

Honolulu, Hawaii

FEB 07, 2020

RE: H.B. No. 2322
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Intrastate Commerce, to which was referred
H.B. No. 2322 entitled:

"A BILL FOR AN ACT RELATING TO MASSAGE THERAPY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize the Board of Massage Therapy to adopt and enforce sanitary rules for massage establishments;
- (2) Repeal statutory language that classifies the unlicensed operation of a massage therapy establishment as a petty misdemeanor in favor of existing statutory language that treats unlicensed activity as a misdemeanor; and
- (3) Increase the minimum fine from \$100 to \$250 and the maximum fine from \$1,000 to \$2,000 for each violation of massage therapy laws.

Your Committee received testimony in support of this measure from the Board of Massage Therapy, American Massage Therapy Association-Hawaii Chapter, and one individual.

Your Committee finds that in October 2018, the sanitation rules for massage establishments under the Department of Health



were repealed. Since that time massage therapy establishments have not been required to comply with any sanitation requirements. Your Committee further finds that the Board of Massage Therapy lacks the statutory authority to adopt and enforce sanitation rules. This measure protects the public by granting rulemaking authority to and clarifying enforcement powers of the Board of Massage Therapy.

Your Committee has amended this measure by:

- (1) Requiring, rather than permitting, the Board of Massage Therapy to adopt and enforce sanitary rules for massage therapy establishments;
- (2) Inserting a savings clause;
- (3) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Intrastate Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2322, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2322, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Intrastate
Commerce,



TAKASHI OHNO, Chair



