



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

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A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to terminate the existence and functioning of the Alabama Board of Massage Therapy; to establish the Office of Occupational and Professional Licensing within the Department of Labor by adding Chapter 2B to Title 25, Code of Alabama 1975; to provide for the leadership, support, and oversight of occupational and professional licensing boards by the office; to provide for an executive director, deputy directors, and the employment of staff; to provide uniform standards for fees; to continue the existing licenses and rules of the Alabama Board of Massage Therapy under the new Alabama Massage Therapy Licensing Board created pursuant to a new Chapter 43A, Title 34, Code of Alabama 1975, and continued pursuant to the Sunset Law until October 1, 2026, under the initial temporary oversight of the Board of Nursing and then under the permanent oversight of the Office of Occupational and Professional Licensing; to provide for the membership and organization of the new Alabama Massage Therapy Licensing Board; to provide for the transfer of all powers, duties, rights, records, and property from the former massage therapy board to the new



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

29 board, executive director, and office; to temporarily extend
30 the renewal date of certain licenses and registrations issued
31 by the former massage therapy board; and to repeal Chapter 43,
32 Title 34, Code of Alabama 1975, providing for the Alabama
33 Board of Massage Therapy.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Pursuant to the Alabama Sunset Law, the
36 Sunset Committee recommends the termination of the Alabama
37 Board of Massage Therapy, with the additional recommendation
38 for statutory change as set out in Sections 2, 3, and 4.

39 Section 2. (a) The existence and functioning of the
40 Alabama Board of Massage Therapy, created and functioning
41 pursuant to Sections 34-43-1 through 34-43-21, Chapter 43 of
42 Title 34, Code of Alabama 1975, is terminated, and those code
43 sections are expressly repealed.

44 (b) (1) Commencing on June 1, 2024, the Alabama Board of
45 Massage Therapy shall be reconstituted as the Alabama Massage
46 Therapy Licensing Board and all duties and functions of the
47 board shall be temporarily assumed and performed by the Board
48 of Nursing pending the reconstitution of the Alabama Massage
49 Therapy Licensing Board as provided in Section 3.

50 Additionally, commencing on June 1, 2024, the Executive
51 Officer of the Board of Nursing shall temporarily assume and
52 perform all duties and functions of the position of executive
53 director for the Alabama Massage Therapy Licensing Board
54 pending the establishment of the Office of Occupational and
55 Professional Licensing and the appointment of the Executive
56 Director of the Office of Occupational and Professional



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

57 Licensing as provided in Section 4.

58 (2) All duties and functions temporarily assumed and
59 performed by the Board of Nursing pursuant to subdivision (1),
60 shall be transferred to the Alabama Massage Therapy Licensing
61 Board, as created by Chapter 43A of Title 34, Code of Alabama
62 1975, on or before November 1, 2024, and all duties and
63 functions temporarily assumed by the Executive Officer of the
64 Board of Nursing pursuant to subdivision (1) shall be
65 transferred to the Executive Director of the Office of
66 Occupational and Professional Licensing, as created by Chapter
67 2B of Title 25, Code of Alabama 1975, on or before November 1,
68 2024.

69 Section 3. Chapter 43A is added to Title 34 of the Code
70 of Alabama 1975, to read as follows:

71 §34-43A-1

72 This chapter shall be known and may be cited as the
73 Alabama Massage Therapy Licensing Act.

74 §34-43A-2

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

77 (1) ADVERTISE. To distribute a card, flier, sign, or
78 device to any individual or entity, or to allow any sign or
79 marking to be placed or broadcast on any building, radio,
80 television, the Internet, or through other electronic means or
81 to participate in the publication of any of these in a manner
82 designed to attract public attention.

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



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

85 (3) EXAMINATION. The National Certification Board for
86 Therapeutic Massage and Bodywork Examination or the Federation
87 of State Massage Therapy Board's Massage and Bodywork
88 Licensing Examination administered by an independent agency,
89 another nationally or internationally accredited examination
90 administered by an independent agency approved by the board,
91 or a state examination administered by the board. The national
92 examination shall be accredited by the National Commission for
93 Certifying Agencies. The board may also administer a written,
94 oral, or practical examination.

95 (4) EXECUTIVE DIRECTOR. The Executive Director of the
96 Office of Occupational and Professional Licensing as defined
97 in Section 25-2B-1.

98 (5) LICENSE. The credential issued by the board which
99 allows the holder to engage in the safe and ethical practice
100 of massage therapy.

101 (6) MASSAGE THERAPIST. An individual licensed pursuant
102 to this chapter who practices or administers massage therapy
103 or related touch therapy modalities to a client for
104 compensation.

105 (7) MASSAGE THERAPY ESTABLISHMENT. A site, premises, or
106 business where massage therapy is practiced by a massage
107 therapist.

108 (8) MASSAGE THERAPY INSTRUCTOR. A massage therapist who
109 is approved by the board to teach the practice of massage
110 therapy.

111 (9) MASSAGE THERAPY or RELATED TOUCH THERAPY
112 MODALITIES. a. The mobilization of the soft tissue, which may



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

113 include skin, fascia, tendons, ligaments, and muscles, for the
114 purpose of establishing and maintaining good physical
115 condition.

116 b. The term includes effleurage, petrissage,
117 tapotement, compression, vibration, stretching, heliotherapy,
118 superficial hot and cold applications, topical applications,
119 or other therapy that involves movement either by hand,
120 forearm, elbow, or foot, for the purpose of therapeutic
121 massage, and any massage, movement therapy, massage
122 technology, myotherapy, massotherapy, oriental massage
123 techniques, structural integration, acupressure, or polarity
124 therapy.

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

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

139 (10) MASSAGE THERAPY SCHOOL. A school, approved by the
140 board, where massage therapy is taught and which is one of the



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

141 following:

142 a. If located in Alabama, approved by the board as
143 meeting the minimum established standards of training and
144 curriculum as determined by the board and otherwise provided
145 in this chapter.

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

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

151 (11) SEXUALLY-ORIENTED BUSINESS. A sex parlor, massage
152 parlor, nude studio, modeling studio, love parlor, adult
153 bookstore, adult movie theater, adult video arcade, adult
154 motel, or other commercial enterprise which has the offering
155 for sale, rent, or exhibit, or the exhibit of, items or
156 services intended to provide sexual stimulation or sexual
157 gratification to the client.

158 (12) STUDENT. Any individual who is enrolled in a
159 massage therapy school.

160 §34-43A-3

161 Except as specifically provided by this chapter, no
162 individual may do any of the following unless licensed
163 pursuant to this chapter:

164 (1) Advertise that he or she performs massage therapy
165 or related touch therapy modalities.

166 (2) Hold himself or herself out to the public as a
167 massage therapist, using any name or description denoting
168 himself or herself as a massage therapist, or purporting to



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

169 have the skills necessary to perform massage therapy.

170 (3) Practice massage therapy.

171 §34-43A-4

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

174 (1) A student who is rendering massage therapy services
175 under the supervision of a massage therapy instructor, or any
176 other supervisory arrangement recognized and approved by the
177 board including, but not limited to, a temporary permit. A
178 student shall be designated by title clearly indicating his or
179 her training status.

180 (2) A qualified member of another profession who is
181 licensed and regulated under state law while in the course of
182 rendering services within the scope of his or her license,
183 provided that the individual does not represent himself or
184 herself as a massage therapist.

185 (3) An individual providing massages to his or her
186 immediate family.

187 (4) An individual offering massage therapy instruction
188 who is visiting from another state, territory, or country,
189 provided that the individual is licensed or registered as
190 required in his or her place of residence and holds
191 certification from a nationally recognized professional
192 accrediting organization approved by the board. A visiting
193 instructor may teach continuing education courses in this
194 state for up to 100 hours per year without being licensed by
195 the board. A visiting instructor who teaches continuing
196 education courses in this state for 100 hours or more per year



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

197 is required to be licensed by the board.

198 (5) Members of the Massage Emergency Rescue Team, or
199 any other nationally or internationally recognized disaster
200 relief association, who practice massage therapy in this state
201 only during a time declared by the Governor or the Legislature
202 to be a city, county, or state emergency. These therapists may
203 work in this state for a period of time approved by the board.

204 (6) A Native American healer using traditional healing
205 practices. A Native American healer who applies to the board
206 for a massage therapist license shall comply with all
207 licensing requirements.

208 (7) An individual acting under the supervision of a
209 physician, physical therapist, or chiropractor within the
210 scope of his or her license, provided that the individual does
211 not represent himself or herself as a massage therapist or
212 receive compensation as a massage therapist.

213 (8) The office of a chiropractor, physician, or
214 physical therapist which employs or contracts with a massage
215 therapist.

216 (b) Nothing in this chapter shall be construed to
217 authorize massage therapists to administer, dispense, or
218 prescribe drugs or engage in the practice of medicine in any
219 manner including, but not limited to, providing nutrition
220 advice or diagnosing or prescribing drugs for mental,
221 emotional, or physical disease, illness, or injury.

222 §34-43A-5

223 (a) (1) There is created the Alabama Massage Therapy
224 Licensing Board. Commencing on October 1, 2024, the board



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

225 shall be subject to the leadership, support, and oversight of
226 the Executive Director of the Office of Occupational and
227 Professional Licensing pursuant to Chapter 2B of Title 25.

228 (2) The purpose of the board is to protect the health,
229 safety, and welfare of the public by ensuring that massage
230 therapists, massage therapy establishment licensees, massage
231 therapy schools, and massage therapy instructors meet
232 prescribed standards of education, competency, and practice.
233 To accomplish the purposes of this mission, the board shall
234 establish standards to ensure completion of all board
235 functions in a timely and effective manner and to provide open
236 and immediate access to all relevant public information. The
237 board shall communicate its responsibilities and services to
238 the public as part of its consumer protection duties. The
239 board, upon the recommendation of the executive director,
240 shall develop and implement a long range plan to ensure
241 effective regulation and consumer protection.

242 (3) All rights, duties, records, property, real or
243 personal, and all other effects existing in the name of the
244 Alabama Board of Massage Therapy, formerly created and
245 functioning pursuant to Chapter 43, or in any other name by
246 which that board has been known, shall continue in the name of
247 the Alabama Massage Therapy Licensing Board under the
248 jurisdiction of the Office of Occupational and Professional
249 Licensing and the executive director. Any reference to the
250 former Alabama Board of Massage Therapy, or any other name by
251 which that board has been known, in any existing law,
252 contract, or other instrument shall constitute a reference to



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

253 the Alabama Massage Therapy Licensing Board as created in this
254 chapter. All actions of the former Alabama Board of Massage
255 Therapy or the executive director of the former board done
256 prior to June 1, 2024, are approved, ratified, and confirmed.

257 (4) The status of any individual or entity properly
258 licensed, **accredited,** or registered by the former Alabama
259 Board of Massage Therapy on June 1, 2024, shall continue under
260 the jurisdiction of the Alabama Massage Therapy Licensing
261 Board. Any license or registration subject to renewal on or
262 before October 1, 2024, pursuant to this chapter shall be
263 temporarily extended by three months, and may be temporarily
264 extended for two additional months if determined necessary by
265 the board, with the approval of the executive director.

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

268 a. Three active licensees appointed by the Governor.

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

272 c. Two active licensees **appointed by the Speaker of the**
273 **House of Representative** and one at-large member appointed by
274 the Speaker of the House of Representatives.

275 (2) The seven active massage therapist licensee members
276 of the board shall be appointed so that not more than one
277 active licensee member from each United States Congressional
278 District in the state is appointed to serve at the same time.
279 The two members appointed from the state at-large shall have
280 never been licensed as massage therapists nor have had any



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

281 direct financial interest in the massage therapy profession.
282 One of the at-large members shall have extensive knowledge of
283 sex trafficking and related law enforcement efforts to defeat
284 sex trafficking. The at-large member appointed by the
285 Lieutenant Governor and the at-large member appointed by the
286 Speaker of the House of Representatives shall be appointed
287 from a list of three names each provided by the Minority
288 Leader of the Senate and the Minority Leader of the House of
289 Representatives, respectively. The appointing authorities
290 shall coordinate their appointments to assure the board
291 membership is inclusive and reflects the racial, gender,
292 geographic, urban, rural, and economic diversity of the state.

293 (3) The members initially appointed to the board shall
294 be appointed effective July 1, 2024. Each board member shall
295 be selected upon personal merit and qualifications, not per
296 membership or affiliation with an association. Each board
297 member shall be a citizen of the United States and a resident
298 of this state for two years immediately preceding appointment.
299 No member of the board shall serve more than two full
300 consecutive terms.

301 (c) Of the initial nine appointees to the board, three
302 members shall be appointed for terms of two years, three
303 members shall be appointed for terms of three years, and three
304 members shall be appointed for terms of four years as
305 determined by lottery. Thereafter, successors shall be
306 appointed for terms of four years, each term expiring on June
307 30.

308 (d) Vacancies on the board occurring prior to the



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

309 expiration of a term shall be filled by the original
310 appointing authority within 30 days after the vacancy, to
311 serve for the remainder of the unexpired term. Each member of
312 the board shall serve until his or her successor has been duly
313 appointed and qualified.

314 (e) The board shall hold its first meeting on or before
315 August 1, 2024. At the initial meeting, and annually
316 thereafter in the month of October, the board shall elect a
317 chair and a vice chair from its membership. The board shall
318 hold quarterly meetings for the purpose of reviewing license
319 applications. The board may hold additional meetings at the
320 discretion of the chair and four members of the board. A
321 quorum of the board shall be a majority of the then serving
322 appointed board members. All meetings of the board shall be
323 recorded electronically and a copy of the recording shall be
324 made available, upon request, for 30 calendar days following
325 the date of the recording.

326 (f) An affirmative vote of a majority of the members of
327 the board shall be required to grant, suspend, or revoke a
328 license to practice massage therapy or a license to operate a
329 massage therapy establishment.

330 (g) The executive director, at the request of the
331 board, may remove a member of the board for misfeasance,
332 malfeasance, neglect of duty, commission of a felony,
333 incompetence, permanent inability to perform official duties,
334 or failing to attend two consecutive properly noticed meetings
335 within a one-year period.

336 (h) Members of the board are immune from liability for



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

337 all good faith acts performed in the execution of their duties
338 as members of the board.

339 (i) Within the first six months after appointment, each
340 new board member shall complete board member training provided
341 by the Department of Examiners of Public Accounts and Alabama
342 ethics training provided by the Alabama Ethics Commission.

343 (j) All appointees to the board shall take the
344 constitutional oath of office and shall file the oath in the
345 office of the Governor before undertaking any duties as a
346 board member. Upon receiving the oath, the Governor shall
347 issue a certificate of appointment to each appointee.

348 §34-43A-6

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

350 (1) Qualify applicants to take the licensing
351 examination and issue licenses to successful applicants.

352 (2) Adopt a seal and affix the seal to all licenses
353 issued by the board.

354 (3) Collect fees established by the executive director
355 and authorized by this chapter.

356 (4) Maintain a complete record of all massage
357 therapists and annually prepare a roster of the names and
358 addresses of those licensees. An electronic copy of the roster
359 shall be provided to any individual, upon request and the
360 payment of a fee established by the board in an amount
361 sufficient to cover the costs of production and distribution.

362 (5) Provide for the investigation of any individual who
363 is suspected of violating this chapter or rule of the board.

364 (6) Adopt and revise rules as necessary to implement



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

365 this chapter pursuant to the Administrative Procedure Act. All
366 administrative rules of the former Alabama Board of Massage
367 Therapy existing on June 1, 2024, which reference Chapter 43,
368 shall remain in effect as rules of the Alabama Massage Therapy
369 Licensing Board until amended or repealed by that board.

370 (7) Provide an electronic copy of this chapter, and any
371 amendment made to this chapter, to licensees and applicants
372 for licensing, upon request.

373 (8) 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 upon request.

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

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

382 (1) Accept or deny the application of any individual
383 applying for a license as a massage therapist or massage
384 therapy establishment license upon an affirmative vote of a
385 majority of the board.

386 (2) By rule, establish criteria for certifying massage
387 therapy instructors.

388 (3) Adopt a code of ethics.

389 (4) Provide for the inspection of the business premises
390 of any licensee during normal business hours.

391 (5) Establish a list of approved massage therapy
392 schools.



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

393 §34-43A-7

394 (a) No individual may perform the duties of a massage
395 therapist unless he or she holds a valid license issued by the
396 board.

397 (b) A massage therapist may not perform massage therapy
398 for a sexually-oriented business and shall be subject to all
399 sections of Article 3 of Chapter 12 of Title 13A.

400 (c) A massage therapist may not advertise or offer to
401 perform services outside of the scope of his or her expertise,
402 experience, and education for any client who is ill or has a
403 physical dysfunction, unless the services are performed in
404 conjunction with a licensed physician, physical therapist, or
405 chiropractor.

406 (d) A massage therapist or massage therapy
407 establishment licensee may not participate in the publication
408 of or advertise or offer to perform services on any sexually
409 explicit website or online platform that promotes
410 prostitution, sexually explicit services, or human
411 trafficking. The board shall report any alleged violation of
412 this subsection to local law enforcement for further
413 investigation and potential prosecution.

414 §34-43A-8

415 (a) An applicant for licensing as a massage therapist
416 shall apply to the board on forms provided by the executive
417 director. Unless licensed pursuant to subsection (b), an
418 applicant for a license shall submit evidence satisfactory to
419 the board that he or she has met all of the following
420 requirements:



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

421 (1)a. Completed a minimum of 650 hours of instruction
422 at a massage therapy school consisting of all of the
423 following:

424 1. One hundred hours of anatomy and physiology,
425 including 35 hours of myology, 15 hours of osteology, 10 hours
426 of circulatory system, and 10 hours of nervous system, with
427 the remaining 30 hours addressing other body systems, as
428 determined by the massage therapy school.

429 2. Two hundred fifty hours of basic massage therapy,
430 the contradistinctions of massage therapy, and related touch
431 therapy modalities, including a minimum of 50 hours of
432 supervised massage.

433 3. Fifty hours of business, hydrotherapy, first aid,
434 cardiopulmonary resuscitation, professional ethics, and state
435 massage therapy law.

436 4. Two hundred fifty hours of electives as determined
437 by the massage therapy school.

438 b. The board, by rule, may increase the minimum number
439 of hours of instruction required for a license, not to exceed
440 the number of hours recommended by the National Certification
441 Board for Therapeutic Massage and Bodywork, or a successor
442 organization approved by the board.

443 c. In addition to paragraphs a. and b., to perform
444 therapeutic massage on an animal, a massage therapist shall
445 have also graduated from a nationally approved program and
446 completed at least 100 hours of postgraduate training and
447 education in animal anatomy, pathology, and physiology for the
448 specific type of animal upon which he or she will perform



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

449 therapeutic massage.

450 (2) Successfully passed a state board examination or a
451 national standardized examination approved by the board. The
452 board may approve other state's exams on a case-by-case basis.

453 (3) Completed a criminal history background check as
454 required by the board.

455 (4) Paid all applicable fees.

456 (b) Notwithstanding the requirements listed in
457 subdivisions (1) and (2) of subsection (a), the board may
458 license an applicant who is licensed or registered to practice
459 massage therapy in another state if the standards of practice
460 or licensing of that state, at the time the applicant was
461 originally licensed or registered, were equal to or stricter
462 than the requirements imposed by this chapter. Before the
463 issuance of an initial license or renewal pursuant to this
464 subsection, an applicant may be subject to a hearing before
465 the board to obtain additional information from the applicant
466 that is relevant to the decision of the board in granting or
467 denying the license or renewal. All hearings under this
468 subsection shall be conducted pursuant to the Administrative
469 Procedure Act and failure of the applicant to appear at the
470 hearing may result in the denial of his or her application or
471 renewal.

472 (c) Upon receipt of an application, the board shall
473 notify the applicant that his or her application is pending.
474 If the board requires additional information from the
475 applicant, the board shall notify the applicant and the
476 applicant shall provide the requested information to the board



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

477 within 10 business days. The board shall also notify the
478 applicant of the approval or denial of his or her application.
479 If an application is denied, the board shall notify the
480 applicant in writing of the reasons for the denial.

481 §34-43A-9

482 (a) No massage therapy establishment shall operate in
483 this state without a license issued by the board.

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

487 (c) A massage therapy establishment shall contract with
488 or employ only licensed massage therapists to perform massage
489 therapy. Every massage therapist associated with or working at
490 a massage therapy establishment shall be registered with the
491 board and one of the licensed massage therapists shall be
492 designated as the licensee who ensures that the massage
493 therapy establishment complies with state law and all
494 applicable administrative rules.

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

497 (e) If the holder of a massage therapy establishment
498 license moves the location of the massage therapy
499 establishment without changing either the name or ownership of
500 that massage therapy establishment, the board shall waive the
501 new establishment license fee upon the receipt of appropriate
502 documentation from the licensee. The documentation required by
503 the board for the waiver shall be established by rule of the
504 board. This subsection shall not change the expiration date of



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

505 a massage therapy establishment license.

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

510 (2) An applicant for a massage therapy establishment
511 license, who is a massage therapist and has completed a
512 criminal history background check as required by the board
513 within the preceding two years, is exempt from completing the
514 criminal history background check required in subdivision (1).

515 (g) The physical location of a proposed massage therapy
516 establishment shall be subject to an initial inspection by the
517 board before a massage therapy establishment license is
518 granted to the applicant.

519 (h) If the physical location of a massage therapy
520 establishment is shut down by the board or by local, state, or
521 federal law enforcement, that physical location, for one year
522 following the closure, may not be licensed or operate as a
523 massage therapy establishment. After the one-year prohibition
524 expires, an applicant for a massage therapy establishment
525 license for that physical location must appear before the
526 board before his or her application may be approved or denied.

527 §34-43A-10

528 (a) An application for initial licensing or renewal of
529 a license shall be submitted on forms provided by the
530 executive director and accompanied by the applicable fee, as
531 provided in Section 34-43A-12, and a recent two-by-two inch
532 photograph showing a frontal view of the head and shoulders of



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

533 the applicant, taken no more than six months before
534 application. All documents shall be submitted in English.

535 (b) The board may deny the application of any applicant
536 who refuses to complete a criminal history background check as
537 required by the board pursuant to Section 34-43A-8(a)(3) or
538 Section 34-43A-9(f).

539 (c) Each license issued by the board to a qualified
540 massage therapist applicant or a massage therapy establishment
541 applicant shall be on a preprinted sequentially numbered form.
542 A license shall grant all professional rights, honors, and
543 privileges relating to the practice of massage therapy.

544 (d) Each massage therapist shall display his or her
545 license and photograph, as provided in subsection (a), in a
546 conspicuous manner as specified by rule of the board. Each
547 massage therapy establishment shall prominently post its
548 license, and the license and photograph of each massage
549 therapist, as provided in subsection (a), who practices at the
550 massage therapy establishment, in plain sight within the
551 massage therapy establishment.

552 (e) A license is the property of the board and shall be
553 surrendered upon demand of the board.

554 §34-43A-11

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

557 (1) Submit evidence of satisfactory completion of the
558 continuing education requirements pursuant to Section
559 34-43A-19.

560 (2) Complete a new criminal history background check



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

561 pursuant to rules adopted by the board. The board may deny the
562 application for renewal of any licensee who refuses to
563 complete a criminal history background check as required by
564 the board.

565 (b) An individual whose license has expired and who has
566 ceased to practice massage therapy for a period of not longer
567 than five years may have his or her license reinstated upon
568 payment of a renewal fee, payment of a reactivation fee,
569 payment of a late fee, and the submission of a renewal
570 application and evidence satisfactory to the board that the
571 applicant has fulfilled continuing education requirements,
572 completed a criminal history background check, and paid any
573 criminal history background check fees required by this
574 chapter.

575 §34-43A-12

576 (a) The executive director, by rule, shall assess and
577 collect all of the following fees:

578 (1) For an initial massage therapist license.

579 (2) For a biennial license renewal.

580 (3) For an initial, and for any renewal of, a massage
581 therapy establishment license.

582 (4) For an initial registration, and any renewal
583 registration, as a massage therapy school in this state.

584 (5) To register and renew registration as a massage
585 therapy instructor in this state.

586 (6) To reactivate an expired license.

587 (7) For a duplicate license certificate or a name
588 change on a license certificate. The board may issue a



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

589 duplicate certificate for each massage therapy establishment
590 on file with the board where the massage therapist practices
591 massage therapy. The board may issue additional duplicate
592 certificates only after receiving a sworn letter from the
593 massage therapist stating that an original certificate was
594 lost, stolen, or destroyed. The board shall maintain a record
595 of each duplicate certificate issued on a preprinted
596 sequentially numbered form, and the preprinted sequential
597 number of the original certificate shall be noted on the
598 duplicate certificate.

599 (b) Necessary administrative fees may be set by the
600 executive director including, but not limited to, reasonable
601 costs for copying, labels, and lists, and the actual costs for
602 completing a criminal history background check.

603 (c) All receipts collected by the board under this
604 chapter shall be deposited into the Occupational and
605 Professional Licensing Fund.

606 §34-43A-13

607 (a) Any individual may file with the board a written
608 complaint regarding an allegation of impropriety by a massage
609 therapist, massage therapy establishment, or other individual.
610 Complaints may be anonymous and shall be made in the manner
611 prescribed by the board. Complaints received by the board
612 shall be referred to a standing investigative committee
613 consisting of a board member, the executive director, the
614 board attorney, and the board investigator. If no probable
615 cause is found, the investigative committee may dismiss the
616 charges and provide a statement, in writing, to the massage



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

617 therapist, massage therapy establishment, or other individual
618 of the reasons for that decision. The statement may also
619 include the name of the complainant, upon request of the
620 massage therapist, massage therapy establishment, or other
621 individual to whom the written statement is provided.

622 (b) If probable cause is found, the board shall
623 initiate an administrative proceeding. Upon a finding that the
624 licensee has committed any of the following misconduct, the
625 board shall suspend, revoke, or refuse to issue or renew a
626 license or impose a civil penalty after notice and opportunity
627 for a hearing pursuant to the Administrative Procedure Act:

628 (1) The license was obtained by means of fraud,
629 misrepresentation, fraudulent transcripts, transcripts from a
630 non-approved school, invalidated examination scores, or
631 concealment of material facts, including making a false
632 statement on an application or any other document required by
633 the board for licensing.

634 (2) The licensee sold or bartered or offered to sell or
635 barter a license for a massage therapist or a massage therapy
636 establishment.

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

641 (4) The licensee has been convicted of a felony or of
642 any crime arising out of or connected with the practice of
643 massage therapy.

644 (5) The licensee has violated or aided and abetted in a



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

645 violation of this chapter.

646 (6) The licensee is adjudicated as mentally incompetent
647 by a court of law.

648 (7) The licensee uses controlled substances or
649 habitually and excessively uses alcohol.

650 (8) The licensee has engaged in false, deceptive,
651 sexually explicit, or misleading advertising.

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

656 (10) The licensee has knowingly allowed the massage
657 therapy establishment to be used as an overnight sleeping
658 accommodation.

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

662 (12) The applicant or licensee was convicted of
663 impersonating a massage therapist in another jurisdiction.

664 (c) (1) Subsequent to an official complaint, and for
665 other requirements established by this chapter, including for
666 the purpose of determining an applicant's suitability for a
667 license or the renewal of a license to practice massage
668 therapy, the board may request a criminal history background
669 check of the licensee. Each applicant shall submit a complete
670 set of fingerprints and a form, sworn to by the applicant,
671 providing written consent from the applicant for the release
672 of criminal history background check information to the board.



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

673 (2) The board shall submit the fingerprints and form
674 provided by each applicant to the Alabama State Law
675 Enforcement Agency (ALEA). The applicant may be fingerprinted
676 by ALEA at the time of the form submission. ALEA shall conduct
677 a check of state records and forward the fingerprints to the
678 FBI for a national criminal history background check.

679 (3) The results of the state and national criminal
680 history background check records shall be returned to the
681 board by ALEA.

682 (4) The board shall reimburse ALEA for conducting
683 criminal history background checks according to the fee
684 schedule adopted by the Alabama Justice Information
685 Commission.

686 (5) Any criminal history background check reports
687 received by the board from ALEA shall be marked confidential
688 and shall not be disclosed or made available for public
689 inspection. All criminal history background check reports
690 received pursuant to this section are specifically excluded
691 from any requirement of public disclosure as a public record.
692 Reports received may only be used for the purposes described
693 in this chapter. All information provided is subject to the
694 rules established by the Alabama Justice Information
695 Commission and Public Law 92-544. An individual that uses a
696 criminal history background check report for purposes other
697 than those provided in this chapter may be subject to criminal
698 charges under Sections 41-9-601 and 41-9-602.

699 (d) An individual governed by this chapter, who has a
700 reasonable belief that another massage therapist has violated



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

701 this chapter, shall inform the board in writing within 30
702 calendar days after the date the individual discovers this
703 activity. Upon finding that an individual has violated this
704 subsection, the board shall alert local law enforcement and
705 may do either of the following:

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

709 (2) Suspend or revoke the individual's license to
710 practice massage therapy.

711 (e) In addition to an administrative fine of not more
712 than ten thousand dollars (\$10,000), according to a
713 disciplinary infraction fine schedule adopted by rule of the
714 board, the license of any individual who has been convicted
715 of, or has entered a plea of nolo contendere to, a crime or
716 offense involving prostitution or any other type of sexual
717 offense shall be permanently revoked by the board following a
718 hearing conducted pursuant to the Administrative Procedure
719 Act.

720 (f) The massage therapy establishment license of any
721 massage therapy establishment wherein an individual has been
722 convicted of, or entered a plea of nolo contendere to, an
723 offense involving prostitution or any other type of sexual
724 offense against a client, or which the board determines is a
725 sexually-oriented business, shall be permanently revoked by
726 the board following a hearing conducted pursuant to the
727 Administrative Procedure Act.

728 (g) (1) Upon a finding that an individual, who is



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

729 governed by this chapter, has performed massage therapy
730 without having obtained a license, the board may do any of the
731 following:

732 a. Impose an administrative fine of not more than ten
733 thousand dollars (\$10,000).

734 b. Issue a cease and desist order.

735 c. Petition the circuit court of the county where the
736 act occurred to enforce the cease and desist order and collect
737 the assessed fine.

738 (2) Any individual aggrieved by any adverse action of
739 the board may appeal the action to the Circuit Court of
740 Montgomery County.

741 (h) The board shall present any incident of misconduct
742 to the local district attorney for review and appropriate
743 action.

744 (i) The board may adopt rules to implement and
745 administer this section upon the recommendation of the
746 executive director.

747 §34-43A-14

748 An individual who does not hold a license as a massage
749 therapist, physical therapist, chiropractor, or athletic
750 trainer, or a license for a massage therapy establishment,
751 shall not use the words massage or bodywork on any sign or
752 other form of advertising describing services performed by the
753 individual or within the establishment. Any advertisement by a
754 massage therapist or massage therapy establishment shall
755 contain the license number of the massage therapist or massage
756 therapy establishment.



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

757 §34-43A-15

758 Any individual who violates this chapter shall be
759 guilty of a Class C misdemeanor.

760 §34-43A-16

761 (a) In addition to any criminal penalty prescribed by
762 this chapter, the board may seek an injunction against any
763 individual or establishment found in violation of this
764 chapter.

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

769 §34-43A-17

770 (a) Except as otherwise provided in subsection (b),
771 this chapter shall supersede any regulation adopted by a
772 political subdivision of the state related to the licensing or
773 regulation of massage therapists and massage therapy
774 establishments.

775 (b) This section shall not affect:

776 (1) Local regulations relating to zoning requirements
777 or occupational license taxes pertaining to massage therapists
778 and massage therapy establishments.

779 (2) Local regulations that do not relate to the
780 practice of massage therapy by qualified individuals.

781 (c) A county, or a municipality within its
782 jurisdiction, may regulate individuals licensed pursuant to
783 this chapter. Regulation shall be consistent with this chapter
784 and shall not supersede this chapter. This section shall not



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

785 be construed to prohibit a county or municipality from
786 regulating individuals not licensed pursuant to this chapter.

787 §34-43A-18

788 (a) To be approved by the board, a massage therapy
789 school shall meet all of the following requirements:

790 (1) Submit to the board a completed application
791 prescribed by the executive director and the registration fee
792 specified in Section 34-43A-12.

793 (2) Provide documentation of a curriculum which
794 includes a minimum number of required hours of instruction in
795 the subjects required by Section 34-43A-8.

796 (3) Register with the board by submitting a renewal
797 form, the renewal fee specified in Section 34-43A-12, and a
798 then current curriculum and list of active massage therapy
799 instructors teaching at the school.

800 (4) On or before July 1, 2025, be certified by the
801 National Certification Board for Therapeutic Massage and
802 Bodywork as an assigned school.

803 (b) Every massage therapy instructor teaching a course
804 in massage therapy at a massage therapy school located in this
805 state shall be licensed by the board as a massage therapist
806 and registered as a massage therapy instructor. Instructors
807 who are not teaching massage therapy do not need to be
808 registered. An adjunct massage therapy instructor shall be
809 dually licensed in the state where he or she resides or be
810 nationally certified, or both.

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



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

813 (1) Be currently licensed as a massage therapist in
814 this state.

815 (2) Submit to the board a completed application as
816 prescribed by the executive director and the application fee
817 specified in Section 34-43A-12.

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

821 §34-43A-19

822 (a) The board is subject to the Alabama Sunset Law of
823 1981 and is classified as an enumerated agency pursuant to
824 Section 41-20-3. The board shall automatically terminate on
825 October 1, 2026, and every four years thereafter, unless
826 continued pursuant to the Alabama Sunset Law.

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

834 Section 4. Chapter 2B is added to Title 25 of the Code
835 of Alabama 1975, to read as follows:

836 CHAPTER 2B. OFFICE OF OCCUPATIONAL AND PROFESSIONAL
837 LICENSING.

838 §25-2B-1

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



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

841 (1) BOARD. A board, commission, or other entity
842 established for the primary purpose of licensing and
843 regulating a specific occupation or profession that is subject
844 to oversight and administration by the Office of Occupational
845 and Professional Licensing of the Department of Labor.

846 (2) EXECUTIVE DIRECTOR. The individual appointed by the
847 Secretary of Labor as executive director of the office.

848 (3) FUND. The Occupational and Professional Licensing
849 Fund created by this chapter.

850 (4) LICENSE. The certificate or license issued to an
851 individual that certifies he or she is qualified to perform a
852 particular occupation or profession. The term includes a
853 certificate of registration, temporary license, or similar
854 formal grant of permission.

855 (5) OFFICE. The Office of Occupational and Professional
856 Licensing within the Department of Labor, responsible for the
857 oversight and administration of certain occupational and
858 professional licensing boards.

859 §25-2B-2

860 (a) There is created within the Department of Labor the
861 Office of Occupational and Professional Licensing. The mission
862 of the office is to protect the health, safety, and welfare of
863 the public by licensing qualified individuals and entities and
864 enforcing standards of professional conduct for professions
865 and occupations.

866 (b) (1) The Secretary of Labor shall appoint and shall
867 set the qualifications for an executive director and shall
868 appoint deputy directors, as needed, who shall act in the



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

869 absence of the executive director and who shall perform other
870 functions of the executive director as the executive director
871 may direct. The executive director and deputy directors shall
872 serve in the exempt service. The compensation of the executive
873 director and deputy directors shall be fixed by the Secretary
874 of Labor, and they shall hold office at the pleasure of the
875 Secretary of Labor.

876 (2) The executive director may employ additional
877 personnel, including administrative law judges, attorneys, and
878 investigators, as necessary to carry out this chapter and to
879 provide leadership, support, and oversight required for each
880 board to exercise its powers and fulfill its duties. Except as
881 otherwise provided in this chapter, all personnel shall be
882 subject to the state Merit System Act.

883 (c) An individual hired to conduct investigations for
884 the boards shall meet standards established by the executive
885 director.

886 §25-2B-3

887 (a) The executive director, with the approval of the
888 Secretary of Labor, may enter into and terminate contracts on
889 behalf of the office or any board, subject to the State
890 Procurement Law, as necessary to implement this chapter.

891 (b) The rights, privileges, entitlements, or duties of
892 parties to contracts, leases, agreements, or other
893 transactions entered into by a board on or before the date a
894 board becomes subject to this chapter shall continue to exist
895 and shall not be impaired or diminished by reason of the board
896 being subject to this chapter. After the date a board becomes



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

897 subject to this chapter, no existing agreement or contract
898 between a board and a third party may be renewed or otherwise
899 amended unless the agreement or contract complies with this
900 chapter.

901 §25-2B-4

902 On the date a board becomes subject to this chapter,
903 all the rights, duties, assets, employees, records,
904 liabilities, property, real or personal, and all other effects
905 existing in the name of each board shall be transferred to,
906 and under the jurisdiction of, the office. By resolution, a
907 board may transfer its rights, duties, assets, employees,
908 records, liabilities, property, or other effects to the office
909 before the date specified by this act if approved by the
910 Secretary of Labor or the executive director.

911 §25-2B-5

912 (a) The Occupational and Professional Licensing Fund is
913 created within the State Treasury. The office shall collect,
914 on behalf of each board, all funds the board is entitled to
915 receive. Collected funds shall be deposited into the fund and
916 shall be used to implement this chapter and perform required
917 board functions. The executive director shall allocate and
918 disburse funds budgeted and allotted pursuant to the Budget
919 Management Act and Article 4 of Chapter 4 of Title 41.

920 (b) For purposes of this section, required board
921 functions include the maintenance of existing board programs
922 that benefit an occupation or profession including, but not
923 limited to, grant, wellness, and training programs, if the
924 executive director determines that maintenance of the program



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

925 will not require a material increase in any fee collected by
926 the office. The authority provided by this subsection shall
927 expire on September 31, 2028.

928 §25-2B-6

929 (a) The executive director shall possess all powers
930 necessary and proper to provide administrative support and
931 oversight to each board, including all of the following:

932 (1) To serve as the custodian of all board records.

933 (2) To receive and process all license applications.

934 (3) By rule, to set all administrative fees including,
935 but not limited to, application, license, renewal,
936 examination, and wellness program fees and set the dates,
937 times, and locations of license examinations.

938 (4) To schedule the time and place for all hearings.

939 (5) To issue all licenses.

940 (6) To conduct investigations on behalf of each board
941 and issue subpoenas when authorized.

942 (7) To collect all fees, fines, and other monies due
943 each board and deposit all monies collected into the fund.

944 (8) To implement and enforce the rules and
945 administrative decisions of each board.

946 (b) All board orders shall be signed and attested to by
947 the executive director, or his or her designee, in the name of
948 the applicable board, with the seal of that board attached.
949 Any notice or legal process necessary to be served upon a
950 board may be served upon the executive director.

951 (c) Any document, material, or other information in the
952 possession or control of the office that is obtained by or



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

953 disclosed in the course of an application, examination, or
954 investigation is confidential, privileged, and not subject to
955 subpoena or discovery.

956 §25-2B-7

957 (a) Each board member shall be paid a per diem amount
958 of one hundred dollars (\$100) for each day spent attending a
959 board meeting or other official function of the board and
960 shall be reimbursed for travel expenses at the same rate and
961 under the same circumstances as a state employee is paid for
962 each day he or she attends to business of the board. A board
963 member's request for per diem or reimbursement of travel
964 expenses is subject to approval by the executive director.

965 (b) Board meetings and hearings shall be held in the
966 City of Montgomery at a site determined by the executive
967 director, or at a different site upon request of the chair and
968 approval by the executive director.

969 (c) Nothing in this chapter shall be construed to alter
970 the requirements of the Open Meetings Act, Chapter 25A, Title
971 36.

972 §25-2B-8

973 (a) The executive director shall adopt rules pursuant
974 to the Alabama Administrative Procedure Act relating to
975 administrative fees and to the administration of examinations
976 of applicants for licensing by each board pursuant to Section
977 25-2B-6. The rules may provide for the setting of fees, dates,
978 times, and locations of examinations and other similar matters
979 related to the administration of an examination.

980 (b) Nothing in this chapter shall preclude a board from



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

981 adopting rules to establish examination standards including,
982 but not limited to, criteria, grading procedures, passing
983 score requirements, and other matters pertaining to
984 substantive material included on an examination.

985 (c) A board, by rule, may establish examination
986 standards developed in agreement or in conjunction with a
987 national association of state boards, or other related
988 national association, for the administration of a nationally
989 recognized uniform examination.

990 (d) Rules adopted by a board before the date of
991 transfer to the office, that are under the jurisdiction of the
992 executive director, shall continue in effect until the
993 executive director expressly amends, repeals, or adopts new
994 rules pursuant to the Alabama Administrative Procedure Act.

995 §25-2B-9

996 (a) The executive director, by rule, may establish
997 administrative fees necessary for the operation of a board
998 including, but not limited to, an application fee, original
999 license fee, license renewal fee, inspection fee, permit fee,
1000 wellness program fee, and late penalty fee. Each fee shall be
1001 reasonable and shall be determined in a manner that the total
1002 amount of fees charged by the board shall approximate the
1003 total of the direct and indirect costs to the state of the
1004 operations of the board. Fees may be refunded as determined by
1005 the executive director.

1006 (b) The executive director, by rule, shall determine
1007 the term, expiration, renewal period, and late penalty dates
1008 for each license issued by a board through the office.



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

1009 §25-2B-10

1010 (a) The executive director, on behalf of each board,
1011 may issue or deny a temporary license to an applicant who
1012 otherwise satisfies all of the qualifications and criteria
1013 required for the issuance of a license.

1014 (1) If a temporary license is issued to an applicant by
1015 the executive director, that decision shall be reviewed by the
1016 applicable board at the next meeting of the board, during
1017 which time the board may decide to grant or deny a full
1018 license to the temporary licensee.

1019 (2) If the executive director denies issuing a
1020 temporary license to an applicant, that decision shall be
1021 reviewed by the applicable board at the next meeting of the
1022 board, during which time the board may decide to grant or deny
1023 a full license to the applicant.

1024 (b) The executive director, on behalf of each board,
1025 may temporarily renew a license pursuant to criteria
1026 established by the board for the renewal of a license. A
1027 temporary renewal issued by the executive director shall be
1028 reviewed by the applicable board at the next meeting of the
1029 board, during which time the board may decide to grant or deny
1030 the license renewal.

1031 §25-2B-11

1032 Each board remains subject to the Alabama
1033 Administrative Procedure Act. Any rule adopted, amended, or
1034 repealed by a board, as authorized by this chapter, shall be
1035 approved by the executive director before certification
1036 pursuant to Section 41-22-6. An emergency rule shall be



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

1037 approved before filing pursuant to Section 41-22-5.

1038 §25-2B-12

1039 (a) Nothing in this chapter shall be construed to
1040 invalidate, override, or amend the Military Family Jobs
1041 Opportunity Act, Section 31-1-6, or any licensing compact
1042 entered into by this state or any board.

1043 (b) The provisions of this chapter are cumulative and
1044 supplemental and shall be construed in pari materia with other
1045 laws relating to the boards placed under the oversight of the
1046 office pursuant to this chapter. Those laws or parts of laws
1047 in direct conflict or inconsistent with this chapter are
1048 superseded to the extent of the conflict or inconsistency.

1049 §25-2B-13

1050 (a) Each board shall continue to be subject to the
1051 Alabama Sunset Law in the same manner and the same schedule as
1052 provided by law.

1053 (b) Commencing with the 2028 Regular Session of the
1054 Legislature, and every fourth regular session thereafter, the
1055 Secretary of Labor, through the executive director of the
1056 office, shall submit to the cochairs of the Alabama Sunset
1057 Committee, a report recommending the continuation,
1058 consolidation, or termination of those boards regulated by
1059 this chapter.

1060 Section 5. The Legislature concurs in the
1061 recommendations of the Sunset Committee as provided in
1062 Sections 1 through 4.

1063 Section 6. Sections 1 through 3 and 5 shall become
1064 effective June 1, 2024. Section 4 shall become effective



**House Boards, Agencies and Commissions Reported
Substitute for SB137**

1065 October 1, 2024.