

SB136 INTRODUCED



1 SB136

2 YMEK42N-1

3 By Senator

4 RFD: Fiscal Responsibility and Economic Development

5 First Read: 13-Jan-26



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4 SYNOPSIS:

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

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

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25 A BILL

26 TO BE ENTITLED

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

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

54 "§34-43A-2

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



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

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



85 the Alabama Massage Therapy Licensing Board.

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

148 "§34-43A-5

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

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

155 1. Financial services;

156 2. Legal services;

157 3. Dedicated office space;

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

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

164 6. Necessary office furniture and supplies.

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



169 administrative services provided by paragraph b.

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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