



HOUSE BILL 451: Regulate Massage & Bodywork Therapy Estmts.

2017-2018 General Assembly

Committee:	House Judiciary I	Date:	June 19, 2017
Introduced by:	Reps. McNeill, Bert Jones, R. Turner, Hurley	Prepared by:	Bill Patterson
Analysis of:	PCS to First Edition H451-CSTG-32		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute for House Bill 451 would require massage and bodywork therapy establishments to be licensed by the NC Board of Massage and Bodywork Therapy and would make it a Class 1 misdemeanor to employ a person who is not licensed to provide massage and bodywork therapy services. The new establishment license has a fee schedule. The PCS modifies the effective date for the new criminal offense, excludes massage businesses from the definition of "adult establishment," requires massage and bodywork therapists to obtain a statewide privilege license, and makes other technical and conforming changes to the bill.*

CURRENT LAW: Pursuant to Article 36 of Chapter 90 of the General Statutes the NC Board of Massage and Bodywork Therapy licenses and regulates individual therapists. Establishments where the massage and bodywork therapy services are provided are not subject to regulation by the Board.

BILL ANALYSIS:

Sections 1 through 12 of the PCS would make a number of changes to Article 36 of Chapter 90 to expand the authority of the NC Board of Massage and Bodywork Therapy to regulate and license establishments where massage and bodywork therapists work.

Obtaining a license to operate a massage and bodywork therapy establishment would require:

- Proof of property damage and bodily injury liability insurance coverage.
- Fingerprint cards and consent to a criminal history record check.
- Proof of good moral character.
- Self-evaluation inspection report demonstrating compliance with governing law.
- Proof that the establishment employs or plans to employ only massage and bodywork therapists who hold a current license.

Massage and bodywork therapy establishments would be required to pay the following fees relating to licensure: application for license: \$20; initial license fee, \$150; license renewal, \$100; late renewal penalty, \$75; duplicate license, \$25; and inspection of establishment, \$150. This fee schedule would be identical to the fee schedule applicable to massage and bodywork therapists, except for the \$150 establishment inspection fee. Sexual activity or solicitation of sexual activity in these establishments would be prohibited.

The PCS would make it a criminal offense punishable as a Class 1 misdemeanor to aid, employ or otherwise contract with a person who is not licensed or exempt from licensure to practice of massage

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 451

Page 2

and bodywork therapy, or to advertise the services of an unlicensed person as a massage and bodywork therapist.

Section 13 would exclude massage businesses from the definition of "adult establishment" in Article 26A of Chapter 14 ("Adult Establishments") and would make other related conforming changes in Article 26A.

Section 14 would require massage and bodywork therapists to obtain a statewide privilege license from the Secretary of State and would exempt them from privilege taxes levied by cities and counties.

EFFECTIVE DATE: The new criminal offense would be effective December 1, 2017 and apply to offenses occurring on or after that date. The new statewide privilege license tax would apply to taxable years beginning on or after July 1, 2018. The remaining provisions would be effective October 1, 2017.