

Introduced: 3/7/73
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY BOWMAN

CS HOUSE BILL NO. 311

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing of masseurs and
7 massage businesses."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 90. MASSEURS AND MASSAGE BUSINESSES.

11 ARTICLE 1. BOARD OF MASSAGE.

12 Sec. 08.90.010. CREATION AND MEMBERSHIP OF BOARD. There is
13 created the Board of Massage. It consists of three members appointed by
14 the governor.

15 Sec. 08.90.020. QUALIFICATIONS OF BOARD MEMBERS. Each member of
16 the board shall be a masseur or operate a massage business and shall
17 have practiced massage or operated a massage business in the state for
18 not less than three years.

19 Sec. 08.90.030. TERMS; VACANCIES. One member shall serve for a
20 term of two years, one member shall serve for a term of three years, and
21 one member shall serve for a term of four years. Vacancies on the board
22 shall be filled for the unexpired term.

23 Sec. 08.90.040. ORGANIZATION OF BOARD. Every two years, the board
24 shall elect from its membership a chairman and secretary. The officers
25 may administer oaths.

26 Sec. 08.90.050. BOARD REGULATIONS. The board may adopt regulations:

27 (1) establishing reasonable standards concerning the sanitary,
28 hygienic and healthful conditions of premises and facilities used by
29 persons engaged in the massage business and of the conduct and operation

1 of massage businesses;

2 (2) relating to the methods and procedures used in the prac-
3 tice of massage;

4 (3) governing the examination of applicants for either of
5 the licenses issued under this chapter and the issuance, renewal,
6 suspension and revocation of those licenses.

7 Sec. 08.90.060. RECORD OF PROCEEDINGS. The secretary shall keep
8 a record of all proceedings, including the name of each applicant for
9 examination and licensing. These records shall be open for public
10 inspection.

11 Sec. 08.90.070. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.
12 The board shall comply with the Administrative Procedure Act (AS 44.62).

13 ARTICLE 2. LICENSING.

14 Sec. 08.90.080. LICENSE REQUIRED. (a) No person may conduct a
15 massage business without a massage business license from the Board of
16 Massage.

17 (b) No person may engage in or hold himself out as engaged in the
18 practice of massage without a masseur's license issued under this
19 chapter. In order to be licensed under this chapter, a person shall
20 pass an examination given by the board. The board shall license
21 successful examinees.

22 Sec. 08.90.090. ADMINISTRATION OF EXAMINATION. The board shall
23 offer an examination for a masseur's license at least once a year.
24 Examinations shall be administered so that one who grades the written
25 part of the examination does not know whose paper he is grading.

26 Sec. 08.90.100. CONTENT OF EXAMINATION. The examination for a
27 masseur's license shall be oral, written and practical in nature and
28 shall require the applicant to demonstrate a basic knowledge of anatomy,
29 physiology, hygiene, manual and mechanical massage and any other subjects

1 the board considers necessary to establish his competency and ability
2 to engage in the practice of massage.

3 Sec. 08.90.110. QUALIFICATIONS OF APPLICANTS FOR EXAMINATION. A
4 person is entitled to take the examination for a masseur's license who

- 5 (1) is at least 18 years of age;
- 6 (2) has furnished the board satisfactory proof of his good
7 character and health;
- 8 (3) is a United States citizen or has duly declared his
9 intention of becoming a citizen of the United States; and
- 10 (4) has paid the required examination fee.

11 Sec. 08.90.120. QUALIFICATIONS OF APPLICANTS FOR BUSINESS LICENSE.

12 The board shall issue a massage business license to any applicant who
13 meets the requirements of sec. 110(2) and (3) of this chapter, has paid
14 the license fee, and whose massage business premises and facilities
15 comply with the standards of the board established under sec. 50 of this
16 chapter as determined by inspection by a representative of the board.

17 Sec. 08.90.130. FEES. The following fees shall be imposed under
18 this chapter when applicable:

- 19 (1) examination fee..... \$25
- 20 (2) initial masseur's license fee..... 25
- 21 (3) annual renewal fee for masseur's license.... 10
- 22 (4) initial massage business license fee..... 50
- 23 (5) annual renewal fee for massage business license... 25

24 Sec. 08.90.140. RENEWAL OF LICENSES. (a) A license issued under
25 this chapter shall be renewed annually with the Department of Commerce
26 on or before the date set by the department under AS 08.01.100.

27 (b) If the license is not renewed on or before that date, it shall
28 lapse. A penalty of \$10 shall be charged, in addition to all delinquent
29 fees, for the reinstatement of a license which remains lapsed for more

1 than 60 days.

2 (c) If the license remains lapsed for more than one year, the
3 board may require the applicant, in the case of a masseur's license,
4 to take the examination given under sec. 100 of this chapter, and in the
5 case of a massage business license, to pay the initial massage business
6 license fee.

7 Sec. 08.90.150. DISPLAY OF LICENSE. A licensed masseur and a
8 licensed massage business shall conspicuously display their licenses
9 in their place of business.

10 Sec. 08.90.160. ISSUANCE OF MASSEUR'S LICENSE BY RECIPROCITY.
11 The board may dispense with the examination of an applicant for a
12 masseur's license if the applicant otherwise meets the requirements of
13 sec. 110 of this chapter and is licensed in another state, territory,
14 district or possession of the United States which has requirements for
15 licensing substantially equal to the requirements of this state.

16 Sec. 08.90.170. INSPECTIONS; REPORTS. The board or its repre-
17 sentative may, at any time and at least once each year, visit and inspect
18 the premises of each massage business in order to determine whether it
19 is conducted in compliance with law, including the provisions of this
20 chapter and the regulations of the board adopted under this chapter.
21 The operator of every massage business shall furnish to the board those
22 reports and information that the board may require.

23 ARTICLE 3. UNLAWFUL ACTS.

24 Sec. 08.90.180. GROUNDS FOR REVOCATION, SUSPENSION OR DENIAL OF
25 LICENSE. The board, after compliance with the Administrative Procedure
26 Act (AS 44.62), may revoke, suspend or deny a license issued under this
27 chapter if the licensee:

- 28 (1) has been convicted of a felony involving moral turpitude;
29 (2) is addicted to the use of alcohol or any other drug;

1 (3) has violated any provision of this chapter or regulation
2 of the board adopted under this chapter;

3 (4) has made a false representation or statement to the board
4 in order to induce or prevent action by the board;

5 (5) is incompetent or physically unable to carry on the
6 management of his massage business or the practice of massage;

7 (6) has misrepresented to a patron any services rendered.

8 Sec. 08.90.190. PENALTIES. A person who violates sec. 80 of this
9 chapter is guilty of a misdemeanor and upon conviction is punishable by
10 a fine of not more than \$1,000, or by imprisonment for not more than one
11 year, or by both.

12 ARTICLE 4. GENERAL PROVISIONS.

13 Sec. 08.90.200. EXEMPTIONS FROM AND LIMITATIONS ON THE APPLICA-
14 TION OF THIS CHAPTER. This chapter does not apply to:

15 (1) a person licensed under another law of this state to do
16 any acts included in the definition of massage under sec. 210 of this
17 chapter or persons working under the direction of that person;

18 (2) a trainer of an amateur, semiprofessional or professional
19 athlete or athletic team;

20 (3) massage practiced at a bona fide athletic club or at an
21 athletic department of a bona fide fraternal organization;

22 (4) massage practiced at the athletic department of an
23 institution maintained by public funds of the state or any of its
24 political subdivisions;

25 (5) massage practiced at the athletic department of a school,
26 college or university.

27 Sec. 08.90.210. DEFINITIONS. In this chapter

28 (1) "board" means the Board of Massage;

29 (2) "massage" means pressure on, friction against, stroking

1 and kneading the body by manual or mechanical means, and gymnastics,
2 with or without appliances such as vibrators, infrared heat, sun lamps
3 and external baths for the purpose of maintaining good health and
4 establishing and maintaining good physical condition;

5 (3) "massage business" means the operation of an establish-
6 ment where massage is given;

7 (4) "masseur" means a male or female person who is engaged in
8 the practice of massage;

9 (5) "practice of massage" means the performance of massage
10 for compensation, either as the owner or as an employee in a massage
11 business.

12 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

13 (19) Board of Massage.

14 * Sec. 3. AS 44.62.330 is amended by adding a new paragraph to read:

15 (35) Board of Massage.
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