

SENATE BILL REPORT

SHB 1252

As Reported by Senate Committee On:
Health Care, March 26, 2015

Title: An act relating to penalties for allowing or permitting unlicensed practice of massage therapy or reflexology.

Brief Description: Prescribing penalties for allowing or permitting unlicensed practice of massage therapy or reflexology.

Sponsors: House Committee on Public Safety (originally sponsored by Representatives Wylie, Harris, Moeller, Jinkins, Vick and S. Hunt).

Brief History: Passed House: 3/02/15, 97-0.

Committee Activity: Health Care: 3/17/15, 3/26/15 [DP].

SENATE COMMITTEE ON HEALTH CARE

Majority Report: Do pass.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Frockt, Ranking Minority Member; Angel, Bailey, Brown, Cleveland, Conway, Jayapal, Keiser, Parlette and Rivers.

Staff: Evan Klein (786-7483)

Background: Reflexology. Generally, reflexology is a health care service involving the application of pressure with fingers to the lower one-third of the extremities, feet, hands, and outer ears.

Massage. Generally massage and massage therapy are healthcare services involving the external manipulation or pressure of soft tissue for therapeutic purposes.

Practice of Reflexology and Massage. The practices of reflexology and massage are regulated within the statute licensing massage practitioners. A person practicing reflexology or massage or representing himself or herself as a reflexologist or massage practitioner must either be certified as a reflexologist or licensed as a massage practitioner by the Department of Health (DOH). In order to be certified, the person must be at least 18 years of age, have successfully completed a course of study, and pass an examination administered or approved by DOH.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

An applicant may be certified without examination in limited situations. In addition there are exemptions from the certification requirement provided for the following:

- individuals giving massage or reflexology to members of the individual's immediate family;
- licensed massage practitioners and other credentialed providers performing services within their scope of practice;
- individuals practicing massage or reflexology at an athletic department of (1) any institution that is maintained with public funds, including educational institutions; (2) a school or college approved by DOH; or (3) a nonprofit organization holding a specified liquor license;
- students enrolled in an approved reflexology or massage school, program, or apprentice program providing uncompensated, supervised services incidental to the school or program; and
- individuals who have completed an approved somatic education training program.

Reflexologists and massage practitioners are subject to the Uniform Disciplinary Act for health professions, and the Secretary of DOH is the disciplining authority.

Misdemeanor and Gross Misdemeanor Offenses. A misdemeanor offense is punishable by a sentence of up to 90 days in jail or a maximum \$1,000 fine, or both imprisonment and a fine. A gross misdemeanor offense is punishable by a sentence of up to 364 days in jail or a maximum \$5,000 fine, or both imprisonment and a fine.

Summary of Bill: It is a misdemeanor offense for an owner of a massage business or reflexology business, where massage therapy or reflexology takes place, to allow the unlicensed practice of massage therapy or reflexology. Such offense is a misdemeanor offense when the owner knowingly or with criminal negligence allows or permits the unlicensed practice of massage therapy or reflexology to be committed within the owner's place of business. A subsequent offense is a gross misdemeanor offense.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: A lot of communities in Washington are experiencing sex trafficking and prostitution issues. Law enforcement sees this bill as another tool to have in the toolbox for penalizing these illegitimate businesses. The current tool is to take action against the reflexologists, who are often the victim. This bill would allow law enforcement to go after the employers.

Persons Testifying: PRO: Representative Wylie, prime sponsor; Mark Brown, city of Vancouver; Lavon Watson, WA Engage; Melanie Stewart, American Massage Therapy Assn., WA Chapter.

Persons Signed in to Testify But Not Testifying: No one.