
A BILL FOR AN ACT

RELATING TO MASSAGE THERAPISTS.

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

1 PART I

2 SECTION 1. Section 452-6, Hawaii Revised Statutes, is
3 amended by amending subsection (a) to read as follows:

4 "(a) The board shall adopt rules pursuant to chapter 91
5 for the purposes of this chapter[-], including qualifications
6 for licensure as a massage therapist and standards for renewal
7 of massage therapist licenses."

8 SECTION 2. Section 452-15, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§452-15 Licenses. If an applicant for an examination for
11 massage therapist passes the examination to the satisfaction of
12 the board[-] and meets the requirements for licensure contained
13 in this chapter and rules adopted by the board, the board shall
14 issue a license to that effect, signed by the chairperson. The
15 license shall be evidence that the person to whom it is issued
16 is entitled to follow the practice stipulated therein as
17 prescribed in this chapter. The license shall not be



1 transferable and shall be conspicuously displayed in the place
2 of business or employment."

3 SECTION 3. Section 452-16, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§452-16 Renewal of license; continuing education
6 requirements; failure to renew; fees. (a) Massage therapist
7 and massage therapy establishment licenses shall expire on June
8 30 of each even-numbered year following the date of issuance
9 unless renewed for the next biennium. These licenses may be
10 renewed by filing an application therefor, accompanied by a
11 renewal fee. The application shall be made between May 1 and
12 June 30 of each even-numbered year.

13 (b) To be eligible for license renewal, a massage
14 therapist shall complete twelve hours of continuing education
15 within the two-year period preceding the license date; provided
16 that two hours shall be in first aid, cardiac pulmonary
17 resuscitation, or related classes.

18 (c) Failure to apply for renewal as provided in this
19 section shall constitute a forfeiture of the license as of the
20 date of expiration. Any license so forfeited may be restored
21 within one year after expiration upon the filing of an



1 application in the same manner and payment of a penalty fee in
2 addition to all delinquent fees. Thereafter, the person shall
3 apply as a new applicant and the board may require the person to
4 take and pass the examination and satisfy all requirements for
5 the examination, including training, if the board is not
6 satisfied that the person possesses current knowledge and skills
7 for the practice of massage therapy."

8 PART II

9 SECTION 4. Section 452-23, Hawaii Revised Statutes, is
10 amended by amending its title and subsections (a) and (b) to
11 read as follows:

12 "~~§452-23 Advertising[-]; penalties.~~ (a) It is a
13 misdemeanor for any person, including a person who is exempt by
14 section 452-21 from this chapter, to advertise with or without
15 any limiting qualifications as a massage therapist unless the
16 person holds a valid license under this chapter. Further, it
17 shall be a violation of this chapter for any person to
18 advertise:

19 (1) As a massage therapist or a massage therapy
20 establishment unless the person holds a valid license



- 1 under this chapter in the classification so
2 advertised;
- 3 (2) By combining advertising for a licensed massage
4 therapy service with escort or dating services;
- 5 (3) As performing massage in a form in which the person
6 has not received training, or of a type which is not
7 licensed or otherwise recognized by statute or
8 administrative rule;
- 9 (4) By using in any mass distribution, print
10 advertisements such as newspaper advertisements, or
11 telephone directory listings, internet and social
12 media platforms, pictures depicting the human form
13 other than hands, wrists, and forearms;
- 14 (5) By using any term other than therapeutic massage or
15 massage therapy to refer to the service; or
- 16 (6) By referring to any personal physical qualities of the
17 practitioner.

18 "Advertise" as used in this section includes [7] but is not
19 limited to [7] the issuance of any card, sign, or device to any
20 person; the causing, permitting, or allowing of any sign or
21 marking on or in any building, vehicle or structure; advertising



1 in any newspaper or magazine; advertising on any website, blog,
2 or social media platform otherwise in compliance with federal
3 and state laws or regulations; any listing or advertising in any
4 directory under a classification or heading that includes the
5 word "massage therapist" or "massage therapy establishment"; or
6 commercials broadcast by airwave transmission.

7 (b) A massage therapist or massage therapy establishment
8 may advertise on the internet, in print, or broadcast medium, as
9 defined in subsection (a) only if the massage therapist or
10 massage therapy establishment includes in the advertisement or
11 listing the massage therapist's or massage therapy
12 establishment's applicable and current license number, and
13 provides written evidence of the number's validity to the
14 publisher or producer of the advertising medium. The publisher
15 or producer of a print or broadcast advertising medium shall
16 refuse to publish or broadcast an advertisement or listing for a
17 massage therapist or massage therapy establishment that does not
18 comply with the provisions of this subsection. A publisher or
19 producer who obtains a signed statement from the massage
20 therapist or massage therapy establishment [~~which~~] that states
21 that the massage therapist or massage therapy establishment has



1 read the text of the advertisement or listing, has an applicable
2 and current massage therapist or massage therapy establishment
3 license for the services advertised, has included all applicable
4 and current license numbers in the advertisement or listing, and
5 is aware of civil and criminal penalties for advertising as a
6 massage therapist or massage therapy establishment without a
7 valid license, shall be entitled to a rebuttable presumption of
8 compliance with this subsection."

9 PART III

10 SECTION 5. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 6. If any provision of this Act, or the
14 application thereof to any person or circumstance, is held
15 invalid, the invalidity does not affect other provisions or
16 applications of the Act that can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this Act are severable.

19 SECTION 7. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



H.B. NO. 2201

1 SECTION 8. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:

Jida Cebornilla Arakawa
John M. [Signature]

JAN 21 2020



H.B. NO. 2201

Report Title:

Massage Therapists; Licensing; License Renewal; Internet Advertising

Description:

Requires the Board of Massage Therapy to adopt rules to set qualifications for license and licensure renewal. Prohibits advertising as a massage therapist without a valid massage therapy license or from using advertisements on the internet and social media platforms that depict the human form other than hands, wrists, and forearms.

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