

CS FOR HOUSE BILL NO. 110(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE KITO

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to the Board of Massage Therapists; relating to the practice of massage
2 therapy; relating to massage therapy establishments; relating to the Department of
3 Commerce, Community, and Economic Development; and providing for an effective
4 date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 08.61.010 is amended to read:

7 **Sec. 08.61.010. Board established.** The Board of Massage Therapists is
8 established in the department. The board consists of five members appointed by the
9 governor as follows:

10 (1) four licensed massage therapists who have been engaged in the
11 practice of massage therapy in the state for the three years immediately preceding
12 appointment and who shall remain actively engaged in the practice of massage therapy
13 while serving on the board; not more than one member appointed under this paragraph
14 may have an ownership or partnership interest in a massage school; and

(2) one public member; the governor may not appoint as a public member

- (A) a licensed health care provider;
- (B) an employee of the state; or
- (C) a current [OR FORMER] member of another occupational licensing board established under AS 08.

* **Sec. 2.** AS 08.61.020 is amended to read:

Sec. 08.61.020. Duties and powers of board. In addition to the duties specified in AS 08.01, the board shall

(1) provide for the examination of applicants by the board or through a nationally recognized competency examination approved by the board and issue licenses to applicants the board finds qualified;

(2) adopt regulations governing

(A) licensing of massage therapists; [AND]

(B) the practice of massage therapy; **and**

(C) massage therapy establishments;

(3) establish standards of professional competence and ethical conduct for massage therapists;

(4) establish standards for continuing education for massage therapists; standards adopted by the board under this paragraph must allow for approval of Internet-based continuing education courses;

(5) make available to the public a list of massage therapists licensed under this chapter;

(6) determine which states have educational and licensing requirements equivalent to the requirements of this state;

(7) enforce the provisions of this chapter and adopt and enforce regulations necessary to implement this chapter; and

(8) approve one or more nationally recognized competency examinations and publish and periodically update the list of approved examinations.

* **Sec. 3.** AS 08.61.030 is amended to read:

Sec. 08.61.030. Qualifications for license. The board shall issue a license to

1 practice massage therapy to a person who
2 (1) applies on a form provided by the department;
3 (2) pays the fees established under AS 08.61.090;
4 (3) furnishes evidence satisfactory to the board that the person has
5 completed a
6 (A) course of study of at least 625 [500] hours of in-class
7 supervised instruction and clinical work from an approved massage school; or
8 (B) board-approved apprenticeship program;
9 (4) is 18 years of age or older;
10 (5) has been fingerprinted and has provided the fees required by the
11 Department of Public Safety under AS 12.62.160 for criminal justice information and
12 a national criminal history record check; the fingerprints and fees shall be forwarded
13 to the Department of Public Safety to obtain a report of criminal justice information
14 under AS 12.62 and a national criminal history record check under AS 12.62.400;
15 (6) has a current cardiopulmonary resuscitation certification;
16 (7) has received at least two [FOUR] hours of safety education
17 covering bloodborne pathogens and universal precautions in the two years preceding
18 the application for the license; in this paragraph, "bloodborne pathogens" has the
19 meaning given in AS 18.15.450;
20 (8) has successfully completed a nationally recognized competency
21 examination approved by the board; and
22 (9) has not been convicted of, or pled guilty or no contest to, a crime
23 involving moral turpitude, or who has been convicted of, or pled guilty or no contest
24 to, a crime involving moral turpitude if the board finds that the conviction does not
25 affect the person's ability to practice competently and safely.

26 * **Sec. 4.** AS 08.61.050 is amended to read:

27 **Sec. 08.61.050. Standards for license renewal.** The board shall renew a
28 license issued under this chapter to a licensee who
29 (1) pays the required fee;
30 (2) meets the continuing education requirements established by the
31 board;

(3) has not been convicted of, or pled guilty or no contest to, a crime involving moral turpitude, or has been convicted of, or pled guilty to or no contest to, a crime involving moral turpitude if the board finds that the conviction does not affect the person's ability to practice competently and safely;

(4) has a current cardiopulmonary resuscitation certification; and

(5) has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check **at least once every six years**; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. The Department of Commerce, Community, and Economic Development and the Board of Massage Therapists may adopt regulations necessary to implement the changes made by this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law implemented by the regulation.

* **Sec. 6.** Sections 4 and 5 of this Act take effect immediately under AS 01.10.070(c).

* **Sec. 7.** Except as provided in sec. 6 of this Act, this Act takes effect July 1, 2019.