
HOUSE BILL 1981

State of Washington 63rd Legislature 2013 Regular Session

By Representative Jinkins

Read first time 03/07/13. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the licensure of massage therapy establishments;
2 and adding a new chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) It is in the public's interest, health, and safety to require
6 licensure of massage therapy establishments;

7 (2) Each massage therapy establishment should be licensed by the
8 department of health;

9 (3) Except for certain exemptions, massage therapy should be
10 offered or delivered only at a location or any portion thereof that
11 hold a valid massage therapy establishment license issued by the
12 department.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "Department" means the department of health.

16 (2) "Licensed massage practitioner" means any person with a valid
17 license to practice massage as defined in RCW 18.108.030.

1 (3) "Massage therapy establishment" means a place of business that
2 advertises or offers massage as defined in RCW 18.108.010(2) on a
3 regular basis and which employs one or more persons to perform massage.

4 (4) "Owner" means any sole practitioner, partnership, or
5 corporation that allows massage to be offered for compensation on a
6 premises owned, leased, or controlled by that individual or entity.

7 NEW SECTION. **Sec. 3.** An owner is not required to be a licensed
8 massage practitioner so long as his or her license massage
9 establishment is affiliated with a national massage franchise whose
10 major massage therapy protocols are set by a licensed massage therapist
11 employed by the national franchisor and which does not participate in
12 third-party billing.

13 NEW SECTION. **Sec. 4.** This chapter does not apply to:

14 (1) Those individuals and entities listed in RCW 18.108.050;

15 (2) Licensed massage practitioners who own and operate a massage
16 business in which he or she is the only practitioner;

17 (3) Any practice owned by a medical professional with a valid
18 Washington license issued by the department to practice his or her
19 medical specialty where one or more licensed massage practitioners are
20 employed;

21 (4) Student clinics operated by department-approved massage
22 training schools;

23 (5) Locations at which chair massage is exclusively performed; and

24 (6) Locations in which massage is offered for no more than twenty-
25 four hours in a one week period every six months at a public or
26 charitable event with a primary purpose unrelated directly to massage.

27 NEW SECTION. **Sec. 5.** (1) The applicant for licensure of the
28 massage therapy establishment must be the owner, lessee, or legal
29 possessor of the establishment.

30 (2) An application for licensure must be submitted in the name of
31 the owner or owners of the massage therapy establishment. If the owner
32 is a corporation, the application must be submitted in the name of the
33 owner or owners of the corporation and must be signed by an authorized
34 corporate representative.

1 (3) An owner may operate a massage therapy establishment under a
2 name other than that of the owner if the other name is included in the
3 license application.

4 (4) Every massage therapy establishment shall prominently display
5 its massage therapy establishment license, together with original or
6 copies of the licenses of all persons employed by the massage therapy
7 establishment to perform massage.

8 (5) Every owner must ensure that all persons employed to perform
9 massage hold valid licenses from the department to perform massage.

10 (6) Every owner is responsible for maintaining safe and sanitary
11 conditions at all times in the massage therapy establishment. However,
12 this directive does not relieve an individual licensed massage
13 practitioner of his or her responsibility for sanitary and safe
14 conditions of the space or the equipment used in performing massage.

15 (7) Every owner shall ensure that no licensed massage practitioner
16 practices beyond his or her scope of practice.

17 (8) An initial license is valid for two years. Licenses may be
18 renewable every two years.

19 NEW SECTION. **Sec. 6.** An initial fee of two hundred fifty dollars
20 must accompany the initial license application. A fee of one hundred
21 fifty dollars must accompany a license renewal application.

22 NEW SECTION. **Sec. 7.** Every owner shall properly maintain and
23 secure, for each client, records related to his or her initial intake
24 visit, subsequent sessions, and related billing records.

25 NEW SECTION. **Sec. 8.** (1) an owner may change the name of his or
26 her massage therapy establishment, or transfer the license from one
27 location to another by submitting a completed written request to the
28 department. The request must be made at least thirty days prior to
29 such a change and prior to revising any printed materials or
30 advertisements.

31 (2) When a massage therapy establishment is sold, or ownership is
32 transferred to another individual or entity, or the corporate legal
33 organizational status is substantially changed, the owner must apply
34 for a license for the new or changed entity.

1 NEW SECTION. **Sec. 9.** A massage therapy establishment owner,
2 lessee, or legal possessor may not knowingly engage in or permit any
3 person or persons to engage in any sexual activity in that owner's
4 establishment or to use that establishment to make arrangements to
5 engage in sexual activity in any other place. For the purposes of this
6 section, sexual activity must be defined in rule by the department.

7 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act constitute
8 a new chapter in Title 18 RCW.

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