

HOUSE BILL REPORT

HB 1911

*As Reported By House Committee on:
Local Government*

Title: An act relating to local government regulation of state licensed massage practitioners.

Brief Description: Defining city and county licensing procedures for state licensed massage practitioners.

Sponsor(s): Representatives Haugen, Wynne, Anderson, Ferguson, Basich, Cooper, Belcher, Fraser, Zellinsky, Prince and Nelson.

Brief History:

Reported by House Committee on:
Local Government, March 1, 1991, DPS.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *That Substitute House Bill No. 1911 be substituted therefor, and the substitute bill do pass.* Signed by 13 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Nealey; Nelson; Rayburn; Roland; Wynne; and Zellinsky.

Minority Report: *Do not pass.* Signed by 1 member: Representative Horn.

Staff: Bill Lynch (786-7092).

Background:

State Licensing Requirements to Practice Massage

No person may practice massage or represent himself or herself as a massage practitioner without a license issued by the State Department of Health. In order to qualify for a license, a person must successfully complete an approved massage program or approved apprenticeship program; pass an examination administered or approved by the State Board of Massage; and be at least 18 years old. The examination consists of a written and practical examination.

Massage practitioners are subject to examination fees, license fees, and license renewal fees by the Department of Health. Licenses are valid for one year. Persons licensed as massage practitioners are subject to the Uniform Disciplinary Act for Health Professionals.

The Washington State Board of Massage is responsible for adopting rules to establish standards and procedures for approving courses of study; approving schools and programs; reviewing approved schools and programs periodically; preparing, grading, administering and supervising examinations for applicants for licensure; and determining which states have educational and licensing requirements equivalent to Washington State.

Local Licensing Requirements to Practice Massage

The license and fee requirements imposed by the state on massage practitioners are not exclusive. Local governments are authorized to require registrations or licenses, and charge fees for these purposes, to regulate the practice of massage. Concerns have been expressed that the licensing and registration requirements imposed by some local governments on massage practitioners, and the fees associated with these requirements, are excessive when compared to other health care professionals.

State and local law enforcement personnel are also authorized to inspect a massage practitioner's premises at any time including business hours.

Summary of Substitute Bill: A person seeking a license from a city or county to operate a massage business must verify that he or she is validly licensed as a massage practitioner by the state.

A city or county may not subject a state licensed massage practitioner to additional licensing requirements that are not imposed on other similar health care providers, such as physical therapists or occupational therapists.

A city or county may not charge a state licensed massage practitioner a licensing or operation fee that exceeds licensing or operation fees imposed on similar health care providers, such as physical therapists or occupational therapists operating in the same city or county.

Substitute Bill Compared to Original Bill: The provision which would have repealed the authority of state and local

law enforcement personnel to inspect the premises of a licensed massage practitioner at any time is deleted.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Massage practitioners are licensed by the state and are professionals. It is very difficult to establish a practice because of burdensome local requirements. Local governments don't impose these requirements on similar health practitioners.

Testimony Against: None.

Witnesses: Clark Sitzes, Lee Newsbalum, and Gloria Layton, American Massage Therapy Association; Rick Wickman, Washington Association of Counties; and Stan Finklestein, Association of Washington Cities.