

SB136 INTRODUCED



1 SB136
2 YMEK42N-1
3 By Senator
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 13-Jan-26



SYNOPSIS:

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

This bill would provide for the continuance of the Alabama Massage Therapy Licensing Board until October 1, 2027, with the following changes: To place the board as a division within the Alabama Department of Public Health; to require the department to provide all necessary administrative services for the board; to authorize the State Health Officer to provide for an executive director and outside counsel for the board; and to transfer all property of the board to the department.

A BILL
TO BE ENTITLED
AN ACT



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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

"§34-43A-2

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



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

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

(3) DEPARTMENT. The Alabama Department of Public Health.

~~(3)~~ (4) EMERGENCY ORDER. The immediate suspension of a license without a hearing when the board determines that public safety is at immediate risk. An emergency order requires a licensee to cease practice pending a formal hearing. The term may also be referred to as the summary suspension of a license.

~~(4)~~ (5) EXAMINATION. The National Certification Board for Therapeutic Massage and Bodywork Examination or the Federation of State Massage Therapy Board's Massage and Bodywork Licensing Examination administered by an independent agency or another nationally or internationally accredited examination administered by an independent agency approved by the board, or state examination administered by the board or, at the discretion of the board, a state examination administered by the appropriate regulating body for massage therapy located in another state. The national examination shall be accredited by the National Commission for Certifying Agencies. The board may also administer a written, oral, or practical examination.

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



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the Alabama Massage Therapy Licensing Board.

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

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

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

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

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

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



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technique, structural integration, acupressure, or polarity therapy.

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

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

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

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

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

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

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



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

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

"§34-43A-5

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

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

1. Financial services;

2. Legal services;

3. Dedicated office space;

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

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

6. Necessary office furniture and supplies.

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



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administrative services provided by paragraph b.

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

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

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



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

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

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

a. Three active licensees appointed by the Governor.

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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