
HOUSE BILL 1981

State of Washington

63rd Legislature

2013 Regular Session

By Representative Jinkins

Read first time 03/07/13. Referred to Committee on Health Care & Wellness.

AN ACT Relating to the licensure of massage therapy establishments; and adding a new chapter to Title 18 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1 The legislature finds that:

- (1) It is in the public's interest, health, and safety to require licensure of massage therapy establishments;
- (2) Each massage therapy establishment should be licensed by the department of health;
- (3) Except for certain exemptions, massage therapy should be offered or delivered only at a location or any portion thereof that hold a valid massage therapy establishment license issued by the department.

NEW SECTION. Sec. 2 The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of health.
- (2) "Licensed massage practitioner" means any person with a valid license to practice massage as defined in RCW 18.108.030.
- (3) "Massage therapy establishment" means a place of business that advertises or offers massage as defined in RCW 18.108.010(2) on a regular basis and which employs one or more persons to perform massage.
- (4) "Owner" means any sole practitioner, partnership, or corporation that allows massage to be offered for compensation on a premises owned, leased, or controlled by that individual or entity.

NEW SECTION. Sec. 3 An owner is not required to be a licensed massage practitioner so long as his or her license massage establishment is affiliated with a national massage franchise whose major massage therapy protocols are set by a licensed massage therapist employed by the national franchisor and which does not participate in third-party billing.

NEW SECTION. Sec. 4 This chapter does not apply to:

- (1) Those individuals and entities listed in RCW 18.108.050;
- (2) Licensed massage practitioners who own and operate a massage business in which he or she is the only practitioner;
- (3) Any practice owned by a medical professional with a valid Washington license issued by the department to practice his or her medical specialty where one or more licensed massage practitioners are employed;
- (4) Student clinics operated by department-approved massage training schools;
- (5) Locations at which chair massage is exclusively performed; and
- (6) Locations in which massage is offered for no more than twenty-four hours in a one week period every six months at a public or charitable event with a primary purpose unrelated directly to massage.

NEW SECTION. Sec. 5 (1) The applicant for licensure of the massage therapy establishment must be the owner, lessee, or legal possessor of the establishment.

(2) An application for licensure must be submitted in the name of the owner or owners of the massage therapy establishment. If the owner is a corporation, the application must be submitted in the name of the owner or owners of the corporation and must be signed by an authorized corporate representative.

(3) An owner may operate a massage therapy establishment under a name other than that of the owner if the other name is included in the license application.

(4) Every massage therapy establishment shall prominently display its massage therapy establishment license, together with original or copies of the licenses of all persons employed by the massage therapy establishment to perform massage.

(5) Every owner must ensure that all persons employed to perform massage hold valid licenses from the department to perform massage.

(6) Every owner is responsible for maintaining safe and sanitary conditions at all times in the massage therapy establishment. However, this directive does not relieve an individual licensed massage practitioner of his or her responsibility for sanitary and safe conditions of the space or the equipment used in performing massage.

(7) Every owner shall ensure that no licensed massage practitioner practices beyond his or her scope of practice.

(8) An initial license is valid for two years. Licenses may be renewable every two years.

NEW SECTION. Sec. 6 An initial fee of two hundred fifty dollars must accompany the initial license application. A fee of one hundred fifty dollars must accompany a license renewal application.

NEW SECTION. Sec. 7 Every owner shall properly maintain and secure, for each client, records related to his or her initial intake visit, subsequent sessions, and related billing records.

NEW SECTION. Sec. 8 (1) an owner may change the name of his or her massage therapy establishment, or transfer the license from one location to another by submitting a completed written request to the department. The request must be made at least thirty days prior to such a change and prior to revising any printed materials or advertisements.

(2) When a massage therapy establishment is sold, or ownership is transferred to another individual or entity, or the corporate legal organizational status is substantially changed, the owner must apply for a license for the new or changed entity.

NEW SECTION. Sec. 9 A massage therapy establishment owner, lessee, or legal possessor may not knowingly engage in or permit any person or persons to engage in any sexual activity in that owner's establishment or to use that establishment to make arrangements to engage in sexual activity in any other place. For the purposes of this section, sexual activity must be defined in rule by the department.

NEW SECTION. Sec. 10 Sections 1 through 9 of this act constitute a new chapter in Title 18 RCW.

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