

HOUSE BILL NO. 110

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KITO, LeDoux, Gara

Introduced: 2/8/17

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the practice of massage therapy; relating to the Board of Massage
2 Therapists; and providing for an effective date."

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

4 * **Section 1.** AS 08.61.020 is amended to read:

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

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

10 (2) adopt regulations governing

11 (A) licensing of massage therapists; [AND]

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

13 **(C) massage therapy establishments;**

14 (3) establish standards of professional competence and ethical conduct

1 for massage therapists;

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

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

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

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

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

13 * **Sec. 2.** AS 08.61.030 is amended to read:

14 **Sec. 08.61.030. Qualifications for license.** The board shall issue a license to
15 practice massage therapy to a person who

16 (1) applies on a form provided by the department;

17 (2) pays the fees established under AS 08.61.090;

18 (3) furnishes evidence satisfactory to the board that the person has
19 completed a

20 (A) course of study of at least 625 [500] hours of in-class
21 supervised instruction and clinical work from an approved massage school; or

22 (B) board-approved apprenticeship program;

23 (4) is 18 years of age or older;

24 (5) has been fingerprinted and has provided the fees required by the
25 Department of Public Safety under AS 12.62.160 for criminal justice information and
26 a national criminal history record check; the fingerprints and fees shall be forwarded
27 to the Department of Public Safety to obtain a report of criminal justice information
28 under AS 12.62 and a national criminal history record check under AS 12.62.400;

29 (6) has a current cardiopulmonary resuscitation certification;

30 (7) has received at least two [FOUR] hours of safety education
31 covering bloodborne pathogens and universal precautions in the two years preceding

1 the application for the license; in this paragraph, "bloodborne pathogens" has the
2 meaning given in AS 18.15.450;

3 (8) has successfully completed a nationally recognized competency
4 examination approved by the board; and

5 (9) has not been convicted of, or pled guilty or no contest to, a crime
6 involving moral turpitude, or who has been convicted of, or pled guilty or no contest
7 to, a crime involving moral turpitude if the board finds that the conviction does not
8 affect the person's ability to practice competently and safely.

9 * **Sec. 3.** AS 08.61 is amended by adding a new section to read:

10 **Sec. 08.61.085. Application for an exemption.** (a) The board may issue an
11 exemption from the licensure requirements of this chapter to a person who

12 (1) submits an application on a form approved by the board;

13 (2) pays the fees established under AS 08.61.090; and

14 (3) submits proof satisfactory to the board that the person

15 (A) only performs techniques that involve resting the hands on
16 the surface of the body of another person without delivering pressure to or
17 manipulating the person's soft tissues;

18 (B) is engaged only in the practice of structural integration and
19 holds a current certified professional membership from the International
20 Association of Structural Integrators or is certified by the Rolf Institute of
21 Structural Integration;

22 (C) uses only light touch, words, and directed movement to
23 deepen awareness of existing patterns of movement or to affect the energy
24 systems; or

25 (D) practices reflexology to manipulate the soft tissues of the
26 hands, feet, or ears, maintains a current certification with a national
27 reflexology board, and does not hold out to be a massage therapist.

28 (b) The board shall

29 (1) notify an applicant in writing of a decision to approve or deny an
30 exemption under this section;

31 (2) maintain a registry of persons exempted under this section; and

1 (3) establish by regulation standards and requirements for persons
2 applying for an exemption under this section.

3 (c) An exemption issued by the board under this section is valid until the
4 earlier of

5 (1) 10 years after the date the exemption is issued; or

6 (2) the date on which the person's scope of practice changes.

7 (d) The board may renew a valid exemption issued under this section if the
8 person submits a timely application on a form approved by the board and pays the
9 established fees under AS 08.61.090.

10 * **Sec. 4.** AS 08.61.090 is amended to read:

11 **Sec. 08.61.090. Fees.** The department shall set fees under AS 08.01.065 for
12 application, license issuance, license renewal, **application for an exemption,**
13 **exemption renewal,** and investigation under this chapter.

14 * **Sec. 5.** AS 08.61.080(7), 08.61.080(10), 08.61.080(11), and 08.61.080(13) are repealed.

15 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 TRANSITION: REGULATIONS. The Board of Massage Therapists may adopt
18 regulations necessary to implement the changes made by this Act. The regulations take effect
19 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
20 implemented by the regulation.

21 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

22 * **Sec. 8.** Except as provided in sec. 7 of this Act, this Act takes effect July 1, 2019.