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H.644

Introduced by Representatives Clarkson of Woodstock, Jerman of Essex, and  
Campion of Bennington

Referred to Committee on

Date:

Subject: Professions and occupations; massage therapists; licensure and  
regulation

Statement of purpose of bill as introduced: This bill proposes to require the  
licensure and regulation of massage therapists.

An act relating to the licensure and regulation of massage therapists

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

Pursuant to the provisions of 26 V.S.A. § 3105, the General Assembly has  
considered governmental and societal costs and benefits and finds that the  
licensure and regulation of massage therapists is necessary because:

(1) it has been demonstrated that the unregulated practice of massage  
therapy can clearly harm or endanger the health, safety, or welfare of the  
public, including harm caused by human trafficking which has been known to  
take place in unregulated massage therapy shops, and the potential for harm is  
recognizable and not remote or speculative;



1           (3) “Massage therapist” means a person who is licensed under this  
2 chapter to engage in the practice of massage therapy.

3           (4) “Practice of massage therapy” means the provision, for a  
4 consideration, of a system of structured touch, palpation, or movement of the  
5 soft tissue of another person’s body in order to enhance or restore the general  
6 health and well-being of the recipient.

7           (5) “Shop” means a facility regularly used to offer or perform the  
8 practice of massage therapy.

9           § 4902. PROHIBITIONS; OFFENSES

10           (a) It shall be a violation of this chapter for any person, including any  
11 corporation, association, or individual, to:

12           (1) sell or fraudulently obtain or furnish any massage therapy degree,  
13 diploma, certificate of registration, license, or any other related document or  
14 record or to aid or abet therein;

15           (2) practice massage therapy under cover of any degree, diploma,  
16 registration, license, or related document or record illegally or fraudulently  
17 obtained or signed or issued unlawfully or under fraudulent representation;

18           (3) offer or practice massage therapy unless duly registered and  
19 currently licensed or otherwise authorized to do so under the provisions of this  
20 chapter;

1           (4) represent himself or herself as being licensed or otherwise  
2           authorized by this State to practice massage therapy or use in connection with a  
3           name any words, letters, signs, or figures which imply that a person is a  
4           massage therapist when not licensed or otherwise authorized under this  
5           chapter;

6           (5) practice massage therapy during the time a license or authorization  
7           issued under this chapter is suspended or revoked;

8           (6) employ an unlicensed or unauthorized person to practice as a  
9           massage therapist; or

10           (7) offer or practice massage therapy in a shop not duly registered and  
11           currently licensed or otherwise authorized under the provisions of this chapter.

12           (b) Any person violating this section shall be subject to the penalties  
13           provided in 3 V.S.A. § 127(c).

14           § 4903. EXCEPTIONS

15           This chapter does not prohibit:

16           (1) the furnishing of assistance in the case of an emergency or  
17           disaster; or

18           (2) the practice of any other occupation or profession by a person duly  
19           licensed or otherwise authorized under the laws of this State.





1           (2) The Director shall issue a license by endorsement to a person  
2           described in subdivision (1) of this subsection if the Director determines that  
3           the requirements for licensure or certification in the jurisdiction in which the  
4           person is licensed or certified are at least substantially equivalent to the  
5           requirements for massage therapy licensure in this State.

6           § 4932. SHOPS; LICENSURE AND INSPECTION

7           (a) An applicant for licensure as a shop shall meet standards adopted by the  
8           Director by rule.

9           (b) A shop shall designate a person licensed under this chapter as a  
10           massage therapist who shall be responsible for the overall cleanliness and  
11           sanitation of the shop.

12           (c) The Director may inspect shops and a fee shall not be charged for an  
13           initial inspection under this subsection. However, if the Director determines  
14           that it is necessary to inspect the same premises under the same ownership  
15           more than once in any two-year period, the Director may charge the shop a  
16           reinspection fee of \$100.00. The Director may waive all or a part of the  
17           reinspection fee in accordance with criteria adopted by the Director by rule.

18           § 4933. LICENSE RENEWAL

19           (a)(1) A license issued under this chapter shall be renewed every two years  
20           upon application and payment of the required fee. Failure to comply with the

1 provisions of this section shall result in suspension of all privileges granted to  
2 the licensee, beginning on the expiration date of the license.

3 (2) A license which has lapsed shall be renewed upon payment of the  
4 biennial renewal fee and the late renewal penalty.

5 (b) The Director may adopt rules necessary for the protection of the public  
6 to assure the Director that an applicant whose license has lapsed or who has  
7 not worked for more than three years as a massage therapist is professionally  
8 qualified for license renewal. Conditions imposed under this subsection shall  
9 be in addition to the requirements of subsection (a) of this section.

10 § 4934. APPLICATIONS

11 Applications for licensure and license renewal shall be on forms provided  
12 by the Director. Each application shall contain a statement under oath showing  
13 the applicant's qualifications and other pertinent information and shall be  
14 accompanied by the required fee.

15 § 4935. LICENSES GENERALLY

16 (a) The Director shall issue or renew a license to an applicant who has  
17 satisfactorily met all the requirements of this chapter upon payment of the fees  
18 required under this chapter.

19 (b) A license issued under this chapter shall be conspicuously displayed for  
20 clients in the licensee's principal office, place of business, or employment.



1     § 4936. FEES

2             Applicants and persons regulated under this chapter shall pay those fees set  
3     forth in 3 V.S.A. § 125(b).

4     § 4937. UNPROFESSIONAL CONDUCT

5             (a) Unprofessional conduct means the following conduct and the conduct  
6     set forth in 3 V.S.A. § 129a committed by a licensee, an applicant, or a person  
7     who later becomes an applicant:

8             (1) sexual harassment of a client;

9             (2) engaging in a sexual act as defined in 13 V.S.A. § 3251 with a client;

10            (3) practicing or offering to practice beyond the scope permitted by law;

11            (4) performing massage therapy responsibilities which the licensee  
12     knows or has reason to know that he or she is not competent to perform;

13            (5) whether or not committed in this State, has been convicted of a  
14     crime related to the practice of massage therapy or a felony which evinces an  
15     unfitness to practice massage therapy;

16            (6) is unable to practice massage therapy competently by reason of any  
17     cause;

18            (7) has willfully or repeatedly violated any of the provisions of this  
19     chapter or rules adopted under the provisions of this chapter;

20            (8) is habitually intemperate or is addicted to the use of habit-forming  
21     drugs; or



1           (3) The Director shall require such massage therapy applicants to  
2 provide to the Director such evidence as the Director deems necessary  
3 regarding the qualifications for licensure under this subsection.

4           (4) An applicant meeting the qualifications for licensure under this  
5 subsection shall be issued a license to practice massage therapy on or before  
6 the effective date of Sec. 3 of this act and shall thereafter be eligible for  
7 licensure renewal as provided in 26 V.S.A. § 4932 set forth in Sec. 3 of  
8 this act.

9           (b) Notwithstanding the effective date of Sec. 3 of this act, prior to that  
10 effective date, the Director shall adopt any rules necessary to perform his or  
11 her duties under that section.

12       Sec. 5. EFFECTIVE DATES

13           (a) This section and Secs. 1 and 4 of this act shall take effect on passage.

14           (b) Secs. 2 and 3 of this act shall take effect on February 1, 2015.