

1-3 **23-20.8-1. Definitions.** -- As used in this chapter:

- 1-4 (1) "Massage therapist" means a person engaged in the practice of massage and is
- 1-5 <u>licensed in accordance with this chapter of the general laws of the state of Rhode</u>
 <u>Island. who has</u>
- 1-6 completed a program in or is certified by a school or institution of learning which is approved by
- 1-7 the American massage and therapy association or equivalent academic and training program
- 1-8 approved by the director of health, other than a correspondence course, which school or
- 1-9 institution has for its purpose the teaching of the theory, practice, method, profession, or work of
- 1-10 massage, including at least anatomy, physiology, hygiene, and professional ethics.
- 1-11 (2) "Physical fitness facility" means any bona fide health club which offers or provides
- 1-12 facilities for any instruction in controlled exercise, weight lifting, and calisthenics and its gross
- 1-13 income from massages is less than ten percent (10%) of the total gross business income derived
- 1-14 from all physical fitness sales contracts at any one location;
- 1-15 (3)(2) "Practice of massage" means engaging in applying a scientific system of activity to
- 1-16 the muscular structure of the human body by means of stroking, kneading, tapping, and vibrating
- 1-17 with the hands or vibrators for the purpose of improving muscle tone and circulation. the manual
- 1-18 manipulation of the soft tissues of the human body through the systematic application of massage
- 1-19 <u>techniques including: effleurage, petrissage, compression, friction, vibration, percussion,</u>
- 2-1 <u>pressure, positional holding, movement, range of motion for purposes of demonstrating muscle</u>
- 2-2 <u>excursion or muscle flexibility and nonspecific stretching. The term massage includes the</u>
- 2-3 <u>external application of lubricants or other topical preparations such as water, heat and cold via the</u>

- 2-4 <u>use of the hand, foot, arm or elbow with or without the aid of massage devices for the purpose of</u>
- 2-5 <u>aiding muscle relaxation, reducing stress, improving circulation increasing range of motion,</u>
- 2-6 relieving muscular pain and the overall enhancement of health. Massage shall not include the
- 2-7 <u>touch of genitalia, diagnosis of illness or disease, the prescribing of drugs, medicines or exercise,</u>
- 2-8 <u>high-velocity thrust applied to the joints or spine, electrical stimulation, application of</u> ultrasound
- 2-9 <u>or any services or procedures for which a license to practice medicine, chiropractic, occupational</u>
- 2-10 therapy, physical therapy or podiatry as required by law.
- 2-11 (3) "Board" means the Rhode Island State Board of Licensed Massage Therapists as
- 2-12 established within this chapter.
- 2-13 SECTION 2. Chapter 23-20.8 of the General Laws entitled "Licensing of Massage
- 2-14 Therapy Establishments" is hereby amended by adding thereto the following section:
- 2-15 **23-20.8-2.1. Board of massage therapists. –** (a) Within the division of professional
- 2-16 regulation of the department of health, there shall be a state board of massage therapy examiners
- 2-17 <u>to be appointed by the director of the department of health with the approval of the governor. The</u>
- 2-18 <u>board shall consist of seven (7) members who reside in the state of Rhode Island, five (5) of</u>
- 2-19 whom shall be licensed pursuant to this chapter and one of whom shall be a member of the
- 2-20 <u>general public, and who does not have financial interest in the profession. At no time</u> shall more
- 2-21 <u>than one board member be an owner of, an instructor of, or otherwise affiliated with a board-</u>
- 2-22 <u>approved massage therapy school or course of instruction.</u>
- 2-23 (b) The initial board shall be appointed for staggered terms, the longest of which shall not
- 2-24 exceed three (3) years. After the initial appointments, all terms shall be for two (2)

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- 2-25 <u>member may be reappointed for a second (2nd) term. No member shall serve more</u> than three (3)
- 2-26 <u>consecutive terms. Upon the death, resignation or removal of any member, the</u> director of the
- 2-27 <u>department of health, with the approval of the governor, shall appoint to fill vacancies, as they</u>
- 2-28 <u>occur, a qualified person to serve on the board for the remainder of his or her term or until his or</u>
- 2-29 <u>her successor is appointed and qualified.</u>
- 2-30 (c) The board shall meet at least quarterly thereafter, shall hold a meeting and elect a
- 2-31 <u>chairman. The board may hold additional meetings at the call of the chair or at the written request</u>
- 2-32 <u>of any three (3) of the board. The board may appoint such committees as it considers necessary to</u>
- 2-33 <u>carry out its duties. A majority of the sitting members of the board shall constitute a quorum.</u>
- 3-34 (d) The director of the department of health may remove any member of the board for the
- 3-35 <u>neglect of any duty required by law or for any incompetent, unprofessional, or</u> dishonorable
- 3-36 <u>conduct. Before beginning his or her term of office, each member shall take the oath prescribed</u>
- 3-37 by law, a record of which shall be filed with the secretary of state.
- 3-38 SECTION 3. Sections 23-20.8-3, 23-20.8-4, 23-20.8-5, 23-20.8-6, 23-20.8-7, 23-20.8-9,
- 3-39 23-20.8-10 and 23-20.8-11 of the General Laws in Chapter 23-20.8 entitled "Licensing of
- 3-40 Massage Therapy Establishments" are hereby amended to read as follows:
- 3-41 <u>23-20.8-3. Practice of massage -- Use of titles limited -- Qualifications for licenses --</u>
- 3-42 <u>Fees Practice of massage Licensed required Use of title limited Qualifications for </u>
- 3-43 <u>licenses continuing education Fees. --</u> (a) Only a person licensed under this chapter shall

- 3-44 practice massage. A person shall not practice or hold himself or herself out to others as practicing
- 3-45 <u>massage therapy, or as a massage therapist without first receiving from the board a license to</u>
- 3-46 <u>engage in that practice.</u>
- 3-47 (b) Only a person licensed under this chapter as a massage therapist may use the title-
- 3-48 "massage therapist." Only a person licensed under this chapter may use the title "masseur" or
- 3-49 "masseuse." A person shall hold himself or herself out to others as a massage therapist when the
- 3-50 <u>person adopts or uses any title or description including "massage therapist,"</u>
 "masseur,"
- 3-51 <u>"masseuse," "massagist," "massotherapist," "myotherapist," "body therapist," "massage</u>
- 3-52 <u>technician," "massage practitioner," or any derivation of those terms that implies this practice.</u>
- 3-53 (c) No person, firm, partnership, or corporation shall describe its services under the title-
- 3-54 "massage" or "massage therapy" unless these services, as defined in section 23-20.8-1, are
- 3-55 performed by a person licensed to practice massage under this chapter, and, if described as
- 3-56 "massage therapy," by a massage therapist. It shall be unlawful to advertise the practice of
- 3-57 <u>massage using the term massage or any other term that implies a massage technique or method in</u>
- 3-58 <u>any public or private publication or communication by a person not licensed by the</u> state of Rhode
- 3-59 <u>Island department of health as a massage therapist. Any person who holds a license to practice as</u>
- 3-60 <u>a massage therapist in this state may use the title "licensed massage therapist" and the</u>
- 3-61 <u>abbreviation "LMT." No other persons may assume such title or use such abbreviation or any</u>
- 3-62 <u>other word, letters, signs, or figures to indicate that the person using the title is a licensed massage</u>
- 3-63 <u>therapist. A massage therapist's name and license number must conspicuously appear</u>

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- 3-64 <u>the massage therapist's advertisements. A massage therapist licensed under this chapter must</u>
- 3-65 <u>conspicuously display his or her license in his or her principal place of business. If the massage</u>
- 3-66 <u>therapists does not have a principal place of business or conducts business in any other location,</u>
- 3-67 <u>he or she must have a copy of his or her license available for inspection while performing any</u>
- 3-68 <u>activities related to massage therapy.</u>
- 4-1 (d) Application for licenses as a masseur or masseuse, or as a massage therapist, shall be
- 4-2 issued by the department of health. Except for persons licensed as massage therapists,
- 4-3 department shall establish minimum educational and training requirements for the persons to be
- 4-4 licensed under this chapter and shall have the authority to take disciplinary action against a
- 4-5 licensee for knowingly placing the health of a client at serious risk without maintaining the proper-
- 4-6 precautions.
- 4-7 (d)(1) The board shall, by rule, establish requirements for continued education.

 The board
- 4-8 may establish such requirements to be completed and verified biennially or annually.

 The board
- 4-9 <u>shall require no more than twelve (12) hours biennially or six (6) hours annually.</u>
- 4-10 (2) Applicants for biennial licensure renewal shall meet continuing education
- 4-11 requirements as prescribed by the board. On application for renewal of license, massage
- 4-12 <u>therapists shall attest to completion of six (6) hours annually in scope of practice-specific</u>
- 4-13 offerings that may include, but not be limited to:
- 4-14 (i) Formal presentations:
- 4-15 (ii) Conferences;
- 4-16 (iii) Coursework from a regionally accredited college/university; and/or

- 4-17 (iv) Self-study course, such as online courses awarding one education hour for each hour
- 4-18 <u>completed.</u>
- 4-19 Such programs or offerings shall be approved or sponsored by a board-approved
- 4-20 <u>organization. The board shall require no more than two (2) hours of ethics or standards of practice</u>
- 4-21 biennially.
- 4-22 (3) A licensee who fails to complete the continuing education requirements described
- 4-23 <u>herein may be subject to disciplinary action pursuant to section 5-40-13 of this chapter.</u>
- 4-24 (4) A license may be denied to any applicant who fails to provide satisfactory evidence of
- 4-25 <u>completion of continuing education relevant to massage therapy as required herein.</u>
- 4-26 (5) The board may waive the requirement for these educational requirements if the board
- 4-27 <u>is satisfied that the applicant has suffered hardship, which may have prevented meeting the</u>
- 4-28 educational requirements.
- 4-29 (e) The fee for original application for licensure as a massage therapist and for annual
- 4-30 license renewal shall be as set forth in section 23-1-54. Fees for all other licenses under this
- 4-31 chapter shall be fixed in an amount necessary to cover the cost of administering this chapter.
- 4-32 (f) Any person applying for a license under this chapter shall undergo a criminal
- 4-33 background check. Such persons shall apply to the bureau of criminal identification of the state
- 4-34 police or local police department for a nationwide criminal records check. Fingerprinting shall be
- 5-1 required. Upon the discovery of any disqualifying information as defined in section 23-20.8-5, the
- 5-2 bureau of criminal identification of the state police or the local police department shall inform the

| 5-3 | applicant, in writing, of the nature of the disqualifying information. The applicant shall be |
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| 5-4 | responsible for payment of the costs of the criminal records check. |
| 5-5 | 23-20.8-4. Establishment of rules and regulations — Hearings Establishment — Board |
| 5-6 | of massage therapists—Powers and duties (a) The authority to promulgate regulations for |
| 5-7 | the efficient enforcement of this chapter is vested in the director of health. |
| 5-8 | (b) Hearings authorized or required under this chapter shall be conducted by the director |
| 5-9 | of health or any officer, agent, or employee as the director of health may designate for this- |
| 5-10 | purpose. |
| 5-11 | (c) Before promulgating any regulation, the director of health shall give-appropriate |
| 5-12 | public notice of its proposal and the time and place for a public hearing on this regulation. The |
| 5-13 | regulation promulgated shall be filed with the office of the secretary of state and shall-become |
| 5-14 | effective on a date fixed by the director of health (which date shall not be prior to thirty (30) days |
| 5-15 | after its promulgation). The regulation may be amended or repealed in the same manner as is |
| 5-16 | provided for in its adoption. |
| 5-17 | Subject to the provisions of this chapter, the board shall have the following powers and |
| 5-18 | duties: |
| 5-19 | (1) Adopt rules and regulations governing the licensure of massage therapists in a manner |
| 5-20 | consistent with the provisions of this chapter and in accordance with the procedures outlined in |
| 5-21 | the Administrative Procedures Act; |
| 5-22 | (2) Establish standards of professional and ethical conduct: |
| 5-23 | (3) Adopt rules that endorse equivalent licensure examinations of another state or |
| 5-24 | territory of the United States, the District of Columbia, or a foreign country and that |

| | may include |
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| 5-25 | licensure by reciprocity; hold hearing, as necessary, in accordance with the Administrative |
| 5-26 | Procedures Act. |
| 5-27 | (4) Maintain a complete record of all licensed massage therapists, ensure licensee |
| 5-28 | compliance with all established requirements. The board will make an annual report to the |
| 5-29 | governor which shall contain duties performed, actions taken and appropriate recommendations. |
| 5-30 | Consult and advise other regulatory entities as necessary regarding issues pertaining to massage |
| 5-31 | therapy practice, education and/or issues related to the regulation of massage therapists. |
| 5-32 | 23-20.8-5. Issuance or denial of license Minimum qualifications Application for |
| 5-33 | <u>license Issuance or denial of license Minimum qualifications</u> The director shall, within |
| 5-34 | thirty (30) days from the time any application for a license is received, grant the application and |
| 6-1 | issue a license to practice massage for a year from that date, if the director shall be satisfied that |
| 6-2 | the applicant complies with the rules and regulations promulgated in accordance with sections 23- |
| 6-3 | 20.8-3 and 23-20.8-4, establishing standards for the qualifications of these personnel. The |
| 6-4 | standards for qualification of persons practicing massage shall include provisions for minimum |
| 6-5 | standards of professional education or experience, as determined by the director. The director |
| 6-6 | may provide for the examination of these applicants to determine his or her qualifications. An |
| 6-7 | applicant, whose criminal records check reveals a conviction for any sexual offense, including, |

but not limited to, those offenses defined in chapters 34 and 37 of title 11, shall be-

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denied a

license under this chapter.

| 6-10 | (a) Every person desiring to begin the practice of massage therapy, except exempt |
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| 6-11 | persons as provided in this chapter, shall present satisfactory evidence to the division of |
| 6-12 | professional regulation of the department of health, verified by oath, that he or she is: |
| 6-13 | (1) Over eighteen (18) years of age; |
| 6-14 | (2) Of good moral character (via background check); |
| 6-15 | (3) Has successfully completed an educational program, meeting minimum requirements |
| 6-16 | established by the board, including at least five hundred (500) hours of in-class, hands-on and |
| 6-17 | supervised coursework and clinical work; and |
| 6-18 | (4) Has successfully completed an examination approved by the board. Any examination |
| 6-19 | approved by the board must meet generally recognized standards including development through |
| 6-20 | the use of a job-task analysis and must meet appropriate psychometric standards. |
| 6-21 | (b) The board may grant a license to any applicant satisfying the requirements of |
| 6-22 | subdivisions 23-20.8-5(a)(1) and (2), has completed all appropriate forms, paid all appropriate |
| 6-23 | fees and has met substantially equivalent standards in obtaining a valid license, permit, certificate |
| 6-24 | or registration issued by any other state or territory of the United States or by a foreign country. |
| 6-25 | (c) The board, or a designee of the board, shall, within thirty (30) days from the time any |
| 6-26 | application for a license is received, grant the applications and issue a license to practice massage |
| 6-27 | for a year from that date if the board, or board designee, shall be satisfied that the applicant |
| 6-28 | complies with the rules and regulations promulgated in accordance with this chapter. An |
| 6-29 | applicant, whose criminal records check reveals a conviction for any sexual offense, including, |
| 6-30 | but not limited to, those offenses defined in chapters 34 and 37 of title 11, shall be denied a |

- 6-31 <u>license under this chapter.</u>
- 6-32 (d) The fee for original application for licensure as a massage therapist and the fee for
- 6-33 <u>annual license renewal shall be determined by the board and shall not exceed one hundred dollars</u>
- 6-34 <u>(\$100).</u>
- 7-1 **23-20.8-6. Suspension and revocation of licenses. --** Whenever the director board, or
- 7-2 <u>board designee</u>, shall have reason to believe or that any person licensed under this chapter to
- 7-3 practice massage therapy has been convicted of any sexual offense, or that any person is
- 7-4 practicing massage in violation of this chapter or regulations promulgated under this chapter, the
- 7-5 <u>director</u> <u>board</u>, <u>or board designee</u>, may, pending an investigation and hearing, suspend for a
- 7-6 period not exceeding thirty (30) ninety (90) days any license issued under authority of this
- 7-7 chapter and may, after due notice and hearing, revoke the license if he or she finds that the person
- 7-8 practicing massage is in violation of those rules and regulations or any provision of this chapter.
- 7-9 The holder of a license shall upon its revocation promptly surrender it to the director board, or
- 7-10 <u>board designee</u>,.
- 7-11 **23-20.8-7. Judicial review of license action. --** Any person aggrieved by a decision of
- 7-12 the director board, or board designee refusing to grant an application for a license under this
- 7-13 chapter or suspending or revoking any license already issued may, within thirty (30) days,
- 7-14 exclusive of Sundays and holidays, after receiving notice of that decision, appeal to the superior
- 7-15 court for the counties of Providence and Bristol, by filing in the court his or her reasons of appeal,
- 7-16 and the court shall, as soon as possible after any notice to the director as the court

- may prescribe,
- 7-17 hear and determine the appeal, following the course of equity. or order of the boards,
- 7-18 <u>administrator of professional regulation or director department of health may be taken</u> by an
- 7-19 <u>aggrieved party to the superior court in the manner provided for in chapter 35 of title</u> 42.
- 7-20 **23-20.8-9. Persons exempt.** -- Nothing contained in this chapter shall prohibit:
- 7-21 (1) The practice of massage by any person who is authorized to practice medicine,
- 7-22 nursing, osteopathy, physiotherapy, chiropractic, or podiatry in this state <u>A person</u> who is
- 7-23 <u>otherwise licensed certified or registered in accordance with the general laws of Rhode Island,</u>
- 7-24 <u>from performing service within his/her or authorized scope of practice and who does</u> not hold
- 7-25 <u>himself/herself out to be a massage therapist</u>.
- 7-26 (2) The practice of that massage which is customarily given in barber shops or beauty
- 7-27 parlors for the purpose of beautification by any licensed barber, hairdresser, or cosmetician <u>A</u>
- 7-28 <u>person duly licensed, certified, or registered in another state or territory, the District</u> of Columbia,
- 7-29 <u>or a foreign country when incidentally in this state to provide service as part of an emergency</u>
- 7-30 response team working in conjunction with disaster relief official or as part of a charity event.
- 7-31 (3) The practice of massage by any person employed in a medical institution licensed or
- 7-32 chartered by the state or enrolled in a program of a school or institute of massage approved by the
- 7-33 board of regents Nonresident practitioners holding a valid license, permit, certificate or
- 7-34 <u>registration issued by any other state or territory of the United States or by a foreign country and</u>
- 8-1 <u>temporarily practicing massage in this state for a period not exceeding thirty (30)</u> days for the
- 8-2 purpose of presenting educational or clinical programs, lectures, seminars or

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- 8-4 (4) The practice of massage by any person duly employed as a trainer by a professional
- 8-5 athletic association, club, or team, or as a member of the physical education department of an
- 8-6 accredited university, college, or high school Graduates from an approved educational program,
- 8-7 <u>may practice massage therapy only under the supervision of one, assigned, onsite licensed</u>
- 8-8 <u>massage therapist. Graduates have ninety (90) days from the date on the application fee receipt, to</u>
- 8-9 <u>meet licensure requirements of this state in accordance with regulations prescribed by the board.</u>
- 8-10 (5) The practice of massage by any person in a physical fitness facility operated by a
- 8-11 corporation or association organized exclusively for the moral or mental improvement of men.
- 8-12 women, or children. Persons who provide acceptable evidence of being currently licensed to
- 8-13 <u>practice massage by examination or endorsement under the laws of other states of the</u>
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- 8-14 <u>States and the District of Columbia have a grace period of forty-five (45) days from the date on</u>
- 8-15 <u>the application fee receipt to meet licensure requirements of this state in accordance</u> with
- 8-16 regulations prescribed by the board. The original privilege to work forty-five (45) days from the
- 8-17 date on the application fee receipt shall not be extended or renewed.
- 8-18 (6) Nothing in the article shall be construed to prevent or restrict the practice of any
- 8-19 <u>person in this state who uses touch, words and directed movement to deepen</u> awareness of
- 8-20 <u>existing patterns of movement in the body as well as to suggest new possibilities of movement</u>
- 8-21 while engaged within the scope of practice of a profession with established standards

- and ethics,
- 8-22 provided that his or her services are not designated or implied to be massage or massage therapy.
- 8-23 <u>Such practices include, but are not limited to, the Feldenkrais Method(or somatic</u> education, the
- 8-24 Rolf Institute's Rolf Movement Integration, the Trager Approach(to movement education, and
- 8-25 <u>Body-Mind Centering(. Practitioners must be recognized by or meet the established standards of</u>
- 8-26 <u>either a professional organization or credentialing agency that represents or certifies</u> the
- 8-27 respective practice based on a minimal level of training, demonstration of competency and
- 8-28 adherence to ethical standards.
- 8-29 (7) Nothing in the section shall be construed to prevent or restrict the practice of any
- 8-30 person in this state who uses touch to affect the energy systems, acupoints or Qi meridians
- 8-31 (channels of energy) of the human body while engaged within the scope of practice of a
- 8-32 <u>profession with established standards and ethics, provided that his or her service is not designated</u>
- 8-33 <u>or implied to be massage or massage therapy. Such practices include, but are not limited to,</u>
- 8-34 <u>Polarity, Polarity Therapy, Polarity Bodywork Therapy, Rosen Method, Asian</u> Bodywork
- 9-1 Therapy, Acupressure, Jin Shin Do(, Qi Gong, Reiki and Shiatsu. Practitioners must be
- 9-2 recognized by or meet the established standards of either a professional organization or
- 9-3 <u>credentialing agency that represents or certified the respective practice based on a</u> minimal level
- 9-4 of training., demonstration of competency and adherence to ethical standards.
- 9-5 **23-20.8-10. Enforcement.** -- Except for the provisions of section 23-20.8-11-section 23-
- 9-6 <u>20.8-11</u> this chapter shall be enforced by the director of health.

- 9-7 **23-20.8-11. Penalties. --** (a) Any person who practices massage or acts in any capacity
- 9-8 where a license is required by this chapter, without a license provided for in this chapter, shall be
- 9-9 guilty of a misdemeanor and subject to a fine of up to one thousand dollars (\$1,000) or thirty (30)
- 9-10 days in jail.
- 9-11 (b) Any owner, operator, manager, or licensee in charge of or in control of a massage
- 9-12 therapy establishment who knowingly employs a person who is not licensed as a massage
- 9-13 therapist, or who allows an unlicensed person to perform, operate, or practice massage is guilty of
- 9-14 a misdemeanor and subject to a fine of up to one thousand dollars (\$1,000) five thousand dollars
- 9-15 (\$5,000) and thirty (30) days in jail.
- 9-16 (c) The practice of massage by a person without a license issued under this chapter is
- 9-17 declared to be a danger to the public health and welfare. In addition to any other civil, criminal, or
- 9-18 disciplinary remedy, the attorney general or prosecuting attorney of any municipality where the
- 9-19 person is practicing, or purporting to practice, may maintain an action to enjoin that person from
- 9-20 practicing massage until this person secures a valid license.
- 9-21 (d) [Deleted by P.L. 2008, ch. 100, art. 6, section 1].
- 9-22 SECTION 4. Section 23-20.8-8 of the General Laws in Chapter 23-20.8 entitled
- 9-23 "Licensing of Massage Therapy Establishments" is hereby repealed.
- 9-24 **23-20.8-8. Access and inspection powers. --** For the purpose of this chapter, the director
- 9-25 or his or her duly authorized agents or employees shall at all reasonable times have authority to
- 9-26 enter upon any and all parts of the premises on which any massage therapy establishment is
- 9-27 located and of the premises appurtenant to these premises to make any examination or

| <i>3</i> -20 | and any rules |
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| 9-29 | or regulations of the department are being violated. |
| 9-30 | SECTION 5. The title of Chapter 23-20.8 of the General Laws entitled "LICENSING |
| 9-31 | OF MASSAGE THERAPY ESTABLISHMENTS" is hereby amended to read as follows: |
| 9-32 | CHAPTER 23-20.8 |
| 9-33 | Licensing of Massage Therapy Establishments |
| 10-34 | <u>CHAPTER 23-20.8</u> |
| 10-35 | LICENSING OF MASSAGE THERAPISTS AND MASSAGE THERAPY |
| 10-36 | <u>ESTABLISHMENTS</u> |
| 10-37 | SECTION 6. This act shall take effect upon passage. |
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| | EXPLANATION |
| | BY THE LEGISLATIVE COUNCIL |
| | OF |
| | ANACT |
| | RELATING TO HEALTH AND SAFETY LICENSING OF MASSAGE THERAPY |
| | ESTABLISHMENTS |
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| 11-1 | This act would make changes to the process of licensing of massage therapist |
| 11-2 | establishments. |

This act would take effect upon passage.

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