

Introduced: 4/22/77
Referred: Commerce and Judiciary

1 IN THE SENATE

BY BRADLEY

2 SENATE BILL NO. 334

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 * Section 1. AS 08.01.010 is amended by adding a new paragraph to read:

10 (21) Board of Massage.

11 * Sec. 2. AS 08 is amended by adding a new chapter to read:

12 CHAPTER 63. MASSAGE BUSINESSES AND OPERATORS.

13 ARTICLE 1. BOARD OF MASSAGE.

14 Sec. 08.63.010. CREATION OF BOARD OF MASSAGE. There is created
15 the Board of Massage.

16 Sec. 08.63.020. MEMBERSHIP OF BOARD AND TERMS OF OFFICE. The
17 board consists of three persons, appointed by the governor. Members of
18 the board serve for three-year terms, except that of the initial appoin-
19 tees the governor shall appoint one member for a one-year term, one for
20 a two-year term, and one for a three-year term.

21 Sec. 08.63.030. VACANCIES. The governor shall fill vacancies on
22 the board by appointment for the unexpired term.

23 Sec. 08.63.040. QUALIFICATIONS. A board member shall be a li-
24 censed, practicing massage operator residing in the state who has been
25 a resident for at least three years.

26 Sec. 08.63.050. POWER OF BOARD TO ADOPT REGULATIONS. The board
27 shall adopt regulations

28 (1) necessary for the proper performances of its duties;

29 (2) necessary to govern the practice of massage.

1 tion, require an applicant to submit other information necessary for the
2 board to properly perform its duties under this section.

3 Sec. 08.63.100. DENIAL, SUSPENSION OR REVOCATION OF OPERATOR'S
4 LICENSE. The board may deny authorization for the issuance or renewal
5 of a license authorized under this chapter, or suspend or revoke a
6 license, if the licensee

7 (1) has violated any provision of this chapter or any regu-
8 lation of the department or board adopted under this chapter;

9 (2) has made any false statement or representation to the
10 department or board in order to induce or prevent action by the depart-
11 ment or board;

12 (3) has been convicted of a crime involving lewdness or moral
13 turpitude or has forfeited a bond to appear in court for these offenses;

14 (4) has been found by the board to be a narcotic drug addict;

15 (5) has been convicted of a felony within five years of
16 application for a license under this chapter;

17 (6) has been convicted of an offense the commission or
18 attempted commission of which involved violence, threats of violence, or
19 a high potential for violence.

20 Sec. 08.63.110. MASSAGE BUSINESS LICENSE. No person may conduct a
21 massage business without a massage business license issued by the
22 department and, when required, by the local governing body within whose
23 jurisdiction the massage business is located. No massage business may
24 hire a massage operator who is not licensed by the board. The massage
25 business license is not transferable to another person or business con-
26 cern.

27 Sec. 08.63.120. EXEMPTIONS. Section 110 of this chapter does not
28 apply to

29 (1) massage practiced at the athletic department of any in-

stitution maintained by the public funds of the state or any of its political subdivisions;

(2) massage practiced at the athletic department of any primary, secondary, or high school, or institution of higher education;

(3) massage practiced under a program of vocational or career education of any high school, vocational education institution, or institution of higher education.

Sec. 08.63.130. ADVERTISING. It is unlawful to advertise the practice of massage by a business not licensed under sec. 110 of this chapter.

Sec. 08.63.140. FEES. The following fees shall be imposed under this chapter when applicable:

- (1) examination fee \$35
- (2) reexamination fee for written portion 25
- (3) massage business license fee. 50

Sec. 08.63.150. DENIAL OF ISSUANCE OR RENEWAL OF MASSAGE BUSINESS LICENSE. The board may deny issuance or renewal of a license authorized under this chapter, or suspend or revoke a license if the licensee

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

(2) has made any false statement or representation to the board or department in order to induce or prevent action by the board or department;

(3) has displayed improper, unprofessional, or dishonorable conduct in the operation of his massage business;

(4) has been convicted of a crime involving lewdness or moral turpitude or has forfeited a bond to appear in court for these offenses;

(5) has been found by the board to be a narcotic drug addict;

(6) has been convicted of a felony within five years of

1 application for a license under this chapter;

2 (7) has been convicted of an offense the commission or
3 attempted commission of which involved violence, threats of violence or
4 a high potential for violence;

5 (8) has failed or refused to qualify for or obtain a business
6 license required by a local governing body within whose jurisdiction the
7 massage business is located;

8 (9) allows the presence of alcoholic beverages upon the
9 premises of his massage business.

10 Sec. 08.63.160. INSPECTION OF MASSAGE PREMISES. Authorized repre-
11 sentatives of the department may at any time visit and inspect the
12 premises of each massage business establishment in order to ascertain
13 whether it is conducted in compliance with the law, including the pro-
14 visions of this chapter and the regulations of the department or board.
15 The operator of a massage business shall furnish reports and information
16 as may be required.

17 Sec. 08.63.170. INSPECTION OF PREMISES BY LAW ENFORCEMENT PERSON-
18 NEL. State and local law enforcement personnel have the authority to
19 inspect the premises at any time including business hours.

20 Sec. 08.63.180. AUTHORITY OF LOCAL GOVERNING BODIES. The provi-
21 sions of this chapter relating to the registration and licensing of a
22 massage business or operator are not exclusive, and a local governing
23 body within whose jurisdiction the massage business is located may
24 require registrations or licenses, or charge a fee for the same or
25 similar purpose.

26 Sec. 08.63.190. PENALTY. A person who violates the provisions of
27 this chapter, or the regulations adopted to carry out the purpose of
28 this chapter, is guilty of a misdemeanor and upon conviction is punish-
29 able by a fine of not less than \$50 nor more than \$500, or by imprison-

1 ment for not less than 10 days nor more than 90 days, or by both.

2 ARTICLE 3. GENERAL PROVISIONS.

3 Sec. 08.63.200. DEFINITIONS. In this chapter, unless the context
4 otherwise requires,

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

6 (2) "department" means the Department of Commerce and Econo-
7 mic Development;

8 (3) "massage" means the treatment of the superficial parts of
9 the body, with or without the aid of soaps, oils, or lotions, by rub-
10 bing, touching, stroking, tapping, and kneading, and no attempt is made
11 to adjust or manipulate the articulations of the spine;

12 (4) "massage operator" means a person engaged in the practice
13 of massage;

14 (5) "massage business" means the operation of a business
15 where massages are given.