment, and one of those
501 massage therapists shall be designated as the individual who
502 will ensure that the massage therapy establishment complies
503 with state law and all applicable administrative rules.

504 (d) A massage therapy establishment license is not



SB136 Enrolled

505 assignable or transferable.

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

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

520 (2) An applicant for a massage therapy establishment
521 license who is a massage therapist and has completed a
522 criminal history background check as required by the ~~board~~
523 department within the preceding two years shall be exempt from
524 completing the criminal history background check required in
525 subdivision (1).

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

529 (g) The physical location of a proposed massage therapy
530 establishment shall be subject to an initial inspection by the
531 ~~board~~ department before a massage therapy establishment
532 license is granted to the applicant. A massage therapy



SB136 Enrolled

533 establishment that provides only outcall massage therapy
534 services must designate a physical location at which records
535 and equipment are available for inspection."

536 "§34-43A-10

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

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

545 (c) The ~~board~~ department shall issue a license to each
546 individual who qualifies to be a massage therapist and to each
547 qualified applicant for a massage therapy establishment
548 license. A license issued by the ~~board~~ department grants all
549 professional rights, honors, and privileges relating to the
550 practice of massage therapy.

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

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



SB136 Enrolled

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

563 "§34-43A-11

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

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

573 (1) Submit evidence of satisfactory completion of the
574 continuing education requirements pursuant to Section
575 34-43A-19.

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

581 (c) Licenses are valid for two years from the date of
582 issuance. An individual whose license has expired and who has
583 ceased to practice massage therapy for a period of not longer
584 than five years may have his or her license reinstated upon
585 payment of a reactivation fee, the submission of a renewal
586 application, and evidence satisfactory to the ~~board~~ department
587 that the applicant has fulfilled continuing education
588 requirements, completed a criminal history background check as



SB136 Enrolled

589 provided in Section 34-43A-13(c), paid the criminal history
590 background check fee, and passed the examination.

591 "§34-43A-12

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

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

607 "§34-43A-13

608 (a) Any individual may file with the ~~board~~ department a
609 written complaint regarding an allegation of impropriety by a
610 massage therapist, massage therapy establishment, or other
611 individual or entity. Complaints shall be made in the manner
612 prescribed by the ~~board~~ department.

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



SB136 Enrolled

617 committed any of the following misconduct, the ~~board~~
618 department may suspend, revoke, probate, reprimand, otherwise
619 discipline, or refuse to issue or renew a license or impose a
620 civil penalty after notice and opportunity for a hearing
621 pursuant to the Administrative Procedure Act:

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

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

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

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

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

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

641 (7) Uses controlled substances or habitually and
642 excessively uses alcohol.

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



SB136 Enrolled

645 (9) Engaged in or attempted to or offered to engage a
646 client in sexual activity, including, but not limited to,
647 genital contact, within the client-massage therapist
648 relationship.

649 (10) Has knowingly allowed the massage therapy
650 establishment to be used as an overnight sleeping
651 accommodation.

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

655 (12) Was convicted of impersonating a massage therapist
656 in another jurisdiction.

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

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



SB136 Enrolled

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

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

690 ~~(d) An individual governed by this chapter who has a~~
691 ~~reasonable belief that another massage therapist has violated~~
692 ~~this chapter shall inform the board in writing within 30~~
693 ~~calendar days after the date the individual discovers this~~
694 ~~activity. Upon finding that an individual has violated this~~
695 ~~subsection by not informing the board as required, the board~~
696 ~~may do any of the following:~~

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

700 ~~(2) Suspend, probate, reprimand, otherwise discipline,~~



SB136 Enrolled

701 ~~or revoke the individual's license to practice massage~~
702 ~~therapy.~~

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

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

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

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

724 (2) Issue a cease and desist order.

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

728 ~~(h)~~ (g) (1) The ~~executive director~~ State Health Officer



SB136 Enrolled

729 may issue an emergency order suspending the operation of a
730 massage therapy establishment without a prior hearing when
731 public safety is at immediate risk. Public safety shall be
732 considered at immediate risk in any of the following
733 circumstances:

734 a. A law enforcement agency notifies the ~~board~~
735 department that the law enforcement agency is investigating a
736 massage therapy establishment for an offense under Section
737 13A-6-152, this chapter, or rules adopted by the ~~board~~
738 committee pursuant to this chapter.

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

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

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

750 e. Other circumstances as determined by the ~~board~~
751 department.

752 (2) Upon determining that an individual or entity
753 governed by this chapter has performed massage therapy or
754 operated a massage therapy establishment without a valid
755 license as provided in subsection (g), the ~~executive director~~
756 of the board State Health Officer may issue an emergency



SB136 Enrolled

757 order. If the ~~executive director~~ department believes a massage
758 therapy establishment is in violation of a local, municipal,
759 or other applicable law, the ~~executive director~~ department
760 shall notify local law enforcement of the possible violations.
761 An emergency order shall identify the massage therapy
762 establishment by its business name and state that the massage
763 therapy establishment is closed by order of the ~~board~~ State
764 Health Officer pursuant to this chapter and rules adopted by
765 the ~~board~~ committee pursuant to this chapter.

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

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

784 (5) A massage therapy establishment may not remove the



SB136 Enrolled

785 posted emergency order or reopen for business until the ~~board~~
786 department determines, after a physical inspection, that the
787 massage therapy establishment is in compliance with this
788 chapter and rules adopted by the ~~board~~ committee pursuant to
789 this chapter.

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

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

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

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

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

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

812 "§34-43A-14



SB136 Enrolled

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

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

822 "§34-43A-16

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

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

831 "§34-43A-18

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

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

839 (2) Register every two years with the ~~board~~ department
840 by submitting a renewal form, the renewal fee, and a current



SB136 Enrolled

841 curriculum and list of active massage therapy instructors
842 teaching at the school.

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

847 ~~(4)~~(3) Satisfy other standards as the ~~board~~ committee
848 may impose by rule.

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

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

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

862 (2) Submit to the ~~board~~ department a completed
863 application as prescribed by the ~~board~~ department and the
864 application fee.

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

868 "§34-43A-19



SB136 Enrolled

869 ~~(a) The board is subject to the Alabama Sunset Law of~~
870 ~~1981, and is classified as an enumerated agency pursuant to~~
871 ~~Section 41-20-3. The board shall automatically terminate on~~
872 ~~October 1, 2026, and every four years thereafter, unless~~
873 ~~continued pursuant to the Alabama Sunset Law.~~

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

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

884 Section 5. This act shall become effective October 1,
885 2026.



SB136 Enrolled

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB136

Senate 27-Jan-26

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 19-Feb-26

By: Senator Elliott