

HB 341-FN - AS INTRODUCED

2023 SESSION

23-0040

09/10

HOUSE BILL ***341-FN***

AN ACT establishing licensure for massage establishments.

SPONSORS: Rep. Grote, Rock. 24; Rep. Schmidt, Straf. 14; Rep. K. Murray, Rock. 22; Sen. Altschiller, Dist 24; Sen. Watters, Dist 4

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes licensure for massage establishments under the regulation of massage therapists by the office of professional licensure and certification.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT establishing licensure for massage establishments.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Regulation of Massage Therapists and Massage Establishments. Amend RSA 328-B:1 to read
2 as follows:

3 328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to
4 protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a
5 regulatory program for massage therapists, including establishing basic qualifications for licensure
6 of massage therapists **and massage establishments**.

7 2 New Paragraph; Massage Therapy and Massage Establishments; Definitions; Establishment.
8 Amend RSA 328-B:2 by inserting after paragraph III the following new paragraph:

9 III-a. "Establishment" means the place where the profession of massage is practiced.
10 "Establishment" shall include any building in which 2 or more massage therapists work for the same
11 employer.

12 3 New Paragraph; Massage Therapy and Establishments; Definitions; Sole Proprietor. Amend
13 RSA 328-B:2 by inserting after paragraph VIII the following new paragraph:

14 IX. "Sole proprietor" means any person who owns a business by himself or herself, and who
15 does not employ any additional employees.

16 4 New Paragraph; Massage Therapists and Massage Establishments; Prohibited Acts. Amend
17 RSA 328-B:3 by inserting after paragraph VI the following new paragraphs:

18 VII. Operate an establishment without an establishment license.

19 VIII. Operate an establishment unless such establishment is, at all times, under the direct
20 supervision and management of a professional licensed pursuant to this chapter.

21 5 New Paragraph; Massage Therapists and Massage Establishments; Rulemaking. Amend RSA
22 328-B:4 by inserting after paragraph VII the following new paragraph:

23 VIII. Pursuant to RSA 541-A, adopt rules relative to massage establishments, including:

24 (a) The issuance, suspension, revocation, renewal, and denial of massage establishment
25 licenses.

26 (b) Procedures for holding hearings and conducting investigations pursuant to
27 paragraph II concerning massage establishments.

28 (c) Conditions, requirements, and standards for operation under an establishment
29 license, including health and safety standards.

30 (d) Standards and procedures for inspections of establishments, including inspections
31 conducted as part of the initial licensing process.

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1 (e) Application forms and procedures to open, close, relocate, or renew an establishment.

2 (f) Requiring public display of licensure, and secure record keeping procedures.

3 (g) Procedures for disciplinary action, including cease and desist orders, suspension,
4 limitation, or revocation of establishment licensure.

5 (h) Requiring massage establishments to obtain certificates of good standing from the
6 secretary of state.

7 (i) Qualifications for exemption of schools, health facilities, or others from massage
8 establishment license requirements in RSA 329-B:14.

9 (j) Required documentation to verify sole proprietor or independent contractor
10 designation.

11 6 New Paragraph; Massage Therapists and Massage Establishments; License Renewal. Amend
12 RSA 328-B:6 by inserting after paragraph I the following new paragraph:

13 I-a. Initial licenses shall be valid until the next succeeding expiration date pursuant to RSA
14 328-B:7.

15 7 Massage Therapists and Massage Establishments; License Renewal. Amend RSA 328-B:6 and
16 328-B:7 to read as follows:

17 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last
18 day of the birth month of the licensee in the even-numbered year, upon approval of the executive
19 director of the renewal application and submission of the required renewal fee ***for massage***
20 ***therapists or the required fee as determined in rules adopted by the executive director for***
21 ***massage establishments.***

22 8 Massage Establishments; License Revocation. Amend RSA 328-B:8, IV to read as follows:

23 IV. Is convicted of any crime involving violence inflicted on a person or threatened against a
24 person, or any sexually-related crime, ***including prostitution***, or a crime involving moral
25 turpitude, ***or human trafficking.***

26 9 New Paragraph; Massage Therapists and Massage Establishments; Exemptions. Amend RSA
27 328-B:10 by inserting after paragraph III the following new paragraphs:

28 IV. Nothing in this chapter shall be construed to require a residential care or health facility
29 licensed pursuant to RSA 151:2 to obtain an establishment license pursuant to this chapter.

30 10 New Sections; Massage Establishment Licensure. Amend RSA 328-B by inserting after
31 section 13 the following new sections:

32 328-B:14 Massage Establishment Licensure.

33 I. It shall be a misdemeanor for any person, as owner, manager, or agent, to open, establish,
34 conduct, or maintain an establishment without first having obtained an establishment license from
35 the board. Any New Hampshire licensed massage therapist may obtain an establishment license
36 upon application and payment of the initial licensure fee provided that the establishment meets all

1 requirements established in the rules of the board. Massage establishment licenses granted
2 pursuant to this chapter shall be conspicuously posted within the establishment.

3 II. In addition to licenses issued under paragraph I, the board may issue an establishment
4 license to an applicant who does not hold a personal massage therapist license provided that the
5 owner employs a licensed massage therapist as manager. Nothing in this paragraph shall authorize
6 such an owner to personally engage in massage therapy.

7 III. This section shall not apply to a sole proprietor or to independent contractors. If a sole
8 proprietor or independent contractor is providing services without a prior appointment, the sole
9 proprietor or independent contractor shall obtain an establishment license.

10 IV. Only establishments issued a license by the executive director shall use the terms
11 “licensed massage establishment” or “massage establishment.”

12 V. The license fees for establishments shall be determined in rules adopted by the executive
13 director under RSA 541-A. Establishments that are licensed as an establishment, shop, or facility
14 under one of the occupations or professions regulated by the office of professional licensure and
15 certification in RSA 310-A:1-a shall pay a reduced fee for a massage establishment license.

16 VI. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of massage
17 establishments, provided that any license issued by a municipality prior to the effective date of this
18 section shall remain valid until the stated expiration of such license.

19 328-B:15 Inspectors.

20 I. The office of professional licensure and certification shall employ inspectors and authorize
21 them to enter and inspect any establishment licensed pursuant to this chapter for the purpose of
22 ascertaining compliance with this chapter and any administrative rules adopted pursuant to RSA
23 328-B:4. Each inspector shall file a report of inspection findings and results with the executive
24 director after each inspection conducted. Salaries and necessary expenses shall be charged against
25 the office of professional licensure and certification fund.

26 II. The executive director shall adopt rules under RSA 541-A relative to the qualifications of
27 an inspector under this section.

28 328-B:16 Local Authority. Nothing in this chapter shall preclude municipalities from enacting
29 local ordinances regulating and inspecting massage establishments in accordance with state law and
30 consistent with this chapter.

31 11 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

32 I. One program inspector, labor grade 21, is hereby established as a classified position in the
33 office of professional licensure and certification.

34 II. The amount necessary to pay for the position established in paragraph I, which shall be
35 in addition to any sums appropriated in 2021, 90:1, 01-21-21-216010-3302, for the division of
36 enforcement, is hereby appropriated to the executive director of the office of professional licensure

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- 1 and certification. Salaries and necessary expenses shall be a charge against the office of professional
- 2 licensure and certification fund established in RSA 310-A:1-e.
- 3 12 Effective Date. This act shall take effect 60 days after its passage.

**HB 341-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing licensure for massage establishments.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	In excess of \$82,000	In excess of \$84,000	In excess of \$87,000
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Office of Professional Licensure and Certification Fund			

METHODOLOGY:

This bill creates a new license for massage establishments under the regulation of massage therapists by the Office of Professional Licensure and Certification. The Office of Professional Licensure and Certification (OPLC) states to issue new licenses for massage establishments they would need an additional inspector position hired at a labor grade 21, step 1, for an additional \$82,000 a year. The OPLC also states there may be additional administrative costs in the form of rule promulgation, legal support and additional advisory meetings. Lastly, the OPLC is unable to determine how many licenses would be issued although any additional revenue from massage establishment license fees would be attributable to the rules. However, the additional revenue from license fees would offset expenses associated with this bill.

It is assumed any fiscal impact would occur after FY 2023.

This bill does not establish or provide an appropriation for new positions.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

REGULAR CALENDAR

February 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Executive Departments and Administration to which was referred HB 341-FN,

AN ACT establishing licensure for massage establishments. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Matthew Santonastaso

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Executive Departments and Administration
Bill Number:	HB 341-FN
Title:	establishing licensure for massage establishments.
Date:	February 8, 2023
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill will require massage establishments to be licensed and aims to help reduce sex trafficking by having the Office of Professional Licensure and Certification (OPLC) conduct inspections. This is in the scope of law enforcement and OPLC isn't equipped to deal with this kind of situation. Additionally, it is unlikely that any massage establishments that are involved in sex trafficking would comply and apply for a license that requires these inspections. They would either rebrand or simply not comply. The committee believes that this license would be burdensome to legitimate businesses and ineffective in fighting the abuses that concern its sponsors.

Vote 11-9.

Rep. Matthew Santonastaso
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 341-FN, establishing licensure for massage establishments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew Santonastaso for the **Majority** of Executive Departments and Administration. This bill will require massage establishments to be licensed and aims to help reduce sex trafficking by having the Office of Professional Licensure and Certification (OPLC) conduct inspections. This is in the scope of law enforcement and OPLC isn't equipped to deal with this kind of situation. Additionally, it is unlikely that any massage establishments that are involved in sex trafficking would comply and apply for a license that requires these inspections. They would either rebrand or simply not comply. The committee believes that this license would be burdensome to legitimate businesses and ineffective in fighting the abuses that concern its sponsors. **Vote 11-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

February 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on Executive
Departments and Administration to which was referred
HB 341-FN,**

**AN ACT establishing licensure for massage
establishments. Having considered the same, and being
unable to agree with the Majority, report with the
recommendation that the bill OUGHT TO PASS.**

Rep. Jaci Grote

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Executive Departments and Administration
Bill Number:	HB 341-FN
Title:	establishing licensure for massage establishments.
Date:	February 8, 2023
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill requires that massage establishments be registered with the Office of Professional Licensing and Certification (OPLC) to allow inspections of their facilities similarly to barbering, cosmetology, and esthetics. The purpose of these inspections are similar to those for other boards and confirms that employees are properly licensed and that the establishment meets public hygiene standards. Those sole and independent therapists are exempt from this bill.

Rep. Jaci Grote
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 341-FN, establishing licensure for massage establishments. **OUGHT TO PASS.**

Rep. Jaci Grote for the **Minority** of Executive Departments and Administration. This bill requires that massage establishments be registered with the Office of Professional Licensing and Certification (OPLC) to allow inspections of their facilities similarly to barbering, cosmetology, and esthetics. The purpose of these inspections are similar to those for other boards and confirms that employees are properly licensed and that the establishment meets public hygiene standards. Those sole and independent therapists are exempt from this bill.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 341-FN

BILL TITLE: establishing licensure for massage establishments.

DATE: January 25, 2023

LOB ROOM: 306-308 **Time Public Hearing Called to Order:** 10:46 am

Time Adjourned: 12:03 pm

Committee Members: Reps. C. McGuire, Simon, Sirois, T. Lekas, Bailey, True, Grote, Gerhard, Abare, T. Dolan, P. Schmidt, Goley, Schuett, O'Brien, F. Davis, Fitzpatrick and S. Gould

Bill Sponsors:

Rep. Grote
Sen. Altschiller

Rep. P. Schmidt
Sen. Watters

Rep. K. Murray

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Grote:** Spoke in favor of HB 341. Amendmant - asian body work.

***Rep. Schmidt:** Spoke in favor of HB 341. "This is bill is for the protection for the state of NH, the people and the practitioners." "Protection of legitimate therapeutic massage." "Important points of this bill is that people not providing adequate service can be denied a license." "This bill is not addressing trafficking, it is a bill to protect the practitioners of legitimate therapeutic massage."

***Mike Posanka** (HT Task Force - Human/Sex Trafficking): In favor of HB 341. Here to speak about human trafficking. "Massage parlors pose a threat in the area of sex trafficking and labor trafficking."

***Beverly Donovan:** Spoke in favor of HB 341. Spoke about the difference between the general operation of a legitimate massage facility versus an illicit facility. Illicit facilities most often have workers that live there, unable to leave and have all their food delivered. "This bill will save a lot of tax payer money by eliminating various roles."

***Charlie Pendlebury** (Detective-MESO): In favor of HB 341. Spoke about two laws addressing addressing this topic. "Massage establishments being used for prostitution is currently only a misdemeanor." "This bill would regulate establishments and be beneficial to victims of trafficking."

***Pamela Keilig & Meg Chant** (NHCADSV)(Human trafficking and Sexual Violence): Both are here to support HB 341. This bill would help to identify flags during the licensing process.

Michael Porter (OPLC): In favor of HB 341. *See written testimony.* Vocal testimony: This bill will allow physical inspection

that could uncover some flags. Without this bill, the use of ordinance violations is utilized to identify flags of trafficking or illicit practice. This takes time for the ordinance to be processed and ties up departments that are being taken from other obligations. This bill would allow immediate action should there be evidence of a danger.

David R. Caron: See written testimony.

Respectfully Submitted,

Rep Shane Sirois, Clerk

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB341 on 2
 Support: 8 Oppose: 6 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>?</u>
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Billingham, Carla	Salem, NH billingham2@comcast.net	A Member of the Public	Myself	Support	No	No	
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Oppose	No	No	
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Karney, Stephen	Amherst, NH stephenakarney@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Ayling, Rebecca	Manchester, NH beckystarr83@gmail.com	A Member of the Public	Myself	Support	No	No	
Murray, Kate	New Castle, NH dr.karma2000@gmail.com	An Elected Official	Myself	Support	No	No	
Wellington, Christine	Derry, NH chriswellington10@comcast.net	A Member of the Public	Myself	Support	No	No	
Nason, Lori	Dover, NH nasonlori@gmail.com	A Member of the Public	Myself	Oppose	No	No	
Altschiller, Senator Debra	SD24, NH kevin.condict@leg.state.nh.us	An Elected Official	SD24	Support	No	No	
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	
Hernandez, Ashley	Overland Park, KS ahernandez@fsmtb.org	A Member of the Public	Federation of State Massage Therapy Boards	Support	No	No	

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION ENFORCEMENT DIVISION

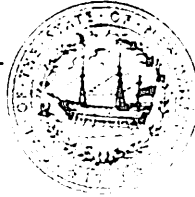
7 Eagle Square, Suite 100

Concord, N.H. 03301-2412

Telephone 603-271-2152 · Fax 603-271-6702

Lindsey B. Courtney
Executive Director

Jessica F. Kallipolites
Director



January 25, 2023

Honorable Committee Members
House Executive Departments
And Administration Committee
107 North Main Street
Concord, NH 03301

Re: HB- 341: Establishing Licensure for Massage Establishments

Honorable Chairwoman McGuire and Honorable Committee Members;

Currently, Massage Therapists (“Therapists”) are centrally licensed through the Office of Professional Licensure and Certification (“OPLC”) while the establishments in which they work are not. The proposed language contained in HB-341 would require establishments to be licensed among other things. Enacting legislation as presently drafted would proactively ensure members of the public can have confidence massge establishments and/or licensees within the establishment have met the minimum health and safety standards which ultimately provides consumer confidence in the profession as a whole and serves as a protection of the public health, safety, and welfare.

The currently enacted statutory language is reactive in as much as OPLC investigators are only authorized to inspect and investigate a complaint after an alleged act has occurred. Enacting legislation presently before this committee would allow a proactive approach whereby OPLC inspectors would have the ability to inspect licensed establishments to ensure minimum health and safety standards are met and would provide accountability to establishment licensees who engage in or authorize unlicensed practice within the establishment itself. Presently, even when a complaint is received, an establishment housing massage therapy is not required to permit an inspector or investigator into the premises, thereby impeding the investigation which could be detrimental in substantiating the allegations under investigation.

Statutory provisions prohibit me from discussing specific cases under investigation, however, in one instance a consumer seeking a legitimate massage was actually harmed. There are other scenarios similar to this that continue to play out causing harm to the public. Through the investigative process, we are able to substantiate unlicensed practice, but are unable to hold the unlicensed massage therapist(s) accountable for a number of reasons, including but not limited to an inability to affirmatively confirm the identity of the alleged violator, or, in some instances, an inability to enter the establishment where the alleged unlicensed practice is or has been occurring, thereby detrimentally impeding the investigation. Harm to the public is occurring. While I cannot divulge all the facts, We have reviewed a number of complaints whereby unsuspecting consumers have entered an establishment believing one thing yet encountering something completely different.

Under the proposed legislation requiring establishment licensure, an establishment license holder would be held accountable for authorizing unlicensed practice within the establishment. Additionally, unlike present day circumstances, if the establishment licensee refuses to allow an OPLC inspector or investigator into the establishment to conduct an inspection or investigation, the establishment license holder could be held accountable for that action as well.

The draft language proposed in HB 341 addresses the following:

- Provides an ability to inspect massage establishments proactively.
- Reduces the disruption to legitimate businesses and business owners operating in the vicinity of establishments hosting unlicensed practice of massage therapy.
- Assists in the protection of the public health, safety, and welfare.
- Protects legitimate therapeutic massage business owners who are operating within the law.
- Reinforces public confidence that an establishment and/or licensees have met the minimum health and safety requirements.

The unlicensed practice of massage therapy in establishments hosting the unlicensed therapists erodes public confidence in the profession as a whole and negatively impacts consumers, business owners, and property owners near where the unlicensed activity is occurring. Presently if an unlicensed practitioner is unable to be accurately identified and held accountable, there is no mechanism to hold the establishment owner responsible. HB 341 addresses these very important requirements to ensure protection of the public health, safety, and welfare.

I am happy to speak with any committee members. I can be reached at (603) 271-0140 or Michael.W.Porter@oplc.nh.gov.

Sincerely,

/s/ Michael Porter

Michael Porter
Investigations Bureau Chief
OPLC Division of Enforcement



David R. Caron
Town Administrator
dcaron@derrynh.org

January 23, 2023

Representative Carol McGuire, Chair,
Members of the Executive and Administrative Committee
Legislative Office Building
107 North Main Street
Concord, NH 03301

RE: HB341 FN
Presented at the January 25, 2023 Hearing

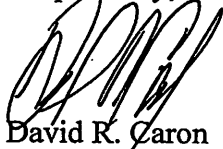
Dear Chair McGuire and Members of the Committee:

Thank you for the opportunity to voice my support for HB1429. The proposed amendments to RSA 328-B within this bill will afford the State of New Hampshire the proper tools and resources to ensure that massage establishments are operating within established standards to protect the public's health and safety.

The Town of Derry has experienced a significant increase in the number of these establishments in our community, and the frequency of ownership and business name changes raise additional concerns that new owners/operators do not possess the requisite knowledge to operate in a safe and healthy environment. Passage of this legislation will establish a registration process whereby the public can be assured that community health and safety protocols and standards are being met.

We need the Legislature's help to safeguard our citizens when patronizing these establishments.

Respectfully,



David R. Caron
Town Administrator

cc. Derry Town Council
Derry Legislative Delegation



CODE ENFORCEMENT DEPARTMENT
Robert S. Mackey, Code Enforcement Director
Building/Health/Zoning

CE23-101

January 23, 2023

NH House Executive Departments & Administration Committee
c/o The General Court of New Hampshire
107 North Main Street
Concord, NH 03301

RE: HB 341-FN – Licensure for Massage Establishments

Dear Committee:

I am writing in support of HB 341 relative to establishing licensure for massage establishments at the State level. It is critically important that the office of Professional Licensure & Certification (OPLC) be given the ability to license and inspect massage establishments.

The Town of Derry, as well as the State, has seen a proliferation of these establishments and it is unclear if the required state licensing of the individuals employed at these establishments is being regularly maintained. In addition, there are ongoing concerns regarding health and safety violations at these businesses.

Requiring an establishment license and the subsequent ability for the OPLC inspectors to conduct random inspections would greatly improve both the State's and local communities' ability to ensure that the proper regulations are being followed.

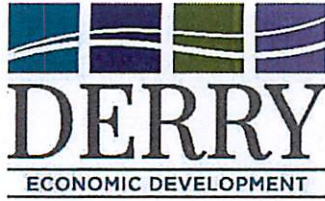
Again, we respectfully request that the committee support this bill.

Sincerely,

Robert Mackey
Code Enforcement Director
Deputy Health Officer

14 Manning Street . Derry, New Hampshire 03038 . Tel 603.432.6148 . Fax 603.432.6109

Website: www.derry-nh.org



14 Manning Street – 3rd Floor – Derry, NH 03038
Derry Municipal Center - 603-845-5407
Economicdevelopment@derrynh.org
www.derrynh.org

January 24, 2023

NH House Executive Departments and Administration Committee
c/o The General Court of New Hampshire
107 North Main Street
Concord, NH 03301

RE: HB 341-FN - Establishing Licensure for Massage Establishments

Dear Committee:

I am writing in support of HB 1429 relative to establishing licensure for massage establishments.

It is critically important that the office of Professional Licensure and Certification (OPLC) be given the ability to license and inspect massage establishments. Requiring an establishment license and the subsequent ability for OPLC inspectors to conduct random inspections would greatly improve both the state and local communities' ability to ensure that proper regulations are being followed and to safeguard the health and safety of our residents, as well as the employees of those establishments.

Although most of Derry's massage therapy establishments are long-standing and respected businesses, the town has seen an inordinate number of ownership changes in the category of Bodyworks/Massage Spas and it is increasingly unclear if required state licensing of the individuals employed at these establishments is being regularly maintained. In addition, there are ongoing concerns regarding health and safety violations at several of these businesses. A process of licensure and inspection would greatly improve these issues.

Please contact me with any further questions at 603-845-5407 or at beverlydonovan@derrynh.org.

Sincerely,

A handwritten signature in blue ink that reads "Beverly J. Donovan".

Beverly J. Donovan

Beverly Donovan
Economic Development Director, Town of Derry, NH



January 25, 2023

House Executive Departments and Administration Committee
107 North Main Street LO Room 306
Concord, NH 03301

Via Email: HouseExecutiveDepartmentsandAdministration@leg.state.nh.us

Dear Executive Departments and Administration Committee,

RE: HB 341, Massage Establishment Licensure

The Federation of State Massage Therapy Boards (FSMTB®) is appreciative of the opportunity to provide education and support to key decision makers when considering changes to massage therapy regulation.

The FSMTB is a not-for-profit corporation with membership comprised of 45 massage therapy regulatory boards and agencies in the United States and its territories. The mission of FSMTB is to support its member boards in their work to ensure that the practice of massage therapy is provided to the public safely and competently. The New Hampshire Advisory Board of Massage Therapists is a member of the FSMTB. One of the benefits of FSMTB membership is the collective wisdom and shared best practices among and between the agencies regulating massage therapy across the country.

Implementing massage establishment licensure in New Hampshire is one vital step to take in the fight against human trafficking. It adds another tool to help identify and filter out illicit businesses and protect the public. FSMTB's Human Trafficking Report (link enclosed) finds that human trafficking is prevalent and that its impact on massage therapy is sizable. This is largely because illicit businesses (IBs) use massage therapy to legitimize their illegal activity. An analysis of data collected from the U.S. National Human Trafficking Hotline by Polaris in 2020 ranks illicit massage business at #3 in method used for trafficking. <https://polarisproject.org/wp-content/uploads/2022/01/Human-Trafficking-Trends-in-2020-by-Polaris.pdf>. Regulators can change this reality.

In addition to being an effective measure against human trafficking, massage establishment licensure protects the consuming public and employees. Regulation of massage establishments allows for inspections to be conducted to ensure compliance with public health standards. By doing so, the inspector evaluates proper hygiene and sanitation usage within the facility. Inspections can protect the employees of establishments by looking for signs of wage/hour violations.

There are currently 20 states¹ that have some form of regulation for massage establishments. Most recently South Carolina joined in to license massage establishments with (2021) S 227 passed May 13, 2022. Some states leave establishment regulation to local jurisdictions. This, however, creates a patchwork approach that IMI's exploit – they get shutdown in one municipality and move next door. This patchwork approach, allows bad actors (human, sex and labor traffickers) to merely relocate with little to no consequences. Massachusetts, a neighbor of New Hampshire passed massage establishment licensure in January of 2017.

Should you have any questions about the FSMTB or any of the above information, please feel free to contact me directly at 913.681.0380 or by email at ahernandez@fsmtb.org.

Sincerely,

Ashley Hernandez, MPA
Government Relations Specialist

Enclosed: [Human Trafficking Task Force Report](#)

¹ Alabama, Alaska, Arkansas, Delaware, Florida, Hawaii, Louisiana, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Oregon, South Carolina, Tennessee, Texas, Washington

Christine Wellington

As a retired lawyer who represented several human trafficking survivors and was a member of the AG's Trafficking Commission under former AG Mike Delaney and the subsequent NH Human Trafficking Collaborative Task Force, I support this bill. It will provide the state and local municipalities with key enforcement tools to combat the numerous illicit massage businesses that proliferate in New Hampshire, including in my own town.

Patricia Anastasia

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 341-FN

BILL TITLE: establishing licensure for massage establishments.

DATE: February 8, 2023

LOB ROOM: 306-308

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Santonastaso

Seconded by Rep. Gerhard

Vote: 11-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Shane Sirois, Clerk



2023 SESSION

Executive Departments and Administration

Bill #: 341 Motion: ITL AM #: _____ Exec Session Date: 2-8-23

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	✓		
Simon, Matthew J. Vice Chairman	✓		
Lekas, Tony	✓		
Bailey, Glenn	✓		
Santonastaso, Matthew	✓		
True, Chris	✓		
Dolan, Tom	✓		
Abare, Kimberly L	✓		
Gerhard, Jason	✓		
Sirois, Shane A	✓		
Grote, Jaci L.		✓	
Schmidt, Peter B.		✓	
Goley, Jeffrey P.		✓	
Schuett, Dianne E.		✓	
O'Brien, Michael B.		✓	
Wilhelm, Matthew B. <u>MAS SAMILCA</u>		✓	
Davis, Fred E.		✓	
Fitzpatrick, Daniel W		✓	
Gould, Sherry L	✓		
Smith, Juliet L <u>Soucy</u>		✓	
TOTAL VOTE:			

11-9