

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 671

(Howard County Delegation)

Health and Government Operations

Education, Health, and Environmental Affairs

Howard County - Practice of Massage - Regulation
Ho. Co. 13-16

This bill authorizes the governing body of Howard County, after consultation with the State Board of Chiropractic and Massage Therapy Examiners, to adopt ordinances or regulations relating to verification, inspection, and display of licenses to practice massage therapy. The bill requires the governing body of Howard County to provide the Howard County Health Officer and the Howard County Police Department with the authority to carry out any ordinances or regulations adopted under the bill.

Fiscal Summary

State Effect: None. The bill only affects local government operations.

Local Effect: Enforcement of massage ordinances in Howard County can be handled with existing resources.

Small Business Effect: Potential minimal.

Analysis

Current Law: A person may not practice, attempt to practice, or offer to practice massage therapy, massage myotherapy, or any synonym or derivation of those terms unless licensed by the State Board of Chiropractic and Massage Therapy Examiners. Massage therapy does not include (1) the diagnosis or treatment of illness, disease, or injury; (2) the adjustment, manipulation, or mobilization of any of the articulations of the osseous structures of the body or spine; or (3) the laying on of hands, consisting of pressure or movement on a fully clothed individual, to specifically affect the electromagnetic energy

or energetic field of the human body (unless it includes manual defined massage techniques).

A person who is not licensed as a massage therapist or registered as a massage practitioner may not advertise or claim by title or any other representation that the person practices massage, massage therapy, myotherapy, or any synonym or derivation of those terms. A person who is registered as a massage practitioner or a business entity that employs registered massage practitioners may not advertise to the public that the person or business entity provides health-related therapeutic massage services.

The county commissioners of Washington and Charles counties have authority to adopt ordinances or regulations relating to massage establishments and the practices of massage therapists, practitioners, and any other individuals who provide massage for compensation. The Charles County Commissioners must provide that the director of the county's health department and the Office of the Sherriff for the county have the authority to carry out these ordinances or regulations. The Washington County commissioners must provide that the health officer and Office of the Sherriff for the county have the authority to carry out these ordinances or regulations.

Background: The 2012 report issued by the Governor's Office of Crime Control and Prevention and the Maryland Human Trafficking Task Force quotes a 2012 article in *The Sentinel*, which stated that "[Maryland] Police say in 2011, they began noticing a sharp increase in the number of acupressure and massage parlor advertisements in the adult section of websites that cater to adult service. Police say they also received a number of complaints from citizens concerning the businesses. According to police, they discovered the illegitimate massage and acupressure businesses were havens for human trafficking and were also exploiting women for profit."

According to a Howard County news release from December 2013, police have shut down several spas and made related arrests for spas operating without licenses. These actions, ongoing surveillance, and undercover operations are part of ongoing efforts in the county to address community concerns about prostitution and combat possible human trafficking. In an August 2015 news release, the Howard County Executive announced the creation of a fund to assist victims of human trafficking and to support law enforcement; the county executive also announced other steps to curb human trafficking in the county, including asking the county's local delegation to the General Assembly to request enabling legislation to allow county police officers to investigate massage parlors and other businesses suspected of being fronts for illegal prostitution and human trafficking.

Additional Information

Prior Introductions: HB 1084 of 2014, a bill with similar provisions, received a hearing in the House Health and Government Operations Committee, but no further action was taken.

Cross File: None.

Information Source(s): Maryland Association of County Health Officers, Howard County, Department of Health and Mental Hygiene, Governor's Office of Crime Control and Prevention, Maryland Human Trafficking Task Force, Department of Legislative Services

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