A BILL FOR AN ACT

RELATING TO MASSAGE THERAPISTS.

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

PART I

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

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

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

"§452-15 Licenses. If an applicant for an examination for massage therapist passes the examination to the satisfaction of the board and meets the requirements for licensure contained in this chapter and rules adopted by the board, the board shall issue a license to that effect, signed by the chairperson. The license shall be evidence that the person to whom it is issued is entitled to follow the practice stipulated therein as prescribed in this chapter. The license shall not be
transferable and shall be conspicuously displayed in the place
of business or employment."

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

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

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

(c) Failure to apply for renewal as provided in this
section shall constitute a forfeiture of the license as of the
date of expiration. Any license so forfeited may be restored
within one year after expiration upon the filing of an
application in the same manner and payment of a penalty fee in addition to all delinquent fees. Thereafter, the person shall apply as a new applicant and the board may require the person to take and pass the examination and satisfy all requirements for the examination, including training, if the board is not satisfied that the person possesses current knowledge and skills for the practice of massage therapy."

PART II

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

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

(1) As a massage therapist or a massage therapy establishment unless the person holds a valid license
under this chapter in the classification so advertised;

(2) By combining advertising for a licensed massage therapy service with escort or dating services;

(3) As performing massage in a form in which the person has not received training, or of a type which is not licensed or otherwise recognized by statute or administrative rule;

(4) By using in any mass distribution, print advertisements such as newspaper advertisements, or telephone directory listings, internet and social media platforms, pictures depicting the human form other than hands, wrists, and forearms;

(5) By using any term other than therapeutic massage or massage therapy to refer to the service; or

(6) By referring to any personal physical qualities of the practitioner.

"Advertise" as used in this section includes[\textsuperscript{7}] but is not limited to[\textsuperscript{7}] the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure; advertising
in any newspaper or magazine; advertising on any website, blog,
or social media platform otherwise in compliance with federal
and state laws or regulations; any listing or advertising in any
directory under a classification or heading that includes the
word "massage therapist" or "massage therapy establishment"; or
commercials broadcast by airwave transmission.

(b) A massage therapist or massage therapy establishment
may advertise on the internet, in print, or broadcast medium, as
defined in subsection (a) only if the massage therapist or
massage therapy establishment includes in the advertisement or
listing the massage therapist's or massage therapy
establishment's applicable and current license number, and
provides written evidence of the number's validity to the
publisher or producer of the advertising medium. The publisher
or producer of a print or broadcast advertising medium shall
refuse to publish or broadcast an advertisement or listing for a
massage therapist or massage therapy establishment that does not
comply with the provisions of this subsection. A publisher or
producer who obtains a signed statement from the massage
therapist or massage therapy establishment [which] that states
that the massage therapist or massage therapy establishment has
read the text of the advertisement or listing, has an applicable and current massage therapist or massage therapy establishment license for the services advertised, has included all applicable and current license numbers in the advertisement or listing, and is aware of civil and criminal penalties for advertising as a massage therapist or massage therapy establishment without a valid license, shall be entitled to a rebuttable presumption of compliance with this subsection."

PART III

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

SECTION 6. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.
SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect on July 1, 2050.
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. Effective 7/1/2050. (HD1)

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