

# LEGAL SERVICES

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## MEMORANDUM

April 2, 2014

**SUBJECT:** Sectional Summary of CSHB 328(L&C)  
(Work Order No. 28-LS1431\N)

**TO:** Representative Benjamin Nageak  
Attn: Mary Schlosser

**FROM:** Hilary Martin   
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill -- the bill itself is the best statement of its contents.

**Section 1.** Adds the Board of Massage Therapists (board) to the list of professions covered by AS 08.01.

**Section 2.** Adds massage therapists to the list of professions that must use an appropriate professional designation.

**Section 3.** Sunsets the board on June 30, 2018.

**Section 4.** Adds a new chapter, AS 08.61, regulating massage therapists.

08.61.010. Establishes the board, with four licensed massage therapist members and one public member.

08.61.020. Sets out the duties and powers of the board, including adopting regulations, providing for examination of applicants, establishing standards of professional competence, ethical conduct, and continuing education, and approving nationally recognized competency examinations.

08.61.030. Sets out the qualifications for a license, including at least 500 hours of in-class supervised instruction, submitting fingerprints for a criminal justice information and national criminal history record check, having a current cardiopulmonary resuscitation certificate, and attending safety education in bloodborne pathogens.

08.61.040. Sets out the requirements to be licensed by credentials.

08.61.050. Sets the standards for license renewal.

08.61.060. Authorizes the board to impose disciplinary sanctions on a licensee under various circumstances.

08.61.070. Prohibits practice of massage therapy without a license.

08.61.080. Exempts certain persons from the license requirements of the chapter, including students, employees of the United States government, and persons using only certain specified techniques.

08.61.090. Requires the department to set fees for application, license issuance, license renewal, and investigation under the chapter.

08.61.100. Defines terms for the chapter.

**Section 5.** Adds the board to the list of professions that are subject to having their fingerprints sent to the FBI (by the Department of Public Safety) for a national criminal history check for purposes of evaluating the fitness of the person for licensure.

**Section 6.** Adds licensing of massage therapists to the list of restrictions on the powers of a home rule municipality.

**Section 7.** Prevents a home rule and general law municipality from requiring licensure of massage therapists.

**Section 8.** Applies the provisions of the Administrative Procedure Act to the board.

**Section 9.** Adds an applicability section that makes the Act applicable, on or after the effective date of the Act, to persons who have not practiced massage therapy in the state, and makes the Act applicable, two years after the effective date of the Act, to persons who have been practicing massage therapy in the state and meet the requirements of AS 08.61.040.

**Section 10.** Adds transitional language that allows the board to waive the course of study and examination requirements for a person who applies for a license within two years of the effective date of the Act, and who proves that the person owned, operated, or worked for a massage therapy business before the effective date of the Act by submitting various types of documentation.

**Section 11.** Sets staggered terms for the initial board members.

**Section 12.** Allows the Department of Commerce, Community, and Economic Development and the board to adopt regulations; states that the regulations may not take effect until the effective date of the Act.

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**Section 13.** Gives AS 08.61.010 and 08.61.020, and secs. 11 and 12 of the Act an immediate effective date.

**Section 14.** Makes the Act effective on July 1, 2015.

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