

LEGISLATIVE COMMITTEE MINUTES

SB212

Bill as Introduced

SB 212-FN - AS INTRODUCED

2023 SESSION

23-1033
09/10

SENATE BILL

212-FN

AN ACT

relative to the regulation of massage, reflexology, structural integrator, and Asian bodywork therapy establishments.

SPONSORS:

Sen. Altschiller, Dist 24

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill requires massage establishments to be licensed, regulated, and inspected by the office of professional licensure and certification. The bill also adds compensation to members of the advisory board of massage therapists.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the regulation of massage, reflexology, structural integrator, and Asian bodywork therapy establishments.

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

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

2 328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to
3 protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a
4 regulatory program for massage therapists, including establishing basic qualifications for licensure
5 of massage therapists **and massage establishments**.

6 2 New Paragraph; Massage Therapists and Massage Establishments; Definition Added. Amend
7 RSA 328-B:2 by inserting after paragraph III the following new paragraph:

8 III-a. "Establishment" means a place where massage therapy services are offered by more
9 than one person.

10 3 New Paragraph; Massage Therapists and Massage Establishments; Definition Added. Amend
11 RSA 328-B:2 by inserting after paragraph VIII the following new paragraph:

12 IX. "Sole proprietor" means any person who owns a business by himself or herself and does
13 not have any employees within his or her business.

14 4 New Paragraphs; Prohibited Acts; Establishment Licensure. Amend RSA 328-B:3 by inserting
15 after paragraph VI the following new paragraphs:

16 VII. Operate an establishment without an establishment license.

17 VIII. Operate an establishment unless such establishment is at all times under the direct
18 supervision and management of a professional licensed under this chapter.

19 5 New Paragraph; Powers and Duties; Establishments. Amend RSA 328-B:4 by inserting after
20 paragraph VII the following new paragraph:

21 VIII. Regulate and adopt rules on massage establishments, including:

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

24 (b) Holding hearings and conduct investigations under paragraph II concerning massage
25 establishment licenses.

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

28 (d) Standards and procedures for inspections of establishments including, inspections
29 conducted as part of the initial licensure process.

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

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- Page 2 -

1 (f) Requiring public display of licensure and secure recordkeeping procedures.

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

4 (h) Requiring the licensee to obtain a certificate of good standing from the secretary of
5 state.

6 (i) Qualifications for exemption of schools, health facilities, or others from massage
7 establishment license requirements in RSA 328-B:14.

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

10 6 Advisory Board of Massage Therapists. Amend the introductory paragraph of RSA 328-B:5 to
11 read as follows:

12 The executive director shall establish the advisory board of massage therapists. The board shall
13 consist of 3 massage therapists who are licensees in the state of New Hampshire. The members
14 shall be appointed for 3 years, staggered so that the term of one member expires each year, and they
15 shall hold office until successors are appointed[~~and shall serve on the board without any~~
16 ~~compensation~~]. In no event shall a member serve more than 2 full consecutive terms. The board
17 shall:

18 7 New Paragraph; License Issuance. Amend RSA 328-B:6 by inserting after paragraph I the
19 following new paragraph:

20 I-a. Initial licenses shall be valid until the next succeeding expiration date in accordance
21 with 328-B:7.

22 8 License Fee; Establishment License. Amend RSA 328-B:7 to read as follows:

23 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire *in*
24 *accordance with RSA 310-A:1-h*, upon approval of the executive director of the renewal
25 application and submission of the required renewal fee *for massage therapists or the required*
26 *fee as determined in rules adopted by the executive director for massage establishments*.

27 9 New Paragraph; Revocation or Suspension. Amend RSA 328-B:8 by inserting after paragraph
28 V the following new paragraph:

29 VI. Has engaged in illegal activity, including but not limited to prostitution or human
30 trafficking.

31 10 New Paragraph; Massage; Exemptions. Amend RSA 328-B:10 by inserting after paragraph
32 III the following new paragraph:

33 IV. Nothing in this chapter shall require a residential care or health facility licensed
34 pursuant to RSA 151:2 to obtain an establishment license under this chapter.

35 11 New Sections; Massage Establishment Licensure; Inspectors. Amend RSA 328-B by
36 inserting after section 13 the following new sections:

37 328-B:14 Massage Establishment Licensure.

1 I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish,
2 conduct or maintain an establishment without first having obtained an establishment license from
3 the board. Any New Hampshire licensed massage therapist may obtain an establishment license
4 upon application and payment of fee provided that the establishment meets all requirements
5 established in the rules of the board. Massage establishment licenses granted pursuant to this
6 chapter shall be conspicuously posted within the establishment.

7 II. In addition to licenses issued under paragraph I, the executive director may issue an
8 establishment license to an applicant who does not hold a personal massage therapist license
9 provided that the owner employs a licensed massage therapist as manager. This paragraph shall
10 not authorize such owner to personally engage in massage therapy.

11 III. The requirement for establishment licensure under paragraph I shall not apply to a sole
12 proprietor of his or her business or independent contractors. If a sole proprietor or independent
13 contractor is providing services without a prior appointment, the sole proprietor or independent
14 contractor shall obtain an establishment license.

15 IV. Only establishments issued a license by the executive director shall use the terms
16 "licensed massage establishment" or "massage establishment."

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

21 VI. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of massage
22 establishments.

23 328-B:15 Inspectors.

24 I. The office of professional licensure and certification shall employ inspectors and authorize
25 them to enter and inspect any establishment licensed under this chapter for the purpose of
26 ascertaining whether or not the administrative rules of the board and the provisions of this chapter
27 are being observed. Each inspector shall file a report of inspection findings and results with the
28 executive director. Salaries and necessary expenses shall be charged against the office of
29 professional licensure and certification fund.

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

32 12 Grandfathering of Municipal Bylaws and Ordinances. Notwithstanding RSA 328-B:14, VI, a
33 license for a massage establishment issued by a municipality in effect on the effective date of this act
34 shall remain valid for purposes of RSA 328-B:14 until the expiration of the term of the license.

35 13 New Paragraph; Definitions; Reflexology, Structural Integration, and Asian Bodywork
36 Therapy. Amend RSA 328-H:2 by inserting after paragraph II the following new paragraph:

1 II-a. "Establishment" means a place where massage therapy services are offered by more
2 than one person.

3 14 New Paragraph; Definitions; Reflexology, Structural Integration, and Asian Bodywork
4 Therapy. Amend RSA 328-H:2 by inserting after paragraph VII the following new paragraph:

5 VIII. "Sole proprietor" means any person who owns a business by himself or herself and does
6 not have any employees within his or her business.

7 15 New Paragraphs; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
8 Prohibited Acts. Amend RSA 328-H:4 by inserting after paragraph V the following new paragraphs:

9 VI. Operate a reflexology, structural integration, or Asian bodywork therapy establishment
10 without an establishment license.

11 VII. Operate a reflexology, structural integration, or Asian bodywork therapy establishment
12 unless such establishment is at all times under the direct supervision and management of a
13 practitioner licensed under this chapter.

14 16 New Subparagraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
15 Rulemaking. Amend RSA 328-H:5, VIII by inserting after subparagraph (l) the following new
16 subparagraph:

17 (m) Regulate establishments including:

18 (1) Issue, suspend, revoke, renew, and deny licenses in accordance with rules
19 adopted under RSA 541-A.

20 (2) Hold hearings and conduct investigations, public or confidential, and issue orders
21 relating to such hearings and investigations. The contested case provisions of RSA 541-A:31-36 shall
22 apply when a person is aggrieved by a decision of the executive director under this chapter. Appeals
23 shall be made in accordance with RSA 541.

24 (3) Conditions, requirements, and standards for operation under an establishment
25 license, including health and safety standards.

26 (4) Standards and procedures for inspections of establishments, including
27 inspections conducted as part of the initial licensure process.

28 (5) A fine schedule for violations of the administrative rules adopted by the executive
29 director under this chapter.

30 (6) Application forms and procedures to open, close, relocate, or renew an
31 establishment.

32 (7) Requiring public display of licensure and secure recordkeeping procedures.

33 (8) Procedures for disciplinary action, including cease and desist orders, suspension,
34 limitation, or revocation of establishment licensure.

35 (9) Requiring an applicant for licensure to obtain a certificate of good standing from
36 the secretary of state.

1 (10) Establishing the fees for licensure of a reflexology, structural integration, or
2 Asian bodywork therapy establishment in rules adopted by the executive director under RSA 541-A.
3 Establishments that are licensed as an establishment, shop, or facility under one of the occupations
4 or professions regulated by the office of professional licensure and certification in RSA 310-A:1-a
5 shall pay a reduced fee for a reflexology, structural integration, or Asian bodywork therapy
6 establishment license.

7 (11) Qualifications for exemption of schools, health facilities, or others from
8 reflexology, structural integration, or Asian bodywork therapy establishment license requirements in
9 RSA 328-H:18.

10 17 New Paragraph; License Revocation or Suspension. Amend RSA 328-H:10 by inserting after
11 paragraph V the following new paragraph:

12 VI. Has engaged in illegal activity including but not limited to prostitution or human
13 trafficking.

14 18 Exemptions. Amend RSA 328-H:13 as follows:

15 328-H:13 Exemptions.

16 I. Nothing in this chapter shall prevent a person licensed by this state pursuant to any other
17 provision of law from performing the occupation for which he or she is licensed.

18 **II. Nothing in this chapter shall require a residential care or health facility**
19 **licensed pursuant to RSA 151:2 to obtain an establishment license under this chapter.**

20 19 New Sections; Establishment Licensure; Inspectors. Amend RSA 328-H by inserting after
21 section 17 the following new sections:

22 328-H:18 Establishment Licensure.

23 I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish,
24 conduct or maintain an establishment without first having obtained an establishment license from
25 the executive director. Any New Hampshire licensed reflexologist, structural integrator, or Asian
26 bodywork therapist may obtain an establishment license upon application and fee provided that the
27 establishment meets all requirements established in the rules adopted by the executive director.
28 Establishment licenses granted pursuant to this chapter shall be conspicuously posted within the
29 establishment.

30 II. In addition to licenses issued under paragraph I, the board may issue an establishment
31 license to an applicant who does not hold a personal reflexologist, structural integrator, or Asian
32 bodywork therapist license provided that the owner employs a licensed reflexologist, structural
33 integrator, or Asian bodywork therapist as manager. This paragraph shall not authorize such owner
34 to personally engage in massage therapy act as a practitioner under this chapter.

35 III. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of
36 reflexology, structural integration, or Asian bodywork therapy establishments.

1 328-H:19 Inspectors.

2 I. The office of professional licensure and certification shall employ inspectors and authorize
3 them to enter and inspect any establishment licensed under this chapter for the purpose of
4 ascertaining whether or not the administrative rules of the executive director and the provisions of
5 this chapter are being observed. Each inspector shall file a report with the executive director of
6 inspection findings and results. Salaries and necessary expenses shall be charged against the fees
7 and other moneys collected under this chapter.

8 II. The executive director shall adopt rules relative to the qualifications of an inspector
9 under this section.

10 20 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

11 I. One investigative paralegal position, labor grade 22, is hereby established as a classified
12 position in the office of professional licensure and certification.

13 II. The amount necessary to pay for the position established in paragraph I, which shall be
14 in addition to any sums appropriated in 01-21-21-215010-2406 for the division of health professions,
15 is hereby appropriated to the executive director of the office of professional licensure and
16 certification. Salaries and necessary expenses shall be charged against the office of professional
17 licensure and certification fund established in RSA 310-A:1-e.

18 21 Effective Date. This act shall take effect July 1, 2023.

SB 212-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the regulation of massage, reflexology, structural integrator, and Asian bodywork therapy establishments.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$83,515	\$86,054	\$88,713
Revenue	\$0	\$150,000	\$7,500	\$165,300
Expenditures	\$0	\$83,515	\$86,054	\$88,713
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 requires licensure and inspection of establishments for massage therapy, reflexology, structural integration and Asian bodywork therapy. The bill establishes a new classified position of investigative paralegal, labor grade 22, in the Division of Health Professions within the Office of Professional Licensure and Certification. The investigative paralegal would be hired to start on July 1, 2023 with total annual position costs of \$83,515 in FY 2024 , \$86,054 in FY 2025, and \$88,713 in FY 2026.

The Office of Professional Licensure and Certification (OPLC) states currently there are nearly 2,000 licensed massage therapists in New Hampshire. OPLC assumes, based on other, comparable licensing structures, that there would be an increase in licensure of around 25%, or approximately 500 establishment licenses, with around 5% of growth thereafter.

Based on the assumptions above, OPLC estimates this bill will produce an additional 500 license in FY 24, 25 new licenses in FY 25 and 551 licenses including renewals in FY 26. Additionally, there are currently 33 licensees under Reflexology, Structural Integration, and Asian Bodywork Therapy, and OPLC assumes a similar 25% establishment operating rate.

OPLC assumes the fee for massage establishments would be \$300 for two years. This fee would be set in rules pursuant to RSA 310-A.

FY23: 500 licensees X \$300 = \$150,000 for biennium

FY24: 25 (new licenses) X \$300= \$7,500

FY25: 551 (new plus renewal) X \$300 = \$165,300 for biennium

The creation of a license for Reflexology, Structural Integration, and Asian Bodywork Therapy would create an estimated 8 establishments, also at \$300 for two years, a de minimis amount also attributable to the rules.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

**SB 212-FN FISCAL NOTE
 AS INTRODUCED**

AN ACT relative to the regulation of massage, reflexology, structural integrator, and Asian bodywork therapy establishments.

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STATE:	Estimated Increase / (Decrease)			
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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			

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AGENCIES CONTACTED:

Office of Professional Licensure and Certification

Committee Minutes

SENATE CALENDAR NOTICE

Executive Departments and Administration

Sen Howard Pearl, Chair
Sen Sharon Carson, Vice Chair
Sen Carrie Gendreau, Member
Sen Rebecca Perkins Kwoka, Member
Sen Debra Altschiller, Member

Date: February 8, 2023

HEARINGS

Wednesday	02/15/2023	
(Day)	(Date)	
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 212-FN	relative to the regulation of massage, reflexology, structural integrator, and Asian bodywork therapy establishments.
9:15 a.m.	SB 126-FN	relative to licensure requirements for telehealth services and relative to licensure of physicians and physicians assistants treating patients incarcerated with the department of corrections.
9:30 a.m.	SB 211-FN	relative to background investigations of solid waste and hazardous waste facility permit applicants.
9:45 a.m.	SB 205-FN	relative to a cost of living adjustment in the state retirement system.
10:00 a.m.	SB 203	relative to the composition and jurisdiction of the manufactured housing board.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 212-FN

Sen. Altschiller

SB 126-FN

Sen. Whitley

Sen. Soucy

SB 211-FN

Sen. Pearl

SB 205-FN

Sen. D'Allesandro

Sen. Altschiller

Sen. Chandley

Rep. Ellison

SB 203

Sen. Avard

Sen. Perkins Kwoka

Sen. Fenton

Sen. Lang

Sen. Perkins Kwoka

Sen. Soucy

Sen. Ricciardi

Sen. Watters

Sen. Rosenwald

Sen. Watters

Sen. Whitley

Sen. Prentiss

Sen. Gannon

Sen. Chandley

Sen. Rosenwald

Sen. Fenton

Rep. Leishman

Phil Jasak 271-1403

Howard Pearl
Chairman

Senate Executive Departments and Administration Committee

Phil Jasak 271-1403

SB 212-FN, relative to the regulation of massage, reflexology, structural integrator, and Asian bodywork therapy establishments.

Hearing Date: February 15, 2023

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill requires massage establishments to be licensed, regulated, and inspected by the office of professional licensure and certification. The bill also adds compensation to members of the advisory board of massage therapists.

Sponsors:

Sen. Altschiller

Who supports the bill: Sen. Altschiller, Jessica Kallipolites (OPLC), Pamela Keiliy (NHCADSV), Alana Parsons, Abbigail Rollins, Jaci Grote.

Who opposes the bill: Julie Smith, Curtis Howland, Maureen Hardy, Jesse Medeiros

Who is neutral on the bill: None

Summary of testimony presented:

Sen Altschiller:

- Sen Altschiller said that SB 212 would massage reflexology structural integration and Asian Bodywork therapy into the community of currently licensed practitioners.
- Sen. Altschiller then said that currently, these types of therapists do not need to be licensed and there are no checks on the conditions of these facilities. She added that is also no verification of training for these individuals and soft tissue manipulations can cause serious harm if not done right.
- Sen. Altschiller then added that there is a complaint process but only after harm has been done to the client and there is no requirement for the individuals or businesses to comply with the investigation.

Jessica Kallipolites:

- Ms. Kallipolites said that unlicensed practitioners are of great concern, but the individuals are technically supposed to be licensed. She added that applicants are required to disclose all criminal and sexual convictions as well as complete numerous hours of training.
- Ms. Kallipolites then said that massage establishment licensure does not currently exist, but this bill would allow OPLC to proactively inspect these facilities and require establishment cooperation.
- Sen. Pearl asked how many complaints they are currently getting.
 - Ms. Kallipolites answered she doesn't know the exact number but there have been at least 3 in the last 6 months when a client claimed inappropriate behavior but they weren't able to do anything because the establishment wouldn't cooperate.
 - Sen. Pearl then asked if the facility licensure would help resolve the issue.
 - Ms. Kallipolites answered yes because they would be obligated to comply with the department investigation and holds the owners more accountable to who they hire.
- Sen. Gendreau asked if this licensure would cover nibble fish.
 - Ms. Kallipolites answered that this would fall under pedicures, but it is not one of the 17 categories of Asian Bodywork.
- Sen. Carson asked if inappropriate complaints would actually involve the police and if establishments should be required to display their license.
 - Ms. Kallipolites answered that this may help when the inspectors look for these things and the establishment licensure would allow OPLC to inspect. She added that the sexual assault accusations have often been filed as police reports but the police were unable or unwilling to take action. She added that anything that rises to the level of crime is not enforceable by the OPLC.
 - Sen. Carson asked how to deal with establishments that often move to hide their offerings of sexual favors and if this bill does anything to stop this.
 - Ms. Kallipolites answered that she thinks it could potentially help in this issue. She said that by requiring a new license every time an establishment relocates, it could potentially cut down on this activity since those establishment often relocate to avoid detection by law enforcement.
 - Sen. Carson asked if sole proprietors would be required to obtain two licenses.
 - Ms. Kallipolites answered that Page 4 line 5 has an exemption for that.
 - Sen. Carson asked if the sole proprietor has their own business but they've hired someone else to do their books or manage appointments if they would be required to obtain a double license.

- Sen. Altschiller answered that if they are contracted workers like payroll operators they aren't considered employees and that non-massage therapists could be exempt from the licensure.

PJ

Date Hearing Report completed: February 21, 2023

Speakers

SENATE EXECUTIVE DEPARTMENTS & ADMINISTRATION COMMITTEE

Date 02/15/23

Time 9:00 A.M.

Public Hearing on SB 212

Relative to the regulation of massage, reflexology, structural integrator, and Asian bodywork therapy establishments.

Please check box(es) that apply.

SPEAKING FAVOR OPPOSED

NAME (Please print)

REPRESENTING

Jessica Kallipolites

OPLC

Pamela Keilig

NHCADSV

Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB212 on 2
Support: 4 Oppose: 4

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Smith, Julie	A Member of the Public	Myself	Oppose
Parsons, Alana	A Member of the Public	Myself	Support
Howland, Curtis	A Member of the Public	Myself	Oppose
Hardy, Maureen	A Member of the Public	Myself	Oppose
Medeiros, Jesse	A Member of the Public	Myself	Oppose
Rollins, Abbigail	A Member of the Public	Myself	Support
Grote, Jaci	An Elected Official	Myself	Support
Altschiller, Senator Debra	An Elected Official	Myself	Support

Testimony

February 15, 2023

Testimony supporting SB 212: relative to the regulation of massage, reflexology, structural integrator, and Asian bodywork therapy establishments.

Senator Debra Altschiller, District 24

Thank you, Chairwoman Carson and Honorable Committee members.

For the record, I am Senator Debra Altschiller. I represent Senate District 24 which includes the towns of Exeter, Greenland, Hampton, Hampton Falls, North Hampton, Rye & Stratham.

Senate bill 212 would fold the practitioners of massage, reflexology, structural integrator, and Asian bodywork therapy into the community of licensed practitioners.

For your reference, below are the following definitions of the above-named practices:

Massage: the manipulation of the body's soft tissues. Massage techniques are commonly applied with hands, fingers, elbows, knees, forearms, feet or a device. The purpose of massage is generally for the treatment of body stress or pain.

Reflexology: a type of physical pressure applied on specific points to feet, hands and ears. The purpose is for the treatment of stress. Reflexology practitioners connect spots on the outside of the body to the inside (similar to acupuncture and acupressure) using their hands.

Structural integrator: Structural Integration is a type of bodywork that focuses on the connective tissue, or fascia, of the body. Fascia surrounds muscles, groups of muscles, blood vessels, organs, and nerves, binding some structures together while permitting others to slide smoothly over each other. Structural Integration works to lengthen, stretch, and soften this connective tissue to restore postural balance and ease of movement.

Asian bodywork: (ABT) is the official term used by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) to designate the different touch and manual therapy modalities that incorporate the medical theories and principles of Traditional Chinese Medicine (TCM). Currently, there are 17 recognized forms or styles of ABT. Traditional Chinese Medicine (TCM) characterizes illness as an imbalance of *qi*, rather than a biochemical phenomenon. ABT may include, but is not limited to, touching, pressing or holding the body along meridians and/or acupoints, application of heat or cold, stretching, external application of herbal or other topical preparations not classified as prescription drugs, and dietary or exercise suggestions. _____

Currently, anyone can throw up a website, buy some social media ads and call themselves a massage therapist. There is no check on the sanitary conditions of the space where clients may be seeking services. There is no license verifying any sort of education or training in any of these services. The manipulation of soft tissue is absolutely amazing if done properly and can cause serious harm if done wrong and by an untrained practitioner. Professional licensure gives credibility to the practitioner and assurance to the customer that some minimum standards have been met. Without it, anyone can call themselves a massage therapist, and that can impose a serious risk to the public. At the moment when a customer has a complaint, they can go to OPLC, but only after harm has been done. Unlicensed businesses have no requirement to cooperate with inquiries from OLPC or if necessary, an investigation.

The practice of healing touch for injured or vulnerable people is undeniably important and a valuable service but can cause serious harm if done wrong by an untrained practitioner. People who are under the kind of stress that is manifesting in physical ways who are seeking the relief of massage therapy, reflexology, structural integration therapy, or Asian bodywork therapy deserve to know that practitioners are known to the State and have met the basic standards of professional licensure.

I'm pleased to have representatives from the Office of Professional Licensure and Certification here to answer questions about how we can integrate massage therapy into the licensure program and provide some basic protections for consumers.

Thank you.

Voting Sheets

Senate Executive Departments & Administration Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Hearing date: 2/15

Bill # <u>212</u>

Executive Session date: 2/22

Motion of: ITL Vote: 3-2

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sen. Altschiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carson, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gendreau	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Pearl

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Thursday, February 23, 2023

THE COMMITTEE ON Executive Departments and Administration
to which was referred SB 212-FN

AN ACT

relative to the regulation of massage, reflexology,
structural integrator, and Asian bodywork therapy
establishments.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 3-2

Senator Howard Pearl
For the Committee

Phil Jasak 271-1403

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 212-FN, relative to the regulation of massage, reflexology, structural integrator, and Asian bodywork therapy establishments.

Inexpedient to Legislate, Vote 3-2.

Senator Howard Pearl for the committee.

Docket of SB212

Docket Abbreviations

Bill Title: relative to the regulation of massage, reflexology, structural integrator, and Asian bodywork therapy establishments.

Official Docket of **SB212**:

Date	Body	Description
1/24/2023	S	Introduced 01/19/2023 and Referred to Executive Departments and Administration; SJ 5
2/9/2023	S	Hearing: 02/15/2023, Room 103, SH, 09:00 am; SC 10
2/23/2023	S	Committee Report: Inexpedient to Legislate, 03/09/2023; SC 12
3/9/2023	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 03/09/2023; SJ 9

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 212

Senate Committee: EDA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Richard [Signature]
Committee Aide

7/7/23
Date

Senate Clerk's Office *AK*