



GOV. MSG. NO. 1248

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 29, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 29, 2016, the following bill was signed into law:

SB2863 SD2 HD1 CD1

RELATING TO CITATIONS FOR MASSAGE
THERAPY VIOLATIONS
ACT 146 (16)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

JUN 29 2016

on _____
THE SENATE
TWENTY-EIGHTH LEGISLATURE, 2016
STATE OF HAWAII

ACT 146
S.B. NO. 2863
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 452, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§452- Citation for licensee violations; fines. (a) In
5 addition to any other remedy available under this chapter, the
6 department of commerce and consumer affairs may issue a citation
7 to any person who holds a massage therapist or massage therapy
8 establishment license issued by the board, or is designated the
9 principal massage therapist by the massage therapy
10 establishment, for any of the following violations of this
11 chapter or the rules adopted pursuant to this chapter and
12 chapter 91:

13 (1) Failure of a massage therapy establishment, during all
14 hours of operation, to conspicuously display a current
15 massage therapy establishment license and the current
16 licenses and permits of all persons employed by the
17 massage therapy establishment who engage in the
18 practice of massage therapy;



- 1 (2) Failure of a principal massage therapist to ensure
- 2 that every massage therapist apprentice who engages in
- 3 the practice of massage therapy at the massage therapy
- 4 establishment wears a conspicuously placed name tag
- 5 stating the massage therapist apprentice's name and
- 6 the word "apprentice" during all hours of operation;
- 7 (3) Operation of a massage therapy establishment without
- 8 the presence of a principal massage therapist or a
- 9 licensed designee during all hours of operation; or
- 10 (4) Failure of a massage therapist or massage therapy
- 11 establishment to include the respective massage
- 12 therapist's or massage therapy establishment's current
- 13 license number in any advertisement pursuant to
- 14 section 452-23(b).
- 15 (b) Each citation:
- 16 (1) Shall be in writing and describe the basis of the
- 17 citation, including the specific statute or rule
- 18 violated;
- 19 (2) May contain an order of abatement and the assessment
- 20 of a fine in the amount of \$250 for each violation;



1 (3) Shall be served on the licensee by personal service;
2 and

3 (4) Shall inform the licensee that the licensee may submit
4 a written request to the board for a hearing to
5 contest the citation, within twenty calendar days from
6 the service of the citation.

7 (c) If the licensee timely submits a written request to
8 the board for a hearing, the board may designate a hearings
9 officer to conduct the hearing in accordance with chapter 91.

10 (d) If the licensee does not timely submit a written
11 request to the board for a hearing, the citation shall be deemed
12 a final order of the board.

13 (e) Failure of a licensee to pay any assessed fine within
14 thirty calendar days, unless the licensee contests the citation,
15 may result in further disciplinary action by the board."

16 SECTION 2. Section 452-1, Hawaii Revised Statutes, is
17 amended by adding a new definition to be appropriately inserted
18 and to read as follows:

19 "Principal massage therapist" means a massage therapist
20 designated by an establishment or an out-call massage service as
21 the person in charge."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2016.

APPROVED this 29 day of JUN, 2016



GOVERNOR OF THE STATE OF HAWAII