

# FINAL BILL REPORT

## SHB 1387

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### PARTIAL VETO

C 353 L 95

Synopsis as Enacted

**Brief Description:** Revoking the license of a massage practitioner who has been convicted of prostitution.

**Sponsors:** House Committee on Law & Justice (originally sponsored by Representatives Delvin, Dellwo, Carrell, Cody, Morris, Padden, Hickel, Sommers, Conway, Brown, Mason, B. Thomas, Dickerson, Boldt, Campbell, Carlson, Patterson, Kessler, Mielke, Mulliken, Honeyford, Hargrove, L. Thomas, Kremen, Scott and Huff).

**House Committee on Law & Justice**

**Senate Committee on Health & Long-Term Care**

**Background:** Persons operating a massage or massage therapy business are regulated under state law and local ordinances. Any person operating a massage business in the state must obtain a license from the Department of Health. In order to qualify for a license, a person must be 18 years of age or older, successfully complete an approved course of study, and pass an approved examination.

Massage practitioners are subject to discipline under the Health Profession Uniform Disciplinary Act. Under this act, the license of a massage practitioner may be restricted, suspended, or revoked, after a hearing, upon a finding that the massage practitioner engaged in unprofessional conduct. Unprofessional conduct includes the commission of any act involving moral turpitude. An act of moral turpitude is an act involving baseness, vileness, or depravity which violates commonly accepted standards of good morals. Washington courts have held that prostitution related offenses are crimes of moral turpitude.

State law specifically provides that local jurisdictions may require additional registrations or licenses and charge additional fees for the local licensing of massage practitioners. However, a county, city, or town may not subject a state licensed massage practitioner to additional licensing requirements that are not imposed on similar health care providers, such as physical therapists or occupational therapists. In addition, a county, city, or town 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.

**Summary:** It is unlawful to advertise the practice of massage without printing in a display advertisement the license number of the massage practitioner.

The massage license of any person convicted of violating the state or local offense of prostitution, promoting prostitution, or permitting prostitution must be automatically revoked by the Secretary of the Department of Health upon receipt of a certified copy of the court documents reflecting such conviction. The license shall be reinstated upon the completion of a prostitution prevention and intervention program. A license may not be granted to any person convicted of a prostitution related offense for a period of eight years after the conviction, unless the applicant demonstrates that he or she has completed a prostitute prevention and intervention program.

A grant program is established in the Department of Community, Trade and Economic Development to enhance funding for prostitution prevention and intervention services, such as counseling, parenting, and education. Various organizations may apply to the department for a grant in order to provide prostitution prevention and intervention services. Funding for the grant program is provided through fees established and assessed against persons convicted of certain state or local prostitution-related crimes, through private donations, and through legislative appropriations.

The following fees are established for persons convicted of prostitution-related crimes: \$250 for patronizing a juvenile prostitute; \$50 for indecent exposure, prostitution, or permitting prostitution; \$150 for patronizing a prostitute; and \$300 for promoting prostitution. These fees are to be deposited into the prostitution prevention and intervention account created in the state treasury. Expenditures from the account may be used only for funding the grant program to enhance prostitution prevention and intervention services.

Provisions limiting the ability of counties, cities, and towns to impose more onerous license fees and requirements than those imposed on other health care providers are amended to provide that a county, city, or town may impose additional licensing requirements on a state licensed massage practitioner and may not charge a state licensed massage practitioner a fee in excess of fees imposed on other licensees. License fees imposed by counties, cities, and towns must be reasonable and shall not exceed the costs of the processing and administration of the licensing procedure. The amendments to these provisions relating to local license fees and restrictions are effective for two years.

**Votes on Final Passage:**

House	97	0	
Senate	47	0	(Senate amended)
House	81	15	(House concurred)

**Effective:** July 23, 1995

**Partial Veto Summary:** The amendments limiting the ability of counties, cities and towns to impose more onerous license fees and allowing counties, cities, and towns to impose additional licensing requirements on state licensed massage practitioners are removed.