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A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to terminate the existence and functioning of the Alabama Board of Massage Therapy; to establish the Office of Occupational and Professional Licensing within the Department of Labor by adding Chapter 2B to Title 25, Code of Alabama 1975; to provide for the leadership, support, and oversight of occupational and professional licensing boards by the office; to provide for an executive director, deputy directors, and the employment of staff; to provide uniform standards for fees; to continue the existing licenses and rules of the Alabama Board of Massage Therapy under the new Alabama Massage Therapy Licensing Board created pursuant to a new Chapter 43A, Title 34, Code of Alabama 1975, and continued pursuant to the Sunset Law until October 1, 2026, under the initial temporary oversight of the Board of Nursing and then under the permanent oversight of the Office of Occupational and Professional Licensing; to provide for the membership and organization of the new Alabama Massage Therapy Licensing Board; to provide for the transfer of all powers, duties, rights, records, and property from the former massage therapy board to the new



29 board, executive director, and office; to temporarily extend
30 the renewal date of certain licenses and registrations issued
31 by the former massage therapy board; and to repeal Chapter 43,
32 Title 34, Code of Alabama 1975, providing for the Alabama
33 Board of Massage Therapy.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Pursuant to the Alabama Sunset Law, the
36 Sunset Committee recommends the termination of the Alabama
37 Board of Massage Therapy, with the additional recommendation
38 for statutory change as set out in Sections 2, 3, and 4.

39 Section 2. (a) The existence and functioning of the
40 Alabama Board of Massage Therapy, created and functioning
41 pursuant to Sections 34-43-1 through 34-43-21, Chapter 43 of
42 Title 34, Code of Alabama 1975, is terminated, and those code
43 sections are expressly repealed.

44 (b) (1) Commencing on June 1, 2024, the Alabama Board of
45 Massage Therapy shall be reconstituted as the Alabama Massage
46 Therapy Licensing Board and all duties and functions of the
47 board shall be temporarily assumed and performed by the Board
48 of Nursing pending the reconstitution of the Alabama Massage
49 Therapy Licensing Board as provided in Section 3.

50 Additionally, commencing on June 1, 2024, the Executive
51 Officer of the Board of Nursing shall temporarily assume and
52 perform all duties and functions of the position of executive
53 director for the Alabama Massage Therapy Licensing Board
54 pending the establishment of the Office of Occupational and
55 Professional Licensing and the appointment of the Executive
56 Director of the Office of Occupational and Professional



57 Licensing as provided in Section 4.

58 (2) All duties and functions temporarily assumed and
59 performed by the Board of Nursing pursuant to subdivision (1),
60 shall be transferred to the Alabama Massage Therapy Licensing
61 Board, as created by Chapter 43A of Title 34, Code of Alabama
62 1975, on or before November 1, 2024, and all duties and
63 functions temporarily assumed by the Executive Officer of the
64 Board of Nursing pursuant to subdivision (1) shall be
65 transferred to the Executive Director of the Office of
66 Occupational and Professional Licensing, as created by Chapter
67 2B of Title 25, Code of Alabama 1975, on or before November 1,
68 2024.

69 Section 3. Chapter 43A is added to Title 34 of the Code
70 of Alabama 1975, to read as follows:

71 §34-43A-1

72 This chapter shall be known and may be cited as the
73 Alabama Massage Therapy Licensing Act.

74 §34-43A-2

75 For purposes of this chapter, the following terms have
76 the following meanings:

77 (1) ADVERTISE. To distribute a card, flier, sign, or
78 device to any individual or entity, or to allow any sign or
79 marking to be placed or broadcast on any building, radio,
80 television, the Internet, or through other electronic means or
81 to participate in the publication of any of these in a manner
82 designed to attract public attention.

83 (2) BOARD. The Alabama Massage Therapy Licensing Board
84 created by this chapter.



85 (3) EXAMINATION. The National Certification Board for
86 Therapeutic Massage and Bodywork Examination or the Federation
87 of State Massage Therapy Board's Massage and Bodywork
88 Licensing Examination administered by an independent agency,
89 another nationally or internationally accredited examination
90 administered by an independent agency approved by the board,
91 or a state examination administered by the board. The national
92 examination shall be accredited by the National Commission for
93 Certifying Agencies. The board may also administer a written,
94 oral, or practical examination.

95 (4) EXECUTIVE DIRECTOR. The Executive Director of the
96 Office of Occupational and Professional Licensing as defined
97 in Section 25-2B-1.

98 (5) LICENSE. The credential issued by the board which
99 allows the holder to engage in the safe and ethical practice
100 of massage therapy.

101 (6) MASSAGE THERAPIST. An individual licensed pursuant
102 to this chapter who practices or administers massage therapy
103 or related touch therapy modalities to a client for
104 compensation.

105 (7) MASSAGE THERAPY ESTABLISHMENT. A site, premises, or
106 business where massage therapy is practiced by a massage
107 therapist.

108 (8) MASSAGE THERAPY INSTRUCTOR. A massage therapist who
109 is approved by the board to teach the practice of massage
110 therapy.

111 (9) MASSAGE THERAPY or RELATED TOUCH THERAPY
112 MODALITIES. a. The mobilization of the soft tissue, which may



113 include skin, fascia, tendons, ligaments, and muscles, for the
114 purpose of establishing and maintaining good physical
115 condition.

116 b. The term includes effleurage, petrissage,
117 tapotement, compression, vibration, stretching, heliotherapy,
118 superficial hot and cold applications, topical applications,
119 or other therapy that involves movement either by hand,
120 forearm, elbow, or foot, for the purpose of therapeutic
121 massage, and any massage, movement therapy, massage
122 technology, myotherapy, massotherapy, oriental massage
123 techniques, structural integration, acupressure, or polarity
124 therapy.

125 c. The term massage therapy may include the external
126 application and use of herbal or chemical preparations and
127 lubricants including, but not limited to, salts, powders,
128 liquids, nonprescription creams, mechanical devices such as
129 T-bars, cups, thumpers, body support systems, heat lamps, hot
130 and cold packs, salt glow, steam cabinet baths, or
131 hydrotherapy.

132 d. The term does not include laser therapy, microwave,
133 injection therapy, manipulation of the joints, or any
134 diagnosis or treatment of an illness that normally involves
135 the practice of medicine, chiropractic, physical therapy,
136 podiatry, nursing, midwifery, occupational therapy,
137 veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or
138 naturopathics.

139 (10) MASSAGE THERAPY SCHOOL. A school, approved by the
140 board, where massage therapy is taught and which is one of the



141 following:

142 a. If located in Alabama, approved by the board as
143 meeting the minimum established standards of training and
144 curriculum as determined by the board and otherwise provided
145 in this chapter.

146 b. If located outside of Alabama, recognized by the
147 board and by a regionally recognized professional accrediting
148 body.

149 c. A postgraduate training institute accredited by the
150 Commission on Massage Therapy Accreditation.

151 (11) SEXUALLY-ORIENTED BUSINESS. A sex parlor, massage
152 parlor, nude studio, modeling studio, love parlor, adult
153 bookstore, adult movie theater, adult video arcade, adult
154 motel, or other commercial enterprise which has the offering
155 for sale, rent, or exhibit, or the exhibit of, items or
156 services intended to provide sexual stimulation or sexual
157 gratification to the client.

158 (12) STUDENT. Any individual who is enrolled in a
159 massage therapy school.

160 §34-43A-3

161 Except as specifically provided by this chapter, no
162 individual may do any of the following unless licensed
163 pursuant to this chapter:

164 (1) Advertise that he or she performs massage therapy
165 or related touch therapy modalities.

166 (2) Hold himself or herself out to the public as a
167 massage therapist, using any name or description denoting
168 himself or herself as a massage therapist, or purporting to



169 have the skills necessary to perform massage therapy.

170 (3) Practice massage therapy.

171 §34-43A-4

172 (a) The following individuals, offices, and
173 establishments are exempt from this chapter:

174 (1) A student who is rendering massage therapy services
175 under the supervision of a massage therapy instructor, or any
176 other supervisory arrangement recognized and approved by the
177 board including, but not limited to, a temporary permit. A
178 student shall be designated by title clearly indicating his or
179 her training status.

180 (2) A qualified member of another profession who is
181 licensed and regulated under state law while in the course of
182 rendering services within the scope of his or her license,
183 provided that the individual does not represent himself or
184 herself as a massage therapist.

185 (3) An individual providing massages to his or her
186 immediate family.

187 (4) An individual offering massage therapy instruction
188 who is visiting from another state, territory, or country,
189 provided that the individual is licensed or registered as
190 required in his or her place of residence and holds
191 certification from a nationally recognized professional
192 accrediting organization approved by the board. A visiting
193 instructor may teach continuing education courses in this
194 state for up to 100 hours per year without being licensed by
195 the board. A visiting instructor who teaches continuing
196 education courses in this state for 100 hours or more per year



197 is required to be licensed by the board.

198 (5) Members of the Massage Emergency Rescue Team, or
199 any other nationally or internationally recognized disaster
200 relief association, who practice massage therapy in this state
201 only during a time declared by the Governor or the Legislature
202 to be a city, county, or state emergency. These therapists may
203 work in this state for a period of time approved by the board.

204 (6) A Native American healer using traditional healing
205 practices. A Native American healer who applies to the board
206 for a massage therapist license shall comply with all
207 licensing requirements.

208 (7) An individual acting under the supervision of a
209 physician, physical therapist, or chiropractor within the
210 scope of his or her license, provided that the individual does
211 not represent himself or herself as a massage therapist or
212 receive compensation as a massage therapist.

213 (8) The office of a chiropractor, physician, or
214 physical therapist which employs or contracts with a massage
215 therapist.

216 (b) Nothing in this chapter shall be construed to
217 authorize massage therapists to administer, dispense, or
218 prescribe drugs or engage in the practice of medicine in any
219 manner including, but not limited to, providing nutrition
220 advice or diagnosing or prescribing drugs for mental,
221 emotional, or physical disease, illness, or injury.

222 §34-43A-5

223 (a) (1) There is created the Alabama Massage Therapy
224 Licensing Board. Commencing on October 1, 2024, the board



225 shall be subject to the leadership, support, and oversight of
226 the Executive Director of the Office of Occupational and
227 Professional Licensing pursuant to Chapter 2B of Title 25.

228 (2) The purpose of the board is to protect the health,
229 safety, and welfare of the public by ensuring that massage
230 therapists, massage therapy establishment licensees, massage
231 therapy schools, and massage therapy instructors meet
232 prescribed standards of education, competency, and practice.
233 To accomplish the purposes of this mission, the board shall
234 establish standards to ensure completion of all board
235 functions in a timely and effective manner and to provide open
236 and immediate access to all relevant public information. The
237 board shall communicate its responsibilities and services to
238 the public as part of its consumer protection duties. The
239 board, upon the recommendation of the executive director,
240 shall develop and implement a long range plan to ensure
241 effective regulation and consumer protection.

242 (3) All rights, duties, records, property, real or
243 personal, and all other effects existing in the name of the
244 Alabama Board of Massage Therapy, formerly created and
245 functioning pursuant to Chapter 43, or in any other name by
246 which that board has been known, shall continue in the name of
247 the Alabama Massage Therapy Licensing Board under the
248 jurisdiction of the Office of Occupational and Professional
249 Licensing and the executive director. Any reference to the
250 former Alabama Board of Massage Therapy, or any other name by
251 which that board has been known, in any existing law,
252 contract, or other instrument shall constitute a reference to



253 the Alabama Massage Therapy Licensing Board as created in this
254 chapter. All actions of the former Alabama Board of Massage
255 Therapy or the executive director of the former board done
256 prior to June 1, 2024, are approved, ratified, and confirmed.

257 (4) The status of any individual or entity properly
258 licensed or registered by the former Alabama Board of Massage
259 Therapy on June 1, 2024, shall continue under the jurisdiction
260 of the Alabama Massage Therapy Licensing Board. Any license or
261 registration subject to renewal on or before October 1, 2024,
262 pursuant to this chapter shall be temporarily extended by
263 three months, and may be temporarily extended for two
264 additional months if determined necessary by the board, with
265 the approval of the executive director.

266 (b)(1) The board shall consist of the following nine
267 members:

268 a. Three active licensees appointed by the Governor.

269 b. Two active licensees and one at-large member
270 appointed by the Lieutenant Governor.

271 c. Two active licensees and one at-large member
272 appointed by the Speaker of the House of Representatives.

273 (2) The seven active massage therapist licensee members
274 of the board shall be appointed so that not more than one
275 active licensee member from each United States Congressional
276 District in the state is appointed to serve at the same time.
277 The two members appointed from the state at-large shall have
278 never been licensed as massage therapists nor have had any
279 direct financial interest in the massage therapy profession.
280 One of the at-large members shall have extensive knowledge of



281 sex trafficking and related law enforcement efforts to defeat
282 sex trafficking. The at-large member appointed by the
283 Lieutenant Governor and the at-large member appointed by the
284 Speaker of the House of Representatives shall be appointed
285 from a list of three names each provided by the Minority
286 Leader of the Senate and the Minority Leader of the House of
287 Representatives, respectively. The appointing authorities
288 shall coordinate their appointments to assure the board
289 membership is inclusive and reflects the racial, gender,
290 geographic, urban, rural, and economic diversity of the state.

291 (3) The members initially appointed to the board shall
292 be appointed effective July 1, 2024. Each board member shall
293 be selected upon personal merit and qualifications, not per
294 membership or affiliation with an association. Each board
295 member shall be a citizen of the United States and a resident
296 of this state for two years immediately preceding appointment.
297 No member of the board shall serve more than two full
298 consecutive terms.

299 (c) Of the initial nine appointees to the board, three
300 members shall be appointed for terms of two years, three
301 members shall be appointed for terms of three years, and three
302 members shall be appointed for terms of four years as
303 determined by lottery. Thereafter, successors shall be
304 appointed for terms of four years, each term expiring on June
305 30.

306 (d) Vacancies on the board occurring prior to the
307 expiration of a term shall be filled by the original
308 appointing authority within 30 days after the vacancy, to



309 serve for the remainder of the unexpired term. Each member of
310 the board shall serve until his or her successor has been duly
311 appointed and qualified.

312 (e) The board shall hold its first meeting on or before
313 August 1, 2024. At the initial meeting, and annually
314 thereafter in the month of October, the board shall elect a
315 chair and a vice chair from its membership. The board shall
316 hold quarterly meetings for the purpose of reviewing license
317 applications. The board may hold additional meetings at the
318 discretion of the chair and four members of the board. A
319 quorum of the board shall be a majority of the then serving
320 appointed board members. All meetings of the board shall be
321 recorded electronically and a copy of the recording shall be
322 made available, upon request, for 30 calendar days following
323 the date of the recording.

324 (f) An affirmative vote of a majority of the members of
325 the board shall be required to grant, suspend, or revoke a
326 license to practice massage therapy or a license to operate a
327 massage therapy establishment.

328 (g) The executive director, at the request of the
329 board, may remove a member of the board for misfeasance,
330 malfeasance, neglect of duty, commission of a felony,
331 incompetence, permanent inability to perform official duties,
332 or failing to attend two consecutive properly noticed meetings
333 within a one-year period.

334 (h) Members of the board are immune from liability for
335 all good faith acts performed in the execution of their duties
336 as members of the board.



337 (i) Within the first six months after appointment, each
338 new board member shall complete board member training provided
339 by the Department of Examiners of Public Accounts and Alabama
340 ethics training provided by the Alabama Ethics Commission.

341 (j) All appointees to the board shall take the
342 constitutional oath of office and shall file the oath in the
343 office of the Governor before undertaking any duties as a
344 board member. Upon receiving the oath, the Governor shall
345 issue a certificate of appointment to each appointee.

346 §34-43A-6

347 (a) The board shall do all of the following:

348 (1) Qualify applicants to take the licensing
349 examination and issue licenses to successful applicants.

350 (2) Adopt a seal and affix the seal to all licenses
351 issued by the board.

352 (3) Collect fees established by the executive director
353 and authorized by this chapter.

354 (4) Maintain a complete record of all massage
355 therapists and annually prepare a roster of the names and
356 addresses of those licensees. An electronic copy of the roster
357 shall be provided to any individual, upon request and the
358 payment of a fee established by the board in an amount
359 sufficient to cover the costs of production and distribution.

360 (5) Provide for the investigation of any individual who
361 is suspected of violating this chapter or rule of the board.

362 (6) Adopt and revise rules as necessary to implement
363 this chapter pursuant to the Administrative Procedure Act. All
364 administrative rules of the former Alabama Board of Massage



365 Therapy existing on June 1, 2024, which reference Chapter 43,
366 shall remain in effect as rules of the Alabama Massage Therapy
367 Licensing Board until amended or repealed by that board.

368 (7) Provide an electronic copy of this chapter, and any
369 amendment made to this chapter, to licensees and applicants
370 for licensing, upon request.

371 (8) By rule, require massage therapists, massage
372 therapy establishments, and massage therapy schools to carry
373 professional and general liability insurance with an "A" rated
374 or better insurance carrier in the amount of at least one
375 million dollars (\$1,000,000). Proof of coverage shall be
376 provided to the board upon request.

377 (9) Perform other functions necessary and proper for
378 the performance of official duties.

379 (b) The board may do any of the following:

380 (1) Accept or deny the application of any individual
381 applying for a license as a massage therapist or massage
382 therapy establishment license upon an affirmative vote of a
383 majority of the board.

384 (2) By rule, establish criteria for certifying massage
385 therapy instructors.

386 (3) Adopt a code of ethics.

387 (4) Provide for the inspection of the business premises
388 of any licensee during normal business hours.

389 (5) Establish a list of approved massage therapy
390 schools.

391 §34-43A-7

392 (a) No individual may perform the duties of a massage



393 therapist unless he or she holds a valid license issued by the
394 board.

395 (b) A massage therapist may not perform massage therapy
396 for a sexually-oriented business and shall be subject to all
397 sections of Article 3 of Chapter 12 of Title 13A.

398 (c) A massage therapist may not advertise or offer to
399 perform services outside of the scope of his or her expertise,
400 experience, and education for any client who is ill or has a
401 physical dysfunction, unless the services are performed in
402 conjunction with a licensed physician, physical therapist, or
403 chiropractor.

404 (d) A massage therapist or massage therapy
405 establishment licensee may not participate in the publication
406 of or advertise or offer to perform services on any sexually
407 explicit website or online platform that promotes
408 prostitution, sexually explicit services, or human
409 trafficking. The board shall report any alleged violation of
410 this subsection to local law enforcement for further
411 investigation and potential prosecution.

412 §34-43A-8

413 (a) An applicant for licensing as a massage therapist
414 shall apply to the board on forms provided by the executive
415 director. Unless licensed pursuant to subsection (b), an
416 applicant for a license shall submit evidence satisfactory to
417 the board that he or she has met all of the following
418 requirements:

419 (1)a. Completed a minimum of 650 hours of instruction
420 at a massage therapy school consisting of all of the



421 following:

422 1. One hundred hours of anatomy and physiology,
423 including 35 hours of myology, 15 hours of osteology, 10 hours
424 of circulatory system, and 10 hours of nervous system, with
425 the remaining 30 hours addressing other body systems, as
426 determined by the massage therapy school.

427 2. Two hundred fifty hours of basic massage therapy,
428 the contradistinctions of massage therapy, and related touch
429 therapy modalities, including a minimum of 50 hours of
430 supervised massage.

431 3. Fifty hours of business, hydrotherapy, first aid,
432 cardiopulmonary resuscitation, professional ethics, and state
433 massage therapy law.

434 4. Two hundred fifty hours of electives as determined
435 by the massage therapy school.

436 b. The board, by rule, may increase the minimum number
437 of hours of instruction required for a license, not to exceed
438 the number of hours recommended by the National Certification
439 Board for Therapeutic Massage and Bodywork, or a successor
440 organization approved by the board.

441 c. In addition to paragraphs a. and b., to perform
442 therapeutic massage on an animal, a massage therapist shall
443 have also graduated from a nationally approved program and
444 completed at least 100 hours of postgraduate training and
445 education in animal anatomy, pathology, and physiology for the
446 specific type of animal upon which he or she will perform
447 therapeutic massage.

448 (2) Successfully passed a state board examination or a



449 national standardized examination approved by the board. The
450 board may approve other state's exams on a case-by-case basis.

451 (3) Completed a criminal history background check as
452 required by the board.

453 (4) Paid all applicable fees.

454 (b) Notwithstanding the requirements listed in
455 subdivisions (1) and (2) of subsection (a), the board may
456 license an applicant who is licensed or registered to practice
457 massage therapy in another state if the standards of practice
458 or licensing of that state, at the time the applicant was
459 originally licensed or registered, were equal to or stricter
460 than the requirements imposed by this chapter. Before the
461 issuance of an initial license or renewal pursuant to this
462 subsection, an applicant may be subject to a hearing before
463 the board to obtain additional information from the applicant
464 that is relevant to the decision of the board in granting or
465 denying the license or renewal. All hearings under this
466 subsection shall be conducted pursuant to the Administrative
467 Procedure Act and failure of the applicant to appear at the
468 hearing may result in the denial of his or her application or
469 renewal.

470 (c) Upon receipt of an application, the board shall
471 notify the applicant that his or her application is pending.
472 If the board requires additional information from the
473 applicant, the board shall notify the applicant and the
474 applicant shall provide the requested information to the board
475 within 10 business days. The board shall also notify the
476 applicant of the approval or denial of his or her application.



477 If an application is denied, the board shall notify the
478 applicant in writing of the reasons for the denial.

479 §34-43A-9

480 (a) No massage therapy establishment shall operate in
481 this state without a license issued by the board.

482 (b) A sexually-oriented business may not operate as a
483 massage therapy establishment or be licensed by the board
484 pursuant to this chapter.

485 (c) A massage therapy establishment shall contract with
486 or employ only licensed massage therapists to perform massage
487 therapy. Every massage therapist associated with or working at
488 a massage therapy establishment shall be registered with the
489 board and one of the licensed massage therapists shall be
490 designated as the licensee who ensures that the massage
491 therapy establishment complies with state law and all
492 applicable administrative rules.

493 (d) A massage therapy establishment license is not
494 assignable or transferable.

495 (e) If the holder of a massage therapy establishment
496 license moves the location of the massage therapy
497 establishment without changing either the name or ownership of
498 that massage therapy establishment, the board shall waive the
499 new establishment license fee upon the receipt of appropriate
500 documentation from the licensee. The documentation required by
501 the board for the waiver shall be established by rule of the
502 board. This subsection shall not change the expiration date of
503 a massage therapy establishment license.

504 (f) (1) Except as provided in subdivision (2), each



505 applicant for a massage therapy establishment license shall
506 complete a criminal history background check pursuant to rules
507 adopted by the board.

508 (2) An applicant for a massage therapy establishment
509 license, who is a massage therapist and has completed a
510 criminal history background check as required by the board
511 within the preceding two years, is exempt from completing the
512 criminal history background check required in subdivision (1).

513 (g) The physical location of a proposed massage therapy
514 establishment shall be subject to an initial inspection by the
515 board before a massage therapy establishment license is
516 granted to the applicant.

517 (h) If the physical location of a massage therapy
518 establishment is shut down by the board or by local, state, or
519 federal law enforcement, that physical location, for one year
520 following the closure, may not be licensed or operate as a
521 massage therapy establishment. After the one-year prohibition
522 expires, an applicant for a massage therapy establishment
523 license for that physical location must appear before the
524 board before his or her application may be approved or denied.

525 §34-43A-10

526 (a) An application for initial licensing or renewal of
527 a license shall be submitted on forms provided by the
528 executive director and accompanied by the applicable fee, as
529 provided in Section 34-43A-12, and a recent two-by-two inch
530 photograph showing a frontal view of the head and shoulders of
531 the applicant, taken no more than six months before
532 application. All documents shall be submitted in English.



533 (b) The board may deny the application of any applicant
534 who refuses to complete a criminal history background check as
535 required by the board pursuant to Section 34-43A-8(a)(3) or
536 Section 34-43A-9(f).

537 (c) Each license issued by the board to a qualified
538 massage therapist applicant or a massage therapy establishment
539 applicant shall be on a preprinted sequentially numbered form.
540 A license shall grant all professional rights, honors, and
541 privileges relating to the practice of massage therapy.

542 (d) Each massage therapist shall display his or her
543 license and photograph, as provided in subsection (a), in a
544 conspicuous manner as specified by rule of the board. Each
545 massage therapy establishment shall prominently post its
546 license, and the license and photograph of each massage
547 therapist, as provided in subsection (a), who practices at the
548 massage therapy establishment, in plain sight within the
549 massage therapy establishment.

550 (e) A license is the property of the board and shall be
551 surrendered upon demand of the board.

552 §34-43A-11

553 (a) Each licensee, upon application for renewal of a
554 license, shall do both of the following:

555 (1) Submit evidence of satisfactory completion of the
556 continuing education requirements pursuant to Section
557 34-43A-19.

558 (2) Complete a new criminal history background check
559 pursuant to rules adopted by the board. The board may deny the
560 application for renewal of any licensee who refuses to



561 complete a criminal history background check as required by
562 the board.

563 (b) An individual whose license has expired and who has
564 ceased to practice massage therapy for a period of not longer
565 than five years may have his or her license reinstated upon
566 payment of a renewal fee, payment of a reactivation fee,
567 payment of a late fee, and the submission of a renewal
568 application and evidence satisfactory to the board that the
569 applicant has fulfilled continuing education requirements,
570 completed a criminal history background check, and paid any
571 criminal history background check fees required by this
572 chapter.

573 §34-43A-12

574 (a) The executive director, by rule, shall assess and
575 collect all of the following fees:

576 (1) For an initial massage therapist license.

577 (2) For a biennial license renewal.

578 (3) For an initial, and for any renewal of, a massage
579 therapy establishment license.

580 (4) For an initial registration, and any renewal
581 registration, as a massage therapy school in this state.

582 (5) To register and renew registration as a massage
583 therapy instructor in this state.

584 (6) To reactivate an expired license.

585 (7) For a duplicate license certificate or a name
586 change on a license certificate. The board may issue a
587 duplicate certificate for each massage therapy establishment
588 on file with the board where the massage therapist practices



589 massage therapy. The board may issue additional duplicate
590 certificates only after receiving a sworn letter from the
591 massage therapist stating that an original certificate was
592 lost, stolen, or destroyed. The board shall maintain a record
593 of each duplicate certificate issued on a preprinted
594 sequentially numbered form, and the preprinted sequential
595 number of the original certificate shall be noted on the
596 duplicate certificate.

597 (b) Necessary administrative fees may be set by the
598 executive director including, but not limited to, reasonable
599 costs for copying, labels, and lists, and the actual costs for
600 completing a criminal history background check.

601 (c) All receipts collected by the board under this
602 chapter shall be deposited into the Occupational and
603 Professional Licensing Fund.

604 §34-43A-13

605 (a) Any individual may file with the board a written
606 complaint regarding an allegation of impropriety by a massage
607 therapist, massage therapy establishment, or other individual.
608 Complaints may be anonymous and shall be made in the manner
609 prescribed by the board. Complaints received by the board
610 shall be referred to a standing investigative committee
611 consisting of a board member, the executive director, the
612 board attorney, and the board investigator. If no probable
613 cause is found, the investigative committee may dismiss the
614 charges and provide a statement, in writing, to the massage
615 therapist, massage therapy establishment, or other individual
616 of the reasons for that decision. The statement may also



617 include the name of the complainant, upon request of the
618 massage therapist, massage therapy establishment, or other
619 individual to whom the written statement is provided.

620 (b) If probable cause is found, the board shall
621 initiate an administrative proceeding. Upon a finding that the
622 licensee has committed any of the following misconduct, the
623 board shall suspend, revoke, or refuse to issue or renew a
624 license or impose a civil penalty after notice and opportunity
625 for a hearing pursuant to the Administrative Procedure Act:

626 (1) The license was obtained by means of fraud,
627 misrepresentation, fraudulent transcripts, transcripts from a
628 non-approved school, invalidated examination scores, or
629 concealment of material facts, including making a false
630 statement on an application or any other document required by
631 the board for licensing.

632 (2) The licensee sold or bartered or offered to sell or
633 barter a license for a massage therapist or a massage therapy
634 establishment.

635 (3) The licensee has engaged in unprofessional conduct
636 that has endangered or is likely to endanger the health,
637 safety, and welfare of the public, as defined by the rules of
638 the board.

639 (4) The licensee has been convicted of a felony or of
640 any crime arising out of or connected with the practice of
641 massage therapy.

642 (5) The licensee has violated or aided and abetted in a
643 violation of this chapter.

644 (6) The licensee is adjudicated as mentally incompetent



645 by a court of law.

646 (7) The licensee uses controlled substances or
647 habitually and excessively uses alcohol.

648 (8) The licensee has engaged in false, deceptive,
649 sexually explicit, or misleading advertising.

650 (9) The licensee engaged in, or attempted to, or
651 offered or solicited to engage a client in sexual activity
652 including, but not limited to, genital contact, within the
653 client-massage therapist relationship.

654 (10) The licensee has knowingly allowed the massage
655 therapy establishment to be used as an overnight sleeping
656 accommodation.

657 (11) The licensee had a license revoked, suspended, or
658 denied in any other territory or jurisdiction of the United
659 States for any act described in this section.

660 (12) The applicant or licensee was convicted of
661 impersonating a massage therapist in another jurisdiction.

662 (c) (1) Subsequent to an official complaint, and for
663 other requirements established by this chapter, including for
664 the purpose of determining an applicant's suitability for a
665 license or the renewal of a license to practice massage
666 therapy, the board may request a criminal history background
667 check of the licensee. Each applicant shall submit a complete
668 set of fingerprints and a form, sworn to by the applicant,
669 providing written consent from the applicant for the release
670 of criminal history background check information to the board.

671 (2) The board shall submit the fingerprints and form
672 provided by each applicant to the Alabama State Law



673 Enforcement Agency (ALEA). The applicant may be fingerprinted
674 by ALEA at the time of the form submission. ALEA shall conduct
675 a check of state records and forward the fingerprints to the
676 FBI for a national criminal history background check.

677 (3) The results of the state and national criminal
678 history background check records shall be returned to the
679 board by ALEA.

680 (4) The board shall reimburse ALEA for conducting
681 criminal history background checks according to the fee
682 schedule adopted by the Alabama Justice Information
683 Commission.

684 (5) Any criminal history background check reports
685 received by the board from ALEA shall be marked confidential
686 and shall not be disclosed or made available for public
687 inspection. All criminal history background check reports
688 received pursuant to this section are specifically excluded
689 from any requirement of public disclosure as a public record.
690 Reports received may only be used for the purposes described
691 in this chapter. All information provided is subject to the
692 rules established by the Alabama Justice Information
693 Commission and Public Law 92-544. An individual that uses a
694 criminal history background check report for purposes other
695 than those provided in this chapter may be subject to criminal
696 charges under Sections 41-9-601 and 41-9-602.

697 (d) An individual governed by this chapter, who has a
698 reasonable belief that another massage therapist has violated
699 this chapter, shall inform the board in writing within 30
700 calendar days after the date the individual discovers this



701 activity. Upon finding that an individual has violated this
702 subsection, the board shall alert local law enforcement and
703 may do either of the following:

704 (1) Impose an administrative fine of not more than ten
705 thousand dollars (\$10,000) according to a disciplinary
706 infraction fine schedule adopted by rule of the board.

707 (2) Suspend or revoke the individual's license to
708 practice massage therapy.

709 (e) In addition to an administrative fine of not more
710 than ten thousand dollars (\$10,000), according to a
711 disciplinary infraction fine schedule adopted by rule of the
712 board, the license of any individual who has been convicted
713 of, or has entered a plea of nolo contendere to, a crime or
714 offense involving prostitution or any other type of sexual
715 offense shall be permanently revoked by the board following a
716 hearing conducted pursuant to the Administrative Procedure
717 Act.

718 (f) The massage therapy establishment license of any
719 massage therapy establishment wherein an individual has been
720 convicted of, or entered a plea of nolo contendere to, an
721 offense involving prostitution or any other type of sexual
722 offense against a client, or which the board determines is a
723 sexually-oriented business, shall be permanently revoked by
724 the board following a hearing conducted pursuant to the
725 Administrative Procedure Act.

726 (g) (1) Upon a finding that an individual, who is
727 governed by this chapter, has performed massage therapy
728 without having obtained a license, the board may do any of the



729 following:

730 a. Impose an administrative fine of not more than ten
731 thousand dollars (\$10,000).

732 b. Issue a cease and desist order.

733 c. Petition the circuit court of the county where the
734 act occurred to enforce the cease and desist order and collect
735 the assessed fine.

736 (2) Any individual aggrieved by any adverse action of
737 the board may appeal the action to the Circuit Court of
738 Montgomery County.

739 (h) The board shall present any incident of misconduct
740 to the local district attorney for review and appropriate
741 action.

742 (i) The board may adopt rules to implement and
743 administer this section upon the recommendation of the
744 executive director.

745 §34-43A-14

746 An individual who does not hold a license as a massage
747 therapist, physical therapist, chiropractor, or athletic
748 trainer, or a license for a massage therapy establishment,
749 shall not use the words massage or bodywork on any sign or
750 other form of advertising describing services performed by the
751 individual or within the establishment. Any advertisement by a
752 massage therapist or massage therapy establishment shall
753 contain the license number of the massage therapist or massage
754 therapy establishment.

755 §34-43A-15

756 Any individual who violates this chapter shall be



757 guilty of a Class C misdemeanor.

758 §34-43A-16

759 (a) In addition to any criminal penalty prescribed by
760 this chapter, the board may seek an injunction against any
761 individual or establishment found in violation of this
762 chapter.

763 (b) In an action for an injunction, the board may
764 demand and recover a civil penalty of fifty dollars (\$50) per
765 day for each violation, reasonable attorney fees, and court
766 costs.

767 §34-43A-17

768 (a) Except as otherwise provided in subsection (b),
769 this chapter shall supersede any regulation adopted by a
770 political subdivision of the state related to the licensing or
771 regulation of massage therapists and massage therapy
772 establishments.

773 (b) This section shall not affect:

774 (1) Local regulations relating to zoning requirements
775 or occupational license taxes pertaining to massage therapists
776 and massage therapy establishments.

777 (2) Local regulations that do not relate to the
778 practice of massage therapy by qualified individuals.

779 (c) A county, or a municipality within its
780 jurisdiction, may regulate individuals licensed pursuant to
781 this chapter. Regulation shall be consistent with this chapter
782 and shall not supersede this chapter. This section shall not
783 be construed to prohibit a county or municipality from
784 regulating individuals not licensed pursuant to this chapter.



785 §34-43A-18

786 (a) To be approved by the board, a massage therapy
787 school shall meet all of the following requirements:

788 (1) Submit to the board a completed application
789 prescribed by the executive director and the registration fee
790 specified in Section 34-43A-12.

791 (2) Provide documentation of a curriculum which
792 includes a minimum number of required hours of instruction in
793 the subjects required by Section 34-43A-8.

794 (3) Register with the board by submitting a renewal
795 form, the renewal fee specified in Section 34-43A-12, and a
796 then current curriculum and list of active massage therapy
797 instructors teaching at the school.

798 (4) On or before July 1, 2025, be certified by the
799 National Certification Board for Therapeutic Massage and
800 Bodywork as an assigned school.

801 (b) Every massage therapy instructor teaching a course
802 in massage therapy at a massage therapy school located in this
803 state shall be licensed by the board as a massage therapist
804 and registered as a massage therapy instructor. Instructors
805 who are not teaching massage therapy do not need to be
806 registered. An adjunct massage therapy instructor shall be
807 dually licensed in the state where he or she resides or be
808 nationally certified, or both.

809 (c) An applicant for registration as a massage therapy
810 instructor shall satisfy all of the following requirements:

811 (1) Be currently licensed as a massage therapist in
812 this state.



813 (2) Submit to the board a completed application as
814 prescribed by the executive director and the application fee
815 specified in Section 34-43A-12.

816 (3) Submit documentation of three years of experience
817 in the practice of massage therapy. The documentation may be
818 considered by the board on a case-by-case basis.

819 §34-43A-19

820 (a) The board is subject to the Alabama Sunset Law of
821 1981 and is classified as an enumerated agency pursuant to
822 Section 41-20-3. The board shall automatically terminate on
823 October 1, 2026, and every four years thereafter, unless
824 continued pursuant to the Alabama Sunset Law.

825 (b) The board shall adopt a program of continuing
826 education for licensees which shall be a requisite for the
827 renewal of licenses issued pursuant to this chapter and shall
828 not exceed the requirements of a board-approved nationally
829 recognized board certification organization such as the
830 National Certification Board for Therapeutic Massage and
831 Bodywork.

832 Section 4. Chapter 2B is added to Title 25 of the Code
833 of Alabama 1975, to read as follows:

834 CHAPTER 2B. OFFICE OF OCCUPATIONAL AND PROFESSIONAL
835 LICENSING.

836 §25-2B-1

837 For the purposes of this chapter, the following terms
838 have the following meanings:

839 (1) BOARD. A board, commission, or other entity
840 established for the primary purpose of licensing and



841 regulating a specific occupation or profession that is subject
842 to oversight and administration by the Office of Occupational
843 and Professional Licensing of the Department of Labor.

844 (2) EXECUTIVE DIRECTOR. The individual appointed by the
845 Secretary of Labor as executive director of the office.

846 (3) FUND. The Occupational and Professional Licensing
847 Fund created by this chapter.

848 (4) LICENSE. The certificate or license issued to an
849 individual that certifies he or she is qualified to perform a
850 particular occupation or profession. The term includes a
851 certificate of registration, temporary license, or similar
852 formal grant of permission.

853 (5) OFFICE. The Office of Occupational and Professional
854 Licensing within the Department of Labor, responsible for the
855 oversight and administration of certain occupational and
856 professional licensing boards.

857 §25-2B-2

858 (a) There is created within the Department of Labor the
859 Office of Occupational and Professional Licensing. The mission
860 of the office is to protect the health, safety, and welfare of
861 the public by licensing qualified individuals and entities and
862 enforcing standards of professional conduct for professions
863 and occupations.

864 (b) (1) The Secretary of Labor shall appoint and shall
865 set the qualifications for an executive director and shall
866 appoint deputy directors, as needed, who shall act in the
867 absence of the executive director and who shall perform other
868 functions of the executive director as the executive director



869 may direct. The executive director and deputy directors shall
870 serve in the exempt service. The compensation of the executive
871 director and deputy directors shall be fixed by the Secretary
872 of Labor, and they shall hold office at the pleasure of the
873 Secretary of Labor.

874 (2) The executive director may employ additional
875 personnel, including administrative law judges, attorneys, and
876 investigators, as necessary to carry out this chapter and to
877 provide leadership, support, and oversight required for each
878 board to exercise its powers and fulfill its duties. Except as
879 otherwise provided in this chapter, all personnel shall be
880 subject to the state Merit System Act.

881 (c) An individual hired to conduct investigations for
882 the boards shall meet standards established by the executive
883 director.

884 §25-2B-3

885 (a) The executive director, with the approval of the
886 Secretary of Labor, may enter into and terminate contracts on
887 behalf of the office or any board, subject to the State
888 Procurement Law, as necessary to implement this chapter.

889 (b) The rights, privileges, entitlements, or duties of
890 parties to contracts, leases, agreements, or other
891 transactions entered into by a board on or before the date a
892 board becomes subject to this chapter shall continue to exist
893 and shall not be impaired or diminished by reason of the board
894 being subject to this chapter. After the date a board becomes
895 subject to this chapter, no existing agreement or contract
896 between a board and a third party may be renewed or otherwise



897 amended unless the agreement or contract complies with this
898 chapter.

899 §25-2B-4

900 On the date a board becomes subject to this chapter,
901 all the rights, duties, assets, employees, records,
902 liabilities, property, real or personal, and all other effects
903 existing in the name of each board shall be transferred to,
904 and under the jurisdiction of, the office. By resolution, a
905 board may transfer its rights, duties, assets, employees,
906 records, liabilities, property, or other effects to the office
907 before the date specified by this act if approved by the
908 Secretary of Labor or the executive director.

909 §25-2B-5

910 (a) The Occupational and Professional Licensing Fund is
911 created within the State Treasury. The office shall collect,
912 on behalf of each board, all funds the board is entitled to
913 receive. Collected funds shall be deposited into the fund and
914 shall be used to implement this chapter and perform required
915 board functions. The executive director shall allocate and
916 disburse funds budgeted and allotted pursuant to the Budget
917 Management Act and Article 4 of Chapter 4 of Title 41.

918 (b) For purposes of this section, required board
919 functions include the maintenance of existing board programs
920 that benefit an occupation or profession including, but not
921 limited to, grant, wellness, and training programs, if the
922 executive director determines that maintenance of the program
923 will not require a material increase in any fee collected by
924 the office. The authority provided by this subsection shall



925 expire on September 31, 2028.

926 §25-2B-6

927 (a) The executive director shall possess all powers
928 necessary and proper to provide administrative support and
929 oversight to each board, including all of the following:

930 (1) To serve as the custodian of all board records.

931 (2) To receive and process all license applications.

932 (3) By rule, to set all administrative fees including,
933 but not limited to, application, license, renewal,
934 examination, and wellness program fees and set the dates,
935 times, and locations of license examinations.

936 (4) To schedule the time and place for all hearings.

937 (5) To issue all licenses.

938 (6) To conduct investigations on behalf of each board
939 and issue subpoenas when authorized.

940 (7) To collect all fees, fines, and other monies due
941 each board and deposit all monies collected into the fund.

942 (8) To implement and enforce the rules and
943 administrative decisions of each board.

944 (b) All board orders shall be signed and attested to by
945 the executive director, or his or her designee, in the name of
946 the applicable board, with the seal of that board attached.

947 Any notice or legal process necessary to be served upon a
948 board may be served upon the executive director.

949 (c) Any document, material, or other information in the
950 possession or control of the office that is obtained by or
951 disclosed in the course of an application, examination, or
952 investigation is confidential, privileged, and not subject to



953 subpoena or discovery.

954 §25-2B-7

955 (a) Each board member shall be paid a per diem amount
956 of one hundred dollars (\$100) for each day spent attending a
957 board meeting or other official function of the board and
958 shall be reimbursed for travel expenses at the same rate and
959 under the same circumstances as a state employee is paid for
960 each day he or she attends to business of the board. A board
961 member's request for per diem or reimbursement of travel
962 expenses is subject to approval by the executive director.

963 (b) Board meetings and hearings shall be held in the
964 City of Montgomery at a site determined by the executive
965 director, or at a different site upon request of the chair and
966 approval by the executive director.

967 (c) Nothing in this chapter shall be construed to alter
968 the requirements of the Open Meetings Act, Chapter 25A, Title
969 36.

970 §25-2B-8

971 (a) The executive director shall adopt rules pursuant
972 to the Alabama Administrative Procedure Act relating to
973 administrative fees and to the administration of examinations
974 of applicants for licensing by each board pursuant to Section
975 25-2B-6. The rules may provide for the setting of fees, dates,
976 times, and locations of examinations and other similar matters
977 related to the administration of an examination.

978 (b) Nothing in this chapter shall preclude a board from
979 adopting rules to establish examination standards including,
980 but not limited to, criteria, grading procedures, passing



981 score requirements, and other matters pertaining to
982 substantive material included on an examination.

983 (c) A board, by rule, may establish examination
984 standards developed in agreement or in conjunction with a
985 national association of state boards, or other related
986 national association, for the administration of a nationally
987 recognized uniform examination.

988 (d) Rules adopted by a board before the date of
989 transfer to the office, that are under the jurisdiction of the
990 executive director, shall continue in effect until the
991 executive director expressly amends, repeals, or adopts new
992 rules pursuant to the Alabama Administrative Procedure Act.

993 §25-2B-9

994 (a) The executive director, by rule, may establish
995 administrative fees necessary for the operation of a board
996 including, but not limited to, an application fee, original
997 license fee, license renewal fee, inspection fee, permit fee,
998 wellness program fee, and late penalty fee. Each fee shall be
999 reasonable and shall be determined in a manner that the total
1000 amount of fees charged by the board shall approximate the
1001 total of the direct and indirect costs to the state of the
1002 operations of the board. Fees may be refunded as determined by
1003 the executive director.

1004 (b) The executive director, by rule, shall determine
1005 the term, expiration, renewal period, and late penalty dates
1006 for each license issued by a board through the office.

1007 §25-2B-10

1008 (a) The executive director, on behalf of each board,



1009 may issue or deny a temporary license to an applicant who
1010 otherwise satisfies all of the qualifications and criteria
1011 required for the issuance of a license.

1012 (1) If a temporary license is issued to an applicant by
1013 the executive director, that decision shall be reviewed by the
1014 applicable board at the next meeting of the board, during
1015 which time the board may decide to grant or deny a full
1016 license to the temporary licensee.

1017 (2) If the executive director denies issuing a
1018 temporary license to an applicant, that decision shall be
1019 reviewed by the applicable board at the next meeting of the
1020 board, during which time the board may decide to grant or deny
1021 a full license to the applicant.

1022 (b) The executive director, on behalf of each board,
1023 may temporarily renew a license pursuant to criteria
1024 established by the board for the renewal of a license. A
1025 temporary renewal issued by the executive director shall be
1026 reviewed by the applicable board at the next meeting of the
1027 board, during which time the board may decide to grant or deny
1028 the license renewal.

1029 §25-2B-11

1030 Each board remains subject to the Alabama
1031 Administrative Procedure Act. Any rule adopted, amended, or
1032 repealed by a board, as authorized by this chapter, shall be
1033 approved by the executive director before certification
1034 pursuant to Section 41-22-6. An emergency rule shall be
1035 approved before filing pursuant to Section 41-22-5.

1036 §25-2B-12



1037 (a) Nothing in this chapter shall be construed to
1038 invalidate, override, or amend the Military Family Jobs
1039 Opportunity Act, Section 31-1-6, or any licensing compact
1040 entered into by this state or any board.

1041 (b) The provisions of this chapter are cumulative and
1042 supplemental and shall be construed in pari materia with other
1043 laws relating to the boards placed under the oversight of the
1044 office pursuant to this chapter. Those laws or parts of laws
1045 in direct conflict or inconsistent with this chapter are
1046 superseded to the extent of the conflict or inconsistency.

1047 §25-2B-13

1048 (a) Each board shall continue to be subject to the
1049 Alabama Sunset Law in the same manner and the same schedule as
1050 provided by law.

1051 (b) Commencing with the 2028 Regular Session of the
1052 Legislature, and every fourth regular session thereafter, the
1053 Secretary of Labor, through the executive director of the
1054 office, shall submit to the cochairs of the Alabama Sunset
1055 Committee, a report recommending the continuation,
1056 consolidation, or termination of those boards regulated by
1057 this chapter.

1058 Section 5. The Legislature concurs in the
1059 recommendations of the Sunset Committee as provided in
1060 Sections 1 through 4.

1061 Section 6. Sections 1 through 3 and 5 shall become
1062 effective June 1, 2024. Section 4 shall become effective
1063 October 1, 2024.