



**Substitute House Bill No. 5455**

**Public Act No. 12-64**

**AN ACT CONCERNING PENALTIES FOR AND THE INVESTIGATION OF THE OPERATION OF ILLEGAL MASSAGE ESTABLISHMENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 20-206b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) No person shall engage in the practice of massage therapy unless the person has obtained a license from the department pursuant to this section. Each person seeking licensure as a massage therapist shall make application on forms prescribed by the department, pay an application fee of three hundred seventy-five dollars and present to the department satisfactory evidence that the applicant: (1) Has graduated from a school of massage therapy offering a course of study of not less than five hundred classroom hours, with the instructor present, and, at the time of the applicant's graduation, was either (A) accredited by an agency recognized by the United States Department of Education or by a state board of postsecondary technical trade and business schools, or (B) accredited by the Commission on Massage Therapy Accreditation, and (2) has passed the National Certification Examination for Therapeutic Massage and Bodywork. Passing scores on the examination shall be prescribed by the department.

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(b) Licenses shall be renewed once every two years in accordance with the provisions of section 19a-88. The fee for renewal shall be two hundred fifty dollars. No license shall be issued under this section to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint in this or any other state or jurisdiction. Any certificate granted by the department prior to June 1, 1993, shall be deemed a valid license permitting continuance of profession subject to the provisions of this chapter.

(c) (1) Notwithstanding the provisions of subsection (a) of this section, the department may issue a license to an applicant whose school of massage therapy does not satisfy the requirement of subparagraph (A) or (B) of subdivision (1) of said subsection (a), provided the school held, at the time of the applicant's graduation, a certificate issued by the Commissioner of Education pursuant to section 10-7b and provided the applicant graduated within thirty-three months of the date such school first offered the curriculum completed by the applicant. No license shall be issued under this subsection to a graduate of a school that fails to apply for and obtain accreditation by (A) an accrediting agency recognized by the United States Department of Education, or (B) the Commission on Massage Therapy Accreditation within thirty-three months of the date such school first offered the curriculum.

(2) Notwithstanding the provisions of subsection (a) of this section and subdivision (1) of this subsection, the department may issue a license to an applicant who submits evidence satisfactory to the commissioner that the applicant (A) was enrolled, on or before July 1, 2005, in a school of massage therapy that was approved or accredited by a state board of postsecondary technical trade and business schools or a state agency recognized as such state's board of postsecondary technical trade and business schools, (B) graduated from a school of massage therapy with a course of study of not less than five hundred

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classroom hours, with the instructor present, that at the time of the applicant's graduation was approved or accredited by a state board of postsecondary technical trade and business schools or a state agency recognized as such state's board of postsecondary technical trade and business schools, and (C) has passed the National Certification Examination for Therapeutic Massage and Bodywork. Passing scores on the examination shall be prescribed by the department.

(d) Each person licensed pursuant to this section has an affirmative duty to make a written referral to a licensed healing arts practitioner, as defined in section 20-1, of any client who has any physical or medical condition that would constitute a contraindication for massage therapy or that may require evaluation or treatment beyond the scope of massage therapy.

(e) No person shall use the title "massage therapist", "licensed massage therapist", "massage practitioner", "massagist", "masseur" or "masseuse", unless the person holds a license issued in accordance with this section or other applicable law.

(f) Notwithstanding the provisions of subsection (a) of this section, the commissioner may issue a license to an out-of-state applicant who submits evidence satisfactory to the commissioner of either: (1) (A) A current license to practice therapeutic massage from another state or jurisdiction, (B) documentation of practice for at least one year immediately preceding application, and (C) successful completion of the National Certification Examination for Therapeutic Massage and Bodywork; or (2) (A) graduation from a school of massage therapy offering a course of study of not less than five hundred classroom hours, with the instructor present, and, at the time of the applicant's graduation, was either (i) accredited by an agency recognized by the United States Department of Education or by a state board of postsecondary technical trade and business schools, or (ii) accredited by the Commission on Massage Therapy Accreditation, and (B)

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successful completion of the National Certification Examination for Therapeutic Massage and Bodywork.

(g) Any person who violates the provisions of subsection (a) or (e) of this section shall be guilty of a class C misdemeanor.

(h) Any employer who knowingly and wilfully employs a person who is in violation of the provisions of subsection (a) or (e) of this section to engage in massage therapy shall be guilty of a class C misdemeanor.

Sec. 2. Section 20-206g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) As used in this section, "advertise" includes, but is not limited to, the issuance of any card, sign or device to any person; causing, permitting or allowing any sign or marking on or in any building, vehicle or structure; advertising in any newspaper or magazine, or the placement of any listing or advertisement in any directory under a classification or heading that includes the words "massage", "massage therapist", "massage therapy", [or] "massage therapy establishment", "shiatsu", "acupressure", "Thai massage", "Thai yoga massage" or "Thai yoga".

(b) No person, firm, partnership or corporation shall advertise any of the services included in the definition of massage therapy in any manner using the term or title "massage", "shiatsu", "acupressure", "Thai massage", "Thai yoga massage" or "Thai yoga" unless such services are performed by a massage therapist.

(c) Each person who holds a license as a massage therapist shall include his or her license number in any advertisement for such person's massage therapy services that appears in a newspaper, telephone directory or other advertising medium.

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(d) It shall be a violation of this section for any person who does not hold a current license as a massage therapist to advertise massage therapy services by using the term "massage", "massage therapist", "licensed massage therapist", "massage practitioner", "massagist", "masseur" or "masseuse", "shiatsu", "acupressure", "Thai massage", "Thai yoga massage" or "Thai yoga".

Sec. 3. Section 20-206h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) The Commissioner of Public Health shall carry out the commissioner's responsibilities with respect to enforcement of the provisions of sections 20-206b, as amended by this act, 20-206d and 20-206g, as amended by this act, within available appropriations.

(b) If the commissioner has cause to believe, based upon credible information or complaint, that any person has violated the provisions of section 20-206b, as amended by this act, 20-206d or 20-206g, as amended by this act, the commissioner may, not later than thirty days after receiving such information or complaint, begin a formal investigation of the alleged violation. In the course of such formal investigation, the commissioner may inquire as to whether a person under investigation obtained a license from the department legally by comparing the photograph on such person's identification with a photograph of such person obtained from the National Certification Board for Therapeutic Massage and Bodywork or from a company contracted by said board to administer massage exams. Photographs that do not match shall constitute prima facie evidence that such person is engaging in the practice of massage therapy without a license in violation of section 20-206b, as amended by this act. For purposes of this subsection, "identification" means a motor vehicle operator's license issued pursuant to section 14-36 or any other valid form of identification issued by the federal government or a state or municipal government, provided such identification includes a photograph.

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