

House Bill 915

By: Representatives Hawkins of the 27th, Cooper of the 43rd, Hugley of the 136th, Lott of the 122nd, Newton of the 123rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to provide for the regulation and licensure of bodywork therapists; to
3 provide for the regulation of massage therapy and bodywork therapy educational programs;
4 to provide for legislative intent; to clarify requirements for massage therapy licenses and
5 bodywork therapy licenses; to expand the Georgia Board of Massage Therapy to include
6 bodywork therapists; to provide for violations; to provide for conditions relating to regulation
7 by counties, municipalities, or other local jurisdictions relating to massage therapy or
8 bodywork therapy; to require reporting of violations of Chapter 24A; to amend Code
9 Section 16-5-47 of the Official Code of Georgia Annotated, relating to posting model notice
10 with human trafficking hotline information in businesses and on Internet, so as to provide for
11 notices in bodywork therapy businesses; to amend Code Section 48-13-9 of the Official Code
12 of Georgia Annotated, relating to limitation on authority of local government to impose
13 regulatory fee, examples of those which may be subject to fees, and individuals and entities
14 not subject to fees, so as to provide that certain health care professions are not subject to
15 regulatory fees by local governments; to provide for related matters; to provide for an
16 effective date; to repeal conflicting laws; and for other purposes.

17 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

18 **SECTION 1.**

19 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
20 is amended by revising Chapter 24A, relating to massage therapy practice, as follows:

"CHAPTER 24A

ARTICLE 1

23 43-24A-1.

24 This chapter shall be known and may be cited as the 'Georgia Massage Therapy and
25 Bodywork Therapy Practice Act.'

26 43-24A-2.

27 The General Assembly acknowledges that the ~~practice~~ practices of massage therapy ~~affects~~
28 and bodywork therapy are health care services delivered by health care professionals that
29 affect the public health, safety, and welfare of Georgia citizens. Massage therapists and
30 bodywork therapists must have a knowledge of anatomy and physiology and an
31 understanding of the relationship between the structure and function of the tissue being
32 treated and the total function of the body. ~~Massage is~~ and bodywork are therapeutic, and
33 regulations are necessary to protect the public from unqualified practitioners. It is in the
34 interest of the public to set standards of qualifications, education, training, and experience
35 for those who seek to practice the massage therapy or bodywork therapy professions; to
36 promote high standards of professional performance for those licensed to practice massage
37 therapy or bodywork therapy; and to protect the public from unprofessional conduct by
38 persons and entities licensed to practice or teach massage therapy or bodywork therapy.
39 The General Assembly also finds that it is in the best interest of the massage therapy and
40 bodywork therapy professions to be subjected only to such local regulation, fees, or taxes
41 that are also imposed on other health care professions in Georgia.

42 43-24A-3.

43 As used in this chapter, the term:

44 (1) 'Advertise' means, but is not limited to, the issuing of or causing to be distributed any
45 card, sign, or other device or causing or permitting any sign or marking on or in any
46 building or structure, or in any newspaper, magazine, or directory, or announcement on
47 radio, or announcement or display on television, computer network, or electronic or
48 telephonic medium.

49 (2) 'Applicant' means any person seeking a license or renewal under this chapter.

50 (3) 'Board' means the Georgia Board of Massage Therapy and Bodywork Therapy
51 established by this chapter.

52 (4) 'Board recognized bodywork therapy educational program' means an educational
53 program located within or outside the State of Georgia that receives compensation for
54 training more than one person in bodywork therapy, that has submitted an application and

55 fee, and which meets the standards for training and curriculum as set out by the board in
 56 its rules.

57 (5) 'Board recognized educational program' means a board recognized bodywork therapy
 58 educational program or a board recognized massage therapy educational program.

59 ~~(4)~~(6) 'Board recognized massage therapy educational program' means an educational
 60 program located within or outside the State of Georgia that receives compensation for
 61 training more than one person in massage therapy, that has submitted an application and
 62 fee, and which meets the standards for training and curriculum as set out by the board in
 63 its rules, including but not limited to standards for training and curriculum which are
 64 consistent with:

65 (A) The the Nonpublic Postsecondary Education Commission as provided in Code
 66 Section 20-3-250.4;

67 (B) A postsecondary institution of the Technical College System of Georgia that is
 68 accredited by the Commission on Colleges of the Southern Association of Colleges and
 69 Schools; or

70 (C) A postsecondary institution that is accredited by a regionally accredited agency
 71 recognized by the United States Department of Education and that is authorized or
 72 approved by a professional licensing board, department, or agency in another state,
 73 jurisdiction, or territory whose standards have been determined by the board to be
 74 equivalent to the Nonpublic Postsecondary Education Commission.

75 (7) 'Bodywork therapist' or 'bodyworker' means a person licensed under this chapter as
 76 a bodywork therapist who administers or teaches bodywork therapy for compensation.

77 (8) 'Bodywork therapy' or 'bodywork' means the application of a system of structured
 78 touch when provided to another person for compensation and which involves the human
 79 energy system, acupoints, or Qi meridians of the human body. The branches of
 80 bodywork therapy practices include structural integration, Asian, and energy work that
 81 touch the human body. Such term includes the professions, therapies, treatments, and
 82 modalities of the various branches of bodywork therapy and the requisite education and
 83 training to safely practice each, as set out in board rules. Such term includes determining
 84 whether bodywork therapy is appropriate or contraindicated, or whether referral to
 85 another health care provider is appropriate. Such term does not include diagnosis of an
 86 illness or disease; spine or joint manipulation; the application of electrical stimulation;
 87 the application of ultrasound, fluidotherapy, laser, or other methods of deep thermal
 88 modalities; or any services or procedures for which a license to practice medicine,
 89 counseling, chiropractic, acupuncture, occupational therapy, physical therapy, or podiatry
 90 is required by law.

- 91 (9) 'Certification of bodywork therapy profession' means successful completion of the
 92 most current requirements of a national professional membership organization or national
 93 certification commission recognized by the board that meets standards defined by the
 94 Institute for Credentialing Excellence, including any minimum hours of coursework or
 95 clinical experience applicable to the bodywork therapy profession that provides a
 96 certification or credential, and that includes an established set of educational standards,
 97 requires compliance with a specific code of ethics, and offers a grievance process.
- 98 ~~(4.1)~~(10) 'Entity' means the owner or operator of a business where massage therapy or
 99 bodywork therapy for compensation is performed.
- 100 (11) 'Health care professional' means any practitioner licensed or regulated pursuant to
 101 Chapter 5, 9, 10A, 11, 11A, 20, 26, 27, 28, 29, 30, 33, 34, 35, 39, 44, or 50 of this title.
- 102 ~~(5)~~(12) 'License' means a valid and current certificate of registration issued by the board
 103 pursuant to this chapter to practice massage therapy or bodywork therapy.
- 104 ~~(6)~~(13) 'Licensee' means any person holding a license.
- 105 (14) 'Licensure identification card' means the photographic identification card issued by
 106 the board to a licensed massage therapist or licensed bodywork therapist specifying his
 107 or her licensure as a massage therapist or a bodywork therapist.
- 108 ~~(7)~~(15) 'Massage therapist' means a person licensed under this chapter as a massage
 109 therapist who administers or teaches massage, or massage therapy, or bodywork therapy
 110 for compensation.
- 111 ~~(8)~~(16) 'Massage therapy' or 'massage' means the application of a system of structured
 112 touch, pressure, movement, and holding to the soft tissue of the body in which the
 113 primary intent is to enhance or restore health and well-being. The Such term includes
 114 complementary methods, including without limitation cupping therapy, taping
 115 techniques, the external application of water, superficial heat, superficial cold, lubricants,
 116 salt scrubs, or other topical preparations and the use of commercially available
 117 electromechanical devices which do not require the use of transcutaneous electrodes and
 118 which mimic or enhance the actions possible by the hands; the term also includes
 119 determining whether massage therapy is appropriate or contraindicated, or whether
 120 referral to another health care provider is appropriate. ~~Massage therapy~~ Such term shall
 121 not include the use of ultrasound, fluidotherapy, laser, and other methods of deep thermal
 122 modalities.
- 123 (17) 'Massage therapy or bodywork therapy business' is the physical location where the
 124 practice of massage therapy or bodywork therapy is performed by a licensed massage
 125 therapist or licensed bodywork therapist.
- 126 ~~(9)~~(18) 'Person' means a natural person only.

127 ~~(10)~~(19) 'Provisionally permitted massage therapist or bodywork therapist' means a
 128 person issued a provisional permit under this chapter.

129 43-24A-4.

130 (a) There is created the Georgia Board of Massage Therapy and Bodywork Therapy which,
 131 on and after July 1, 2018, shall consist of ~~five~~ seven members. The board shall be assigned
 132 to the Secretary of State's office for administrative purposes and shall be under the
 133 jurisdiction of the division director and shall operate in accordance with and pursuant to
 134 the provisions of Chapter 1 of this title, as applicable.

135 (b) The Governor shall appoint, subject to confirmation by the Senate, all members of the
 136 board for initial terms of office beginning July 1, 2005. The Governor shall appoint two
 137 initial members of the board to serve for terms of two years and three initial members of
 138 the board, including the public member, to serve for terms of four years. Beginning
 139 July 1, 2018, the Governor shall appoint, subject to confirmation by the Senate, one
 140 additional member of the board to serve for a term of two years and one additional member
 141 of the board to serve for a term of four years who meet the qualifications of paragraph (3)
 142 of subsection (a) of Code Section 43-24A-5. After the initial terms specified in this
 143 subsection, members of the board shall take office on the first day of July immediately
 144 following the expired term of that office and shall serve for a term of four years and until
 145 their successors are appointed and qualified. Any person appointed to the board when the
 146 Senate is not in session may serve on the board without Senate confirmation until the
 147 Senate acts on that appointment. No member shall serve on the board for more than two
 148 full consecutive terms. Any vacancy due to death, resignation, removal, or otherwise shall
 149 be filled for the remainder of the unexpired term in the same manner as regular
 150 appointments.

151 (c) All members of the board shall be reimbursed as provided for in subsection (f) of Code
 152 Section 43-1-2.

153 (d) An appointee to the board shall qualify by taking an oath of office within 15 days from
 154 the date of his or her appointment. On presentation of the oath, the Secretary of State shall
 155 issue a commission to each appointee as evidence of his or her authority to act as a member
 156 of the board.

157 43-24A-5.

158 (a)(1) There shall be ~~four~~ six professional members of the board who shall:

159 ~~(A) Be~~ be at least 25 years of age, citizens of the United States, and residents of this
 160 state for at least three years prior to the date of appointment;

161 ~~(B)~~(2) Four of the professional members of the board shall:

162 (A) Have been engaged in massage therapy practice for compensation for at least five
 163 years immediately preceding their appointment; and

164 ~~(C)(B) Be eligible for licensure under this chapter. Effective July 1, 2006, and~~
 165 ~~thereafter, all professional members of the board shall be licensed under this chapter.~~

166 (3) Two of the professional members of the board shall:

167 (A) Have been engaged in bodywork therapy practice for compensation for at least five
 168 years immediately preceding their appointment; and

169 (B) Be eligible for licensure under this chapter. Effective July 1, 2018, and thereafter,
 170 all such professional members of the board appointed pursuant to this paragraph shall
 171 be licensed under this chapter.

172 ~~(2)(4)(A)~~ No more than one professional member of the board may be an owner of or
 173 affiliated with any massage therapy school.

174 (B) No more than one professional member of the board may be an owner of or
 175 affiliated with any bodywork therapy school.

176 (b) There shall be one consumer member of the board who shall be appointed by the
 177 Governor from the public at large, shall be a citizen of the United States and resident of this
 178 state, and shall be a person to whom neither this state nor any other state or jurisdiction or
 179 organization has ever issued a certificate, registration, license, or permit to engage in the
 180 practice of massage therapy or bodywork therapy nor be an owner of or affiliated with any
 181 massage therapy or bodywork therapy school or massage therapy or bodywork therapy
 182 business.

183 (c) The Governor, after notice and opportunity for hearing, may remove any member of
 184 the board for incompetence, neglect of duty, unprofessional conduct, conviction of a
 185 felony, failure to meet the qualifications of this chapter, or committing any act prohibited
 186 by this chapter.

187 43-24A-6.

188 The board shall meet at least once each year at a time fixed by the board. At its annual
 189 meeting, the board shall elect from its members a chairperson, vice chairperson, and any
 190 other officers as deemed necessary who shall hold office for a term of one year.
 191 Additionally, the board may appoint such committees as it considers necessary to fulfill its
 192 duties. In addition to its annual meeting, the board may hold additional meetings at the call
 193 of the chairperson or at the request of any two members of the board or as approved by the
 194 division director.

195 43-24A-7.

196 (a)(1) On and after July 1, 2018, the Georgia Board of Massage Therapy and Bodywork
 197 Therapy shall regulate the practices of massage therapy and bodywork therapy in this
 198 state. The board shall promulgate rules and regulations governing the practices of
 199 massage therapy, bodywork therapy, massage therapy educational programs, and
 200 bodywork therapy educational programs pursuant to this chapter. Such rules and
 201 regulations shall be adopted no later than July 1, 2019.

202 (2) Any person who holds a license as a massage therapist issued under this chapter as
 203 its provisions existed on June 30, 2018, shall not be required to undergo recertification
 204 under this chapter but shall otherwise be subject to all applicable provisions of this
 205 chapter effective on and after July 1, 2018.

206 (b) The board shall have the power to:

207 (1) Examine and determine the qualifications and fitness of applicants for both licenses
 208 to practice massage therapy and licenses to practice bodywork therapy in this state;

209 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice massage
 210 therapy or bodywork therapy in this state or otherwise discipline licensed massage
 211 therapists and licensed bodywork therapists;

212 (3) Conduct investigations for the purpose of discovering violations of this chapter or
 213 grounds for disciplining persons or entities acting in violation of this chapter;

214 (4) Upon reasonable notice, make on-site inspections of the facility, equipment, and
 215 personnel of a massage therapy or bodywork therapy business for the purpose of
 216 determining compliance with this chapter;

217 ~~(4)~~(5) Hold hearings on all matters properly brought before the board and, in conjunction
 218 therewith, to administer oaths, receive evidence, make the necessary determinations, and
 219 enter orders consistent with the findings. The board may designate one or more of its
 220 members as its hearing officer;

221 ~~(5)~~(6) Adopt, revise, and enforce rules concerning advertising by licensees including, but
 222 not limited to, rules to prohibit false, misleading, or deceptive practices;

223 (7) Periodically evaluate board recognized educational programs and license such
 224 programs that meet the board's requirements;

225 (8) Develop and enforce reasonable and uniform standards for massage therapy
 226 educational programs, bodywork therapy educational programs, and massage therapy and
 227 bodywork therapy practices;

228 (9) Deny or withdraw recognition of noncompliant massage therapy educational
 229 programs and bodywork therapy educational programs;

230 (10) Appoint standing or ad hoc committees as necessary to inform and make
 231 recommendations to the board about issues and concerns of the massage therapy and

232 bodywork therapy professions and to facilitate communication amongst the board,
 233 licensees under this chapter, and the community;

234 (11) Collect and publish data regarding existing massage therapy and bodywork therapy
 235 resources in Georgia and coordinate planning for board recognized massage therapy
 236 educational programs and practice and board recognized bodywork therapy educational
 237 programs and practice;

238 ~~(6)~~(12) Adopt an official seal; and

239 ~~(7)~~(13) Bring proceedings to the courts for the enforcement of this chapter or any rules
 240 and regulations promulgated pursuant to this chapter.

241 ~~(b)~~(c) In addition to the enumerated powers in subsection ~~(a)~~(b) of this Code section, the
 242 board has the authority to conduct its business pursuant to the provisions of Code
 243 Section 43-1-19 which is incorporated herein and made a part of this chapter by specific
 244 reference.

245 43-24A-8.

246 (a) No person may practice massage therapy in this state who is not a licensed massage
 247 therapist or the holder of a valid provisional permit issued by the division director pursuant
 248 to this chapter.

249 (b) Any applicant for a license as a massage therapist must submit a completed application
 250 upon a form and in such manner as the board prescribes, accompanied by applicable fees,
 251 and evidence satisfactory to the board that:

252 (1) The applicant is at least 18 years of age;

253 (2) The applicant has a high school diploma or its recognized equivalent;

254 (3) The applicant is a citizen of the United States or a permanent resident of the United
 255 States;

256 (4) The applicant is of good moral character. For purposes of this paragraph, 'good
 257 moral character' means professional integrity and a lack of any conviction for acts
 258 involving moral turpitude where the underlying conduct relates to the applicant's fitness
 259 to practice massage therapy;

260 (5) The applicant has satisfactory results from a fingerprint record check report
 261 conducted by the Georgia Crime Information Center and the Federal Bureau of
 262 Investigation, as determined by the board. Application for a license under this Code
 263 section shall constitute express consent and authorization for the board or its
 264 representative to perform a criminal background check. Each applicant who submits an
 265 application to the board for licensure by examination agrees to provide the board with any
 266 and all information necessary to run a criminal background check, including, but not

267 limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees
 268 associated with the performance of such background check;

269 (6) The applicant has completed successfully a board recognized massage therapy
 270 educational program consisting of a minimum of 500 hours of course and clinical work;
 271 and

272 (7) The applicant has passed satisfactorily the National Certification Examination for
 273 Therapeutic Massage and Bodywork, the Massage and Bodywork Licensing Exam
 274 administered by the Federation of State Massage Therapy Boards, an equivalent test
 275 approved by the board, or an examination administered by another state, territory, or
 276 jurisdiction whose license requirements meet or exceed those of this state; and

277 (8) The applicant has and agrees to maintain continuously during the term of licensure
 278 liability insurance coverage for bodily injury and property damage in coverages and
 279 amounts determined by the board.

280 43-24A-8.1.

281 (a) No person may practice bodywork therapy in this state who is not a licensed bodywork
 282 therapist, a licensed massage therapist who has satisfied any formal education or continuing
 283 training required by the board, or the holder of a valid provisional permit issued by the
 284 division director pursuant to this chapter. If a massage therapist elects to practice a
 285 bodywork specialty, he or she must obtain the appropriate certification and credentialing
 286 as determined by the board.

287 (b) Any applicant for a license as a bodywork therapist must submit a completed
 288 application upon a form and in such manner as the board prescribes, accompanied by
 289 applicable fees, and evidence satisfactory to the board that:

290 (1) The applicant is at least 18 years of age;

291 (2) The applicant has a high school diploma or its recognized equivalent;

292 (3) The applicant is a citizen of the United States or a permanent resident of the United
 293 States;

294 (4) The applicant is of good moral character. For purposes of this paragraph, the term
 295 'good moral character' means professional integrity and a lack of any conviction for acts
 296 involving moral turpitude where the underlying conduct relates to the applicant's fitness
 297 to practice bodywork therapy;

298 (5) The applicant has satisfactory results from a fingerprint record check report
 299 conducted by the Georgia Crime Information Center and the Federal Bureau of
 300 Investigation, as determined by the board. Application for a license under this Code
 301 section shall constitute express consent and authorization for the board or its
 302 representative to perform a criminal background check. Each applicant who submits an

303 application to the board for licensure by examination agrees to provide the board with any
 304 and all information necessary to run a criminal background check, including, but not
 305 limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees
 306 associated with the performance of such background check;

307 (6) The applicant has completed successfully a board recognized bodywork therapy
 308 educational program;

309 (7) The applicant meets any applicable education and training standards established by
 310 the board in order to safely practice the general bodywork competencies and specific
 311 therapies, treatments, and modalities authorized by this chapter;

312 (8) The applicant has and agrees to maintain continuously during the term of licensure
 313 liability insurance coverage for bodily injury and property damage in coverages and
 314 amounts determined by the board; and

315 (9) The applicant provides satisfactory evidence of his or her certification of bodywork
 316 therapy profession.

317 43-24A-9.

318 (a) A provisional permit to practice as a provisionally permitted massage therapist or
 319 bodywork therapist shall, upon proper application, be issued for a six-month period to an
 320 applicant who meets the following criteria:

321 (1) Holds a valid license as a massage therapist or bodywork therapist in another state;

322 (2) Is not a resident of this state as confirmed in a secure and verifiable document, as
 323 defined in Code Section 50-36-2;

324 (3) Has not had a license or permit to practice as a massage therapist or bodywork
 325 therapist voided, revoked, suspended, denied, or annulled by this state or another state,
 326 territory, or jurisdiction; and

327 (4) Has not been convicted of a felony in the courts of this state, any other state, territory,
 328 or country, or in the courts of the United States, including, but not limited to, a plea of
 329 nolo contendere entered to such charge or the affording of first offender treatment to any
 330 such charge in the same manner as provided in paragraph (4) of subsection (a) of Code
 331 Section 43-1-19.

332 (b) A provisional permit shall require the applicant to work under the supervision of a
 333 licensed massage therapist or licensed bodywork therapist, as applicable. If an applicant
 334 has met the requirements of subsection (a) of this Code section and submits the applicable
 335 license fee, the applicant shall be granted a provisional permit to practice either massage
 336 therapy or bodywork therapy, as applicable, in this state. Upon receipt of such application
 337 and fee, a provisional permit shall be administratively issued.

338 (c) A provisional permit may be voided if the board determines that the person holding
339 such permit no longer meets one or more of the criteria set forth in subsection (a) of this
340 Code section.

341 (d) A provisional permit issued pursuant to subsection (a) of this Code section shall have
342 the same force and effect as a permanent license until the time of its expiration.

343 (e) A provisional permit issued pursuant to subsection (a) of this Code section shall expire
344 on the same date as a license issued under this chapter to a holder of a provisional permit
345 who has passed the examination pursuant to Code Section 43-24A-8.

346 43-24A-10.

347 The board may require that all applications be made under oath.

348 43-24A-11.

349 (a) Examinations shall be administered to qualified applicants for massage therapy
350 licensure at least twice each calendar year.

351 (b) Applicants may obtain their examination scores in accordance with such rules and
352 regulations as the board may establish.

353 43-24A-12.

354 Reserved.

355 43-24A-13.

356 (a) Any applicant for a license by endorsement as a massage therapist or bodywork
357 therapist must submit a completed application upon a form and in such manner as the board
358 prescribes, accompanied by applicable fees, and evidence satisfactory to the board that:

359 (1) The applicant is at least 18 years of age;

360 (2) The applicant is of good moral character. For purposes of this paragraph, 'good
361 moral character' means professional integrity and a lack of any conviction for acts
362 involving moral turpitude where the underlying conduct relates to the applicant's fitness
363 to practice massage therapy or bodywork therapy;

364 (3) The applicant has satisfactory results from a fingerprint record check report
365 conducted by the Georgia Crime Information Center and the Federal Bureau of
366 Investigation, as determined by the board. Application for a license under this Code
367 section shall constitute express consent and authorization for the board or its
368 representative to perform a criminal background check. Each applicant who submits an
369 application to the board for licensure by endorsement agrees to provide the board with
370 any and all information necessary to run a criminal background check, including, but not

371 limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees
372 associated with the performance of such background check; and

373 (4) The applicant is currently licensed as a massage therapist or bodywork therapist in
374 another jurisdiction, state, or territory of the United States or foreign country which
375 requires standards for licensure considered by the board to be equivalent to the
376 requirements for licensure under this chapter.

377 (b) The board may establish by rule procedures for an applicant for licensure by
378 endorsement to supplement his or her application to satisfy any standards for licensure
379 pursuant to this chapter that are greater than those of another state, territory, or jurisdiction.

380 43-24A-14.

381 (a) The licensee shall display the license certificate or a photocopy thereof in an
382 appropriate and public manner at each location at which he or she practices. In a mobile
383 practice, each licensee shall also have his or her licensure identification card on his or her
384 person or in the mobile practice facility where the massage therapy or bodywork therapy
385 is being performed.

386 (b) All licenses shall expire biennially unless renewed. All applications for renewal of a
387 license shall be filed with the division director prior to the expiration date, accompanied
388 by the biennial renewal fee prescribed by the board and certifying that all current
389 requirements of continuing education as determined by the board have been fulfilled. The
390 board shall provide for penalty fees for late registration. The failure to renew a license by
391 the end of an established penalty period shall have the same effect as a revocation of said
392 license, subject to reinstatement only after application and payment of the prescribed
393 reinstatement fee within the time period established by the division director, provided that
394 the applicant meets such requirements as the board may establish by rule.

395 (c) A licensee shall provide evidence of current liability insurance coverage as required
396 in Code Sections 43-24A-8 and 43-24A-8.1 upon request by the board at any time during
397 the term of licensure.

398 ~~(e)~~(d) The licensee shall inform the board of any change of address within 30 days.

399 ~~(d)~~(e) Each person licensed under this chapter is responsible for renewing his or her
400 license before the expiration date.

401 ~~(e)~~(f) Under procedures and conditions established by the board, a licensee may request
402 that his or her license be declared inactive. The licensee may apply for active status at any
403 time and upon meeting the conditions set forth by the board shall be declared active.

404 43-24A-15.

405 (a) It shall be a violation of this chapter for any person, ~~or entity,~~ or board recognized
406 educational program to advertise;

407 (1) ~~Massage~~ massage therapy or bodywork therapy services or to advertise the offering
408 of massage therapy or bodywork therapy services unless such services are provided by
409 a person who holds a valid license under this chapter; or

410 (2) Massage therapy or bodywork therapy services through the use of pictorial
411 representations unless the persons depicted in such representations are attired and posed
412 in a manner so as to avoid appealing to the prurient interest.

413 (b) It shall be a violation of this chapter for any person to advertise:

414 (1) As a massage therapist or a bodywork therapist unless the person holds a valid
415 license under this chapter in the classification so advertised; or

416 (2) Massage therapy or bodywork therapy services combined with escort or dating
417 services or adult entertainment.

418 (c) It shall be a violation of this chapter for a person or entity, or the employees, agents,
419 or representatives of such person or entity, to practice massage therapy or to use in
420 connection with such person's or entity's name or business activity the terms 'massage,'
421 'massage therapy,' 'massage therapist,' 'massage practitioner,' or the letters 'M.T.,' 'L.M.T.,'
422 or any other words, letters, abbreviations, or insignia indicating or implying directly or
423 indirectly that massage therapy is provided or supplied unless such massage therapy is
424 provided by a massage therapist licensed and practicing in accordance with this chapter.

425 (d) It shall be a violation of this chapter for a person or entity, or the employees, agents,
426 or representatives of such person or entity, to practice bodywork therapy or to use in
427 connection with such person's or entity's name or business activity the terms 'bodywork,'
428 'bodyworker,' 'bodywork therapy,' 'bodywork therapist,' 'bodywork practitioner,' or the
429 letters 'B.W.,' 'L.B.W.,' or any other words, letters, abbreviations, or insignia indicating or
430 implying directly or indirectly that bodywork therapy is provided or supplied unless such
431 bodywork therapy is provided by a bodywork therapist licensed and practicing in
432 accordance with this chapter.

433 ~~(d)~~(e) It shall be a violation of this chapter for any entity to:

434 (1) Advertise the offering of massage therapy or bodywork therapy services combined
435 with escort or dating services or adult entertainment; or

436 (2) Employ unlicensed massage therapists or unlicensed bodywork therapists to perform
437 massage therapy or bodywork therapy.

438 ~~(e)~~(f) It shall be a violation of this chapter for any person to practice massage therapy or
439 bodywork therapy without holding a current or provisional license as a massage therapist

440 or bodywork therapist in accordance with subsection (a) of Code Section 43-24A-8 or
 441 subsection (a) of Code Section 43-24A-8.1.

442 ~~(f)~~(g) It shall be a violation of this chapter for any person or entity, or the employees,
 443 agents, or representatives of such person or entity, to render or offer massage therapy or
 444 bodywork therapy services for compensation unless such massage therapy or bodywork
 445 therapy is provided by a licensed massage therapist or a licensed bodywork therapist.

446 43-24A-16.

447 The ~~practice~~ practices of massage therapy ~~is~~ and bodywork therapy are declared to be an
 448 ~~activity~~ activities affecting the public interest and involving the health, safety, and welfare
 449 of the public. Such practice by a person who is not licensed to practice in this state is
 450 declared to be a public nuisance, harmful to the public health, safety, and welfare. Any
 451 citizen of this state, the board, or the ~~appropriate~~ prosecuting attorney of a jurisdiction
 452 where such practice is carried on by such unlicensed person may, on behalf of the public,
 453 bring an action to restrain and enjoin such unlicensed practice in the superior court of the
 454 county where such unlicensed person resides or works. It shall not be necessary in order
 455 to obtain an injunction under this Code section to allege or prove that there is no adequate
 456 remedy at law or to allege or prove any special injury.

457 43-24A-17.

458 (a) The board may take any one or more of the following actions against a person, ~~or~~
 459 entity, or board recognized educational program found by the board to have committed a
 460 violation of this chapter:

- 461 (1) Reprimand or place the licensee on probation;
- 462 (2) Revoke or suspend the license or deny the issuance or renewal of a license;
- 463 (3) Impose an administrative fine not to exceed \$500.00 for each violation; and
- 464 (4) Assess costs against the violator for expenses relating to the investigation and
 465 administrative action.

466 (b) The board may assess collection costs and interest for the collection of fines imposed
 467 under this chapter against any person, ~~or~~ entity, or board recognized educational program
 468 that fails to pay a fine as directed by the board.

469 43-24A-18.

470 Proceedings under this chapter shall be governed by Chapter 13 of Title 50, the 'Georgia
 471 Administrative Procedure Act.'

472 43-24A-19.

473 (a) Nothing in this chapter shall be construed to affect, restrict, or prevent the practice,
474 services, or activities of:

475 (1) A person licensed, registered, or certified under any other chapter or article under
476 Title 43 while engaged in the professional or trade practices properly conducted under
477 authority of such other licensing laws, provided that such person shall not use the title of
478 massage therapist or bodywork therapist;

479 (2) A person pursuing a course of study leading to a degree or certificate as a massage
480 therapist or bodywork therapist in ~~an a board recognized~~ educational program ~~recognized~~
481 ~~by the board~~, if such person is designated by title indicating student status and is fulfilling
482 uncompensated work experiences required for the attainment of the degree or certificate;

483 (3) A nonresident person rendering massage therapy or bodywork therapy up to 60 days
484 during a 12 month period for treatment of a temporary sojourner only, provided that such
485 nonresident massage therapist or bodywork therapist holds a license, registration, or
486 certification of bodywork therapy profession from another state, jurisdiction, or country
487 if the requirements as determined by the board for licensure, registration, or certification
488 of bodywork therapy profession are substantially equal to the requirements contained in
489 this chapter or provided that such nonresident massage therapist or bodywork therapist
490 is currently nationally certified in therapeutic massage and bodywork;

491 (4) A person duly licensed, registered, or certified in another jurisdiction, state, territory,
492 or a foreign country when incidentally in this state to provide service as part of an
493 emergency response team working in conjunction with disaster relief officials or as part
494 of a charity event with which he or she comes into the state;

495 ~~(5) A person who restricts his or her practice to the manipulation of the soft tissue of the~~
496 ~~human body to hands, feet, or ears who does not have the client disrobe and does not hold~~
497 ~~himself or herself out as a massage therapist;~~

498 ~~(6)~~(5) A person who uses touch, words, and directed movement to deepen awareness of
499 existing patterns of movement in the body as well as to suggest new possibilities of
500 movement while engaged within the scope of practice of a profession with established
501 standards and ethics, provided that his or her services are not designated or implied to be
502 ~~massage or massage therapy~~ or bodywork therapy;

503 ~~(7) A person who uses touch and movement education to effect change in the structure~~
504 ~~of the body while engaged in the practice of structural integration, provided that he or she~~
505 ~~is a member of, or whose training would qualify for membership in, the International~~
506 ~~Association of Structural Integrators and provided that his or her services are not~~
507 ~~designated or implied to be massage or massage therapy;~~

508 ~~(8)(6)~~ A person who ~~uses~~ does not touch the body to affect the energy systems, ~~polarity,~~
 509 ~~acupoints, or Qi meridians, also known as channels of energy,~~ of the human body while
 510 engaged within the scope of practice of a profession with established standards and
 511 ethics, provided that his or her services are not designated or implied to be ~~massage or~~
 512 massage therapy or bodywork therapy;

513 (7) A person who was engaged in the practice of bodywork therapy prior to July 1, 2018;
 514 provided, however, that the prohibition of subsection (d) of Code Section 43-24A-15
 515 shall apply to such a person on and after July 1, 2020; or

516 ~~(9)(8)~~ A person who was engaged in massage therapy practice prior to July 1, 2005;
 517 provided, however, that the prohibition of subsection (c) of Code Section 43-24A-15 shall
 518 apply to such a person on and after July 1, 2007; or

519 (9) A person licensed under other chapters of this title providing cupping therapy or
 520 taping techniques that are authorized within the scope of practice of such person.

521 (b) Nothing in this chapter shall prohibit a licensed massage therapist from practicing
 522 bodywork therapy or providing bodywork therapy services as permitted in this chapter.

523 43-24A-20.

524 (a) The board shall establish continuing education requirements not to exceed 25 hours per
 525 biennium. The board shall by rule establish criteria for the approval of continuing
 526 education programs or courses. The programs or courses approved by the board may
 527 include correspondence courses that meet the ~~criteria~~ requirements for continuing
 528 education ~~programs or~~ courses.

529 (b) Continuing education requirements or credits used for license renewal shall be
 530 approved by the board.

531 43-24A-21.

532 As cumulative to any other remedy or criminal prosecution, the board may file a
 533 proceeding in the name of the state seeking issuance of a restraining order, injunction, or
 534 writ of mandamus against any person, entity, or board recognized educational program that
 535 ~~who~~ is or has been violating any of the provisions of this chapter or the lawful rules or
 536 orders of the board.

537 43-24A-22.

538 (a) This chapter shall not be construed to prohibit a county or municipality from enacting
 539 any regulation of persons not licensed pursuant to this chapter. Any place of business
 540 where massage therapy or bodywork therapy for compensation is performed shall also be
 541 subject to regulation by local governing authorities in accordance with this chapter.

542 (b) No provision of any ordinance enacted by a ~~municipality~~, county, municipality, or
 543 other local jurisdiction that ~~relates to the practice of massage therapy~~ or requires licensure
 544 an individual professional license by such county, municipality, or local jurisdiction of a
 545 massage therapist or bodywork therapist may be enforced against a person who is issued
 546 a license by the board under this chapter.

547 43-24A-23.

548 Notwithstanding any provision of law to the contrary, the act of a duly licensed massage
 549 therapist in performing a massage or a duly licensed bodywork therapist in performing
 550 bodywork shall be deemed to be the act of a health care professional and shall not be
 551 subject to the collection of any form of state or local taxation regulations or fees not also
 552 imposed on other ~~professional~~ health care ~~activities~~ professionals.

553 43-24A-24.

554 (a) Any person, entity, or board recognized educational program that ~~who~~ acts in violation
 555 of Code Section 43-24A-15, upon conviction thereof, shall be punished as provided in this
 556 Code section.

557 (b) Each act of unlawful practice under this Code section shall constitute a distinct and
 558 separate offense.

559 (c) Upon being convicted a first time under this Code section, such person, ~~or~~ entity, or
 560 board recognized educational program shall be guilty of and shall be punished as for a
 561 misdemeanor for each offense which is punishable by a fine of not less than \$500.00 nor
 562 more than \$5,000.00. Upon being convicted a second time under this Code section, such
 563 person, ~~or~~ entity, or board recognized educational program shall be guilty of and shall be
 564 punished as for a misdemeanor of a high and aggravated nature punishable by a fine of not
 565 less than \$5,000.00 nor more than \$10,000.00, or imprisonment for not less than six months
 566 nor more than one year, at the discretion of the court. Upon being convicted a third or
 567 subsequent time under this Code section, such person, ~~or~~ entity, or board recognized
 568 educational program shall be guilty of a felony and shall be punished by a fine of not more
 569 than \$25,000.00 for each offense, imprisonment for not less than one nor more than five
 570 years, or both, and shall be precluded from owning, operating, or working for or with an
 571 entity that offers massage therapy or bodywork therapy.

572

ARTICLE 2573 43-24A-30.

574 (a) A county, municipality, or other local jurisdiction may by ordinance or resolution
 575 license or regulate massage therapy or bodywork therapy businesses. Any ordinance or
 576 resolution adopted pursuant to this subsection may include but is not limited to at least the
 577 following requirements on such businesses:

578 (1) Current liability insurance coverage for bodily injury and property damage for the
 579 massage therapy or bodywork therapy business;

580 (2) Compliance with state and local fire and safety requirements;

581 (3) Provision for extermination of vermin, insects, termites, and rodents in any property
 582 or location used by the massage therapy or bodywork therapy business;

583 (4) Maintenance of equipment in a safe and sanitary condition;

584 (5) Adequate toilet and lavatory facilities with running water, toilet tissue, soap dispenser
 585 with soap or other hand cleansing materials, sanitary towels or other hand-drying devices,
 586 waste receptacle, and adequate lighting and ventilation sufficient to remove objectionable
 587 odors on the premises of the business or entity or within reasonable proximity to such
 588 business or entity when it is located in a space or facilities also used by other businesses;
 589 and

590 (6) Adequate and sanitary shower facilities if the massage therapy or bodywork therapy
 591 business maintains a whirlpool bath, sauna, hot tub, spa, steam cabinet, or steam room,
 592 including soap and sanitary cloth towels and adequate lighting and ventilation.

593 (b) A county, municipality, or other local jurisdiction may limit or prohibit a massage
 594 therapy or bodywork therapy business from using labels or names including the words 'spa
 595 establishment,' 'massage parlor,' 'personal service,' or 'adult entertainment.'

596 43-24A-31.

597 (a) A county, municipality, or other local jurisdiction that licenses or regulates massage
 598 therapy or bodywork therapy businesses may not adopt any ordinance or regulation that
 599 includes any of the following:

600 (1) Conditions or requirements required as of July 1, 2018, for licensure as a massage
 601 therapist or bodywork therapist under this chapter, including, but not limited to, criminal
 602 background checks, education, and training;

603 (2) Limitations on the location of a massage therapy or bodywork therapy business
 604 relating to its proximity to other massage therapy or bodywork therapy businesses that
 605 are not imposed on the businesses of other health care professionals or which directly or

606 indirectly prohibit massage therapy or bodywork therapy businesses from locating in the
 607 jurisdiction;

608 (3) Requirements that the owner or owners of any massage therapy or bodywork therapy
 609 business be licensed massage therapists or bodywork therapists so long as the operation
 610 of the massage therapy or bodywork therapy business includes the presence of a licensed
 611 massage therapist or bodywork therapist on the premises of the massage therapy or
 612 bodywork therapy business at any time when massage therapy or bodywork therapy is
 613 being performed on a client of the massage therapy or bodywork therapy business;

614 (4) Prohibition of off-premises or mobile services by a licensed massage therapist or
 615 licensed bodywork therapist;

616 (5) Limitations on the operation of the massage therapy or bodywork therapy business
 617 from engaging licensed massage therapists or licensed bodywork therapists as contractors
 618 of such business or lessees of the premises of the massage therapy or bodywork therapy
 619 business for the performance of massage therapy or bodywork therapy; or

620 (6) Conditions or requirements that are in any manner inconsistent with the federal
 621 Health Insurance Portability and Accountability Act of 1996.

622 (b) A county, municipality, or other local jurisdiction shall not impose any requirements
 623 relating to massage therapy or bodywork therapy for the purpose of impeding the lawful
 624 practice of massage therapy or bodywork therapy pursuant to this chapter.

625 43-24A-32.

626 Nothing in this article shall prohibit a county, municipality, or other local jurisdiction from:

627 (1) Licensing or regulating other businesses that are not massage therapy or bodywork
 628 therapy businesses;

629 (2) Enacting advertising restrictions on massage therapy or bodywork therapy businesses
 630 to protect the public; provided, however, that this shall not include any restrictions on the
 631 content of advertising beyond what is included in Code Section 43-24A-15;

632 (3) Inspecting massage therapy or bodywork therapy businesses; provided, however, that
 633 this shall not be construed to authorize the review of client records protected by the
 634 federal Health Insurance Portability and Accountability Act of 1996; or

635 (4) Prohibiting and prosecuting illicit, immoral, prurient, or illegal activities or sexual
 636 activity in the operation or on the premises of a massage therapy or bodywork therapy
 637 business.

638 43-24A-33.

639 (a) The appropriate prosecuting attorney may cause appropriate proceedings to be
 640 commenced in order to enforce the provisions of this article.

641 (b) The board, in addition to the remedies set forth in this chapter, may bring an action in
642 a court of competent jurisdiction to enjoin violations of this article. Such injunction may
643 be issued by such court notwithstanding the existence of an adequate remedy at law.

644 ARTICLE 3

645 43-24A-40.

646 (a) A massage therapist or bodywork therapist shall report names of subject persons to the
647 board if he or she has reasonable cause to believe that any other massage therapist or
648 bodywork therapist has violated any of the grounds for discipline set forth in Code
649 Section 43-24A-42.

650 (b) A massage therapist or bodywork therapist shall not be required to duplicate a report
651 if he or she has reasonable cause to believe that such report has been made to the board.

652 (c) A health care professional shall not be required to report a massage therapist or
653 bodywork therapist to the board under this Code section as a result of professional
654 knowledge obtained in the course of the health care professional-patient relationship when
655 the massage therapist or bodywork therapist is the patient.

656 43-24A-41.

657 (a) Hospitals, nursing homes, temporary staffing agencies, spa establishments, massage
658 therapy or bodywork therapy businesses, and other employers of massage therapists or
659 bodywork therapists shall report to the board, or ensure that such report has in fact been
660 made to the board, the name of any massage therapist or bodywork therapist whose
661 employment has been terminated or who has resigned in order to avoid termination for any
662 reasons stipulated in Code Section 43-24A-42.

663 (b) A state agency that licenses, registers, or certifies hospitals, nursing homes, home
664 health agencies, massage therapy or bodywork therapy businesses, or other health care
665 facilities, or surveys one of these facilities or agencies, shall report to the board when such
666 state agency has evidence that a massage therapist or bodywork therapist has violated Code
667 Section 43-24A-42 to ensure that such a report has in fact been made to the board.

668 (c) In the event a massage therapist or bodywork therapist enters a voluntary alternative
669 to discipline program approved by the board, reporting to the board shall not be required
670 for such massage therapist or bodywork therapist by a person under this Code section. The
671 board may approve alternative to discipline programs for monitoring of a massage therapist
672 or bodywork therapist who agrees to seek treatment for impairment by chemical
673 dependency or mental illness that could lead to disciplinary action by the board. The costs
674 for any treatment programs shall be borne by the massage therapist or bodywork therapist.

675 (d) The board shall inform, in the manner the board determines appropriate, massage
676 therapists and bodywork therapists of their duty to report under this article.

677 43-24A-42.

678 The following incidents shall be reported to the board pursuant to Code Section 43-24A-40
679 when any person is:

680 (1) Practicing massage therapy or bodywork therapy without a valid, current license,
681 except as otherwise permitted under this chapter;

682 (2) Practicing massage therapy or bodywork therapy under cover of any diploma,
683 license, certification, or record illegally or fraudulently obtained, signed, or issued;

684 (3) Practicing massage therapy or bodywork therapy during the time his or her license
685 is suspended, revoked, surrendered, or administratively revoked for failure to renew;

686 (4) Using any words, abbreviations, figures, letters, titles, signs, cards, or devices
687 implying that such person is a licensed massage therapist or licensed bodywork therapist
688 unless such person is duly licensed or recognized by the board to practice as such under
689 the provisions of this chapter;

690 (5) Fraudulently furnishing a license to practice massage therapy or bodywork therapy
691 as a licensed massage therapist or licensed bodywork therapist;

692 (6) Knowingly aiding or abetting any person in violating this chapter;

693 (7) While holding a license as a massage therapist or bodywork therapist, convicted of
694 any misdemeanor or felony, crime involving moral turpitude, or crime violating a federal
695 or state law relating to controlled substances or dangerous drugs in the courts of this state
696 or any other state, territory, or country, or in the courts of the United States, including but
697 not limited to a plea of nolo contendere entered to the charge;

698 (8) While holding a license as a massage therapist or bodywork therapist, convicted of
699 any felony, crime involving moral turpitude, or crime violating a federal or state law
700 relating to sexual offenses; and

701 (9) While holding a license as a massage therapist or bodywork therapist, currently or
702 previously displaying an inability to practice massage therapy or bodywork therapy as a
703 licensed massage therapist or bodywork therapist with reasonable skill and safety due to
704 the use of alcohol, drugs, narcotics, or chemicals.

705 43-24A-43.

706 The board may seek an order from a court of competent jurisdiction for a report from a
707 massage therapist or bodywork therapist as required by Code Section 43-24A-40, if one is
708 not forthcoming voluntarily. The board may seek a citation for civil contempt if a court
709 order for a report is not obeyed by such massage therapist or bodywork therapist.

710 43-24A-44.

711 (a) No massage therapist, bodywork therapist, hospital, nursing home, temporary staffing
 712 agency, massage therapy or bodywork therapy business, employer, state agency, or other
 713 person required to report a massage therapist or bodywork therapist to the board under this
 714 article who in good faith either reports or fails to report shall be subject to civil or criminal
 715 liability or discipline for unprofessional conduct for such action or inaction.

716 (b) A physician or other health care professional who, at the request of the board,
 717 examines a massage therapist or bodywork therapist shall be immune from suit for
 718 damages by the massage therapist or bodywork therapist examined if the examining
 719 physician or examining health care professional conducted the examination and made
 720 findings or diagnoses in good faith."

721 **SECTION 2.**

722 Code Section 16-5-47 of the Official Code of Georgia Annotated, relating to posting model
 723 notice with human trafficking hotline information in businesses and on Internet, is amended
 724 by adding a new paragraph to subsection (a) and by revising paragraph (13) of subsection (b)
 725 as follows:

726 "(3.1) 'Bodywork therapist' means a person licensed pursuant to Chapter 24A of Title
 727 43."

728 "(13) Businesses and establishments that offer massage or bodywork services by a person
 729 who is not a massage therapist or bodywork therapist; and"

730 **SECTION 3.**

731 Code Section 48-13-9 of the Official Code of Georgia Annotated, relating to limitation on
 732 authority of local government to impose regulatory fee, examples of those which may be
 733 subject to fees, and individuals and entities not subject to fees, is amended by revising
 734 subsection (c) as follows:

735 "(c) Examples of businesses and practitioners of professions and occupations which local
 736 governments are not authorized to subject to regulatory fees include, but are expressly not
 737 limited to, the following:

- 738 (1) Lawyers;
 739 (2) Physicians licensed under Chapter 34 of Title 43;
 740 (3) Osteopaths licensed under Chapter 34 of Title 43;
 741 (4) Chiropractors;
 742 (5) Podiatrists;
 743 (6) Dentists;
 744 (7) Optometrists;

- 745 (8) Psychologists;
 746 (9) Veterinarians;
 747 (10) Massage therapists and bodywork therapists licensed under Chapter 24A of Title 43;
 748 (11) Occupational therapists licensed under Chapter 28 of Title 43;
 749 (12) Physical therapists licensed under Chapter 33 of Title 43;
 750 (13) Speech-language pathologists and audiologists licensed under Chapter 44 of
 751 Title 43;
 752 ~~(10)~~(14) Landscape architects;
 753 ~~(11)~~(15) Land surveyors;
 754 ~~(12)~~(16) Practitioners of physiotherapy;
 755 ~~(13)~~(17) Public accountants;
 756 ~~(14)~~(18) Embalmers;
 757 ~~(15)~~(19) Funeral directors;
 758 ~~(16)~~(20) Civil, mechanical, hydraulic, or electrical engineers;
 759 ~~(17)~~(21) Architects;
 760 ~~(18)~~(22) Marriage and family therapists, social workers, and professional counselors;
 761 ~~(19)~~(23) Dealers of motor vehicles, as defined in paragraph (1) of Code
 762 Section 10-1-622;
 763 ~~(20)~~(24) Owners or operators of bona fide coin operated amusement machines, as
 764 defined in Code Section 50-27-70, and owners or operators of businesses where bona fide
 765 coin operated amusement machines are available for commercial use and play by the
 766 public, provided that such amusement machines have affixed current stickers showing
 767 payment of annual permit fees, in accordance with Code Section 50-27-78;
 768 ~~(21)~~(25) Merchants or dealers as defined in Code Section 48-5-354 as to their deliveries
 769 to businesses and practitioners of professions and occupations in areas zoned for
 770 commercial use; and
 771 ~~(22)~~(26) Any other business, profession, or occupation for which state licensure or
 772 registration is required by state law, unless the state law regulating such business,
 773 profession, or occupation specifically allows for regulation by local governments."

774 **SECTION 4.**

775 This Act shall become effective upon its approval by the Governor or upon its becoming law
 776 without such approval.

777 **SECTION 5.**

778 All laws and parts of laws in conflict with this Act are repealed.