

45:11-68

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 337
NJSA: 45:11-68 (Provides for licensure of massage and bodywork therapists and registration of the employers)
BILL NO: A4455 (Substituted for S2536)

SPONSOR(S): Caraballo and others

DATE INTRODUCED: November 8, 2007

COMMITTEE: **ASSEMBLY:** Regulated Professions and Independent Authorities

SENATE:

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 7, 2008

SENATE: January 7, 2008

DATE OF APPROVAL: January 13, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Second reprint enacted)

A4455

[SPONSOR'S STATEMENT:](#) (Begins on page 11 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

S2536

[SPONSOR'S STATEMENT:](#) (Begins on page 7 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/IS 6/24/08

P.L. 2007, CHAPTER 337, *approved January 13, 2008*
Assembly, No. 4455 (*Second Reprint*)

1 AN ACT providing for the licensing of massage and bodywork
2 therapists and the registration of certain employers, amending the
3 title and body of P.L.1999, c.19, amending various parts of the
4 statutory law, supplementing P.L.1999, c.19, and repealing
5 sections 4, 5, 6, 13, and 14 of P.L.1999, c.19.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. The title of P.L.1999, c.19 is amended to read as follows:

11 AN ACT providing for the **[certification]** licensing of massage **[,]**
12 and bodywork **[and somatic]** therapists and supplementing
13 P.L.1947, c.262 (C.45:11-23 et seq.).
14 (cf: P.L.1999, c.19)

15
16 2. Section 1 of P.L.1999, c.19 (C.45:11-53) is amended to read
17 as follows:

18 1. This act shall be known and may be cited as the "Massage
19 **[,]** and Bodywork **[and Somatic]** Therapist **[Certification]**
20 Licensing Act."
21 (cf: P.L.1999, c.19, s.1)

22
23 3. Section 2 of P.L.1999, c.19 (C.45:11-54) is amended to read
24 as follows:

25 2. The Legislature finds and declares that:

26 a. the public interest requires the regulation of the practice of
27 massage and bodywork therapies and the establishment of clear
28 **[certification]** licensure standards for massage **[,]** and bodywork
29 **[and somatic]** therapists;

30 b. the health and welfare of the citizens of this State will be
31 protected by identifying to the public those individuals who are
32 qualified to **[call themselves]** practice massage **[,]** and bodywork
33 **[and somatic therapists]** therapies; and

34 c. the regulation of massage **[,]** and bodywork **[and somatic]**
35 therapists will benefit the public by encouraging it to take
36 advantage of massage **[,]** and bodywork **[and somatic]** therapies as
37 a viable complement to traditional medicine.

38 (cf: P.L.1999, c.19, s.2)

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARP committee amendments adopted November 19, 2007.

²Assembly floor amendments adopted December 13, 2007.

1 4. Section 3 of P.L.1999, c.19 (C.45:11-55) is amended to read
2 as follows:

3 3. As used in this act and P.L. , c. (C.) (pending before
4 the Legislature as this bill):

5 "Board" means the New Jersey Board of **[Nursing] Massage and**
6 **Bodywork Therapy established pursuant to section 14 of P.L. ,**
7 **c. (C.) (pending before the Legislature as this bill).**

8 **["Committee" means the Massage, Bodywork and Somatic**
9 **Therapy Examining Committee established pursuant to section 4 of**
10 **this act.]**

11 "Licensee" means any person who holds a **[certification] license**
12 **to practice massage and bodywork therapies pursuant to the**
13 **provisions of this act and P.L. , c. (C.) (pending before the**
14 **Legislature as this bill).**

15 "Massage **[,] and** bodywork **[and somatic] therapist" means a**
16 **person [certified] licensed to practice massage and bodywork**
17 **therapies ²[for compensation]² pursuant to the provisions of this**
18 **act and P.L. , c. (C.) (pending before the Legislature as this**
19 **bill).**

20 "Massage **[,] and** bodywork **[and somatic] therapies" or**
21 **"massage **[,] and** bodywork **[and somatic]" means systems of**
22 **activity of structured touch which include, but are not limited to,**
23 **holding, applying pressure, positioning and mobilizing soft tissue of**
24 **the body by manual technique and use of visual, kinesthetic,**
25 **auditory and palpating skills to assess the body for purposes of**
26 **applying therapeutic massage **[,] and** bodywork **[or somatic]****
27 **principles. Such application may include, but is not limited to, the**
28 **use of therapies such as heliotherapy or hydrotherapy, the use of**
29 **moist hot and cold external applications, ²[external application of**
30 **herbal or topical preparations not classified as prescription drugs,]²**
31 **explaining and describing myofascial movement, self-care and**
32 **stress management as it relates to massage **[,] and** bodywork **[and****
33 **somatic] therapies. Massage **[,] and** bodywork **[and somatic]****
34 **therapy practices are designed to affect the [energetic system] soft**
35 **tissue of the body for the purpose of promoting and maintaining the**
36 **health and well-being of the client. Massage **[,] and** bodywork**
37 **[and somatic] therapies do not include the diagnosis [or treatment]**
38 **of illness, disease, impairment or disability.****

39 (cf: P.L.1999, c.19, s.3)

40

41 5. Section 7 of P.L.1999, c.19 (C.45:11-59) is amended to read
42 as follows:

43 7. The **[committee] board** shall:

44 a. Review the qualifications of applicants for **[certification]**
45 **licensure;**

46 b. Insure the proper conduct and standards of examinations;

1 c. Issue and renew **[certificates of certification]** licenses to
2 massage **[,]** and bodywork **[and somatic]** therapists pursuant to
3 this act; and P.L. c. (C.) (pending before the Legislature as
4 this bill)

5 d. Suspend, revoke or fail to renew the **[certificate of**
6 **certification]** license of a massage **[,]** and bodywork **[and somatic]**
7 therapist pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et
8 seq.);

9 e. Establish any standards for the continuing education of
10 licensees as it deems necessary;

11 f. Prescribe or change the charges for examinations,
12 **[certifications]** licensures, renewals and other services performed
13 pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.); and

14 g. Maintain a record of every massage **[,]** and bodywork **[and**
15 **somatic]** therapist **[certified]** licensed in this State, and the date
16 and number of his **[certificate of certification]** license, and publish
17 a list of the names and addresses of all licensees annually.
18 (cf: P.L.1999, c.19, s.7)

19
20 6. Section 8 of P.L.1999, c.19 (C.45:11-60) is amended to read
21 as follows:

22 8. To be eligible for **[certification]** licensure as a massage **[,]**
23 and bodywork **[and somatic]** therapist, an applicant shall be of
24 good moral character and submit to the **[committee]** board
25 satisfactory evidence of:

26 a. Successful completion of a minimum of 500 hours in class
27 study in the field of massage **[,]** and bodywork **[and somatic]**
28 therapies approved by the **[committee]** board; or

29 b. Successful completion of ¹**[the]** a written examination
30 ¹**[offered by [The] the National Certification Board for**
31 **Therapeutic Massage and Bodywork or the written examination**
32 **offered by the National Certification Commission for Acupuncture**
33 **and Oriental Medicine, or a substantially equivalent examination]**¹
34 approved by the **[committee]** board ¹, which shall consider relevant
35 education, training and practical work experience,¹ to determine the
36 applicant's competence to **[call himself a]** practice massage **[,]** and
37 bodywork **[and somatic therapist]** therapies. The successful
38 completion of any such examination may have been accomplished
39 before the effective date of this act.

40 (cf: P.L.1999, c.19, s.8)

41
42 7. Section 10 of P.L.1999, c.19 (C.45:11-62) is amended to
43 read as follows:

44 10. A fee to be determined by the **[committee]** board shall
45 accompany each application for **[certification]** licensure.
46 **[Certificates of certification]** Licenses shall expire biennially and

1 may be renewed upon submission of a renewal application provided
2 by the board and payment of a fee. If the renewal fee is not paid by
3 that date, the **[certificate of certification] license** shall
4 automatically expire, but may be renewed within two years of its
5 expiration date on payment to the board of a sum determined by the
6 **[committee] board** for each year or part thereof during which the
7 **[certificate of certification] license** was expired and an additional
8 restoration fee. After a two-year period, a **[certificate of**
9 **certification] license** may only be renewed by complying with the
10 provisions of this act and P.L. , c. (C.) (pending before the
11 Legislature as this bill) regarding initial **[certification] licensure**.

12 (cf: P.L.1999, c.19, s.10)

13

14 8. Section 11 of P.L.1999, c.19 (C.45:11-63) is amended to
15 read as follows:

16 11. The **[committee] board** shall issue a **[certificate of**
17 **certification] license** to each applicant for **[certification] licensure**
18 as a massage **[,] and** bodywork **[and somatic] therapist** who
19 qualifies pursuant to this act and P.L. , c. (C.) (pending
20 before the Legislature as this bill) and any rules and regulations
21 promulgated by the board and who is not disqualified for
22 **[certification] licensure** pursuant to the provisions of P.L.1978,
23 c.73 (C.45:1-14 et seq.).

24 (cf: P.L.1999, c.19, s.11)

25

26 9. Section 12 of P.L.1999, c.19 (C.45:11-64) is amended to
27 read as follows:

28 12. Upon payment to the board of a fee and the submission of a
29 written application on forms provided by it, the **[committee] board**
30 shall issue without examination a **[certificate of certification]**
31 **license** to a massage **[,] and** bodywork **[and somatic] therapist** who
32 holds a valid license or certification issued by another state or
33 possession of the United States or the District of Columbia which
34 has education and experience requirements substantially equivalent
35 to the requirements of this act and P.L. , c. (C.) (pending
36 before the Legislature as this bill) ¹; provided, however, that the
37 applicant has not previously failed any examination referred to in
38 section 8 of **[this act] P.L.1999, c.19 (C.45:11-60)** that is approved
39 by the **[committee] board**, in which case the granting of
40 **[certification] licensure** shall be at the discretion of the
41 **[committee] board** ¹.

42 (cf: P.L.1999, c.19, s.12)

43

44 10. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
45 as follows:

46 1. The provisions of this act shall apply to the following boards
47 and commissions: the New Jersey State Board of Accountancy, the

1 New Jersey State Board of Architects, the New Jersey State Board
2 of Cosmetology and Hairstyling, the Board of Examiners of
3 Electrical Contractors, the New Jersey State Board of Dentistry, the
4 State Board of Mortuary Science of New Jersey, the State Board of
5 Professional Engineers and Land Surveyors, the State Board of
6 Marriage and Family Therapy Examiners, the State Board of
7 Medical Examiners, the New Jersey Board of Nursing, the New
8 Jersey State Board of Optometrists, the State Board of Examiners of
9 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
10 Pharmacy, the State Board of Professional Planners, the State Board
11 of Psychological Examiners, the State Board of Examiners of
12 Master Plumbers, the New Jersey Real Estate Commission, the
13 State Board of Court Reporting, the State Board of Veterinary
14 Medical Examiners, the Radiologic Technology Board of
15 Examiners, the Acupuncture Examining Board, the State Board of
16 Chiropractic Examiners, the State Board of Respiratory Care, the
17 State Real Estate Appraiser Board, the State Board of Social Work
18 Examiners, and the State Board of Physical Therapy Examiners, the
19 Orthotics and Prosthetics Board of Examiners, the New Jersey
20 Cemetery Board, the State Board of Polysomnography, the New
21 Jersey Board of Massage and Bodywork Therapy and any other
22 entity hereafter created under Title 45 to license or otherwise
23 regulate a profession or occupation.

24 (cf: P.L.2005, c.308, s.8)

25

26 11. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
27 as follows:

28 1. The provisions of this act shall apply to the following boards
29 and commissions: the New Jersey State Board of Accountancy, the
30 New Jersey State Board of Architects, the New Jersey State Board
31 of Cosmetology and Hairstyling, the Board of Examiners of
32 Electrical Contractors, the New Jersey State Board of Dentistry, the
33 State Board of Mortuary Science of New Jersey, the State Board of
34 Professional Engineers and Land Surveyors, the State Board of
35 Marriage and Family Therapy Examiners, the State Board of
36 Medical Examiners, the New Jersey Board of Nursing, the New
37 Jersey State Board of Optometrists, the State Board of Examiners of
38 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
39 Pharmacy, the State Board of Professional Planners, the State Board
40 of Psychological Examiners, the State Board of Examiners of
41 Master Plumbers, the State Board of Court Reporting, the State
42 Board of Veterinary Medical Examiners, the Radiologic
43 Technology Board of Examiners, the Acupuncture Examining
44 Board, the State Board of Chiropractic Examiners, the State Board
45 of Respiratory Care, the State Real Estate Appraiser Board, the New
46 Jersey Cemetery Board, the State Board of Social Work Examiners
47 and the State Board of Physical Therapy Examiners, the State Board
48 of Polysomnography, the Orthotics and Prosthetics Board of
49 Examiners, the New Jersey Board of Massage and Bodywork

1 Therapy and any other entity hereafter created under Title 45 to
2 license or otherwise regulate a profession or occupation.
3 (cf: P.L.2005, c.308, s.10)

4

5 12. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
6 as follows:

7 2. The provisions of this act shall apply to the following boards
8 and all professions or occupations regulated by, through or with the
9 advice of those boards: the New Jersey State Board of
10 Accountancy, the New Jersey State Board of Architects, the New
11 Jersey State Board of Cosmetology and Hairstyling, the Board of
12 Examiners of Electrical Contractors, the New Jersey State Board of
13 Dentistry, the State Board of Mortuary Science of New Jersey, the
14 State Board of Professional Engineers and Land Surveyors, the
15 State Board of Marriage and Family Therapy Examiners, the State
16 Board of Medical Examiners, the New Jersey Board of Nursing, the
17 New Jersey State Board of Optometrists, the State Board of
18 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
19 the Board of Pharmacy, the State Board of Professional Planners,
20 the State Board of Psychological Examiners, the State Board of
21 Examiners of Master Plumbers, the State Board of Court Reporting,
22 the State Board of Veterinary Medical Examiners, the State Board
23 of Chiropractic Examiners, the State Board of Respiratory Care, the
24 State Real Estate Appraiser Board, the State Board of Social Work
25 Examiners, the State Board of Physical Therapy Examiners, the
26 State Board of Polysomnography, the Professional Counselor
27 Examiners Committee, the New Jersey Cemetery Board, the
28 Orthotics and Prosthetics Board of Examiners, the Occupational
29 Therapy Advisory Council, the Electrologists Advisory Committee,
30 the Acupuncture Advisory Committee, the Alcohol and Drug
31 Counselor Committee, the Athletic Training Advisory Committee,
32 the Certified Psychoanalysts Advisory Committee, the Fire Alarm,
33 Burglar Alarm, and Locksmith Advisory Committee, the Home
34 Inspection Advisory Committee, the Interior Design Examination
35 and Evaluation Committee, the Hearing Aid Dispensers Examining
36 Committee, the Landscape Architect Examination and Evaluation
37 Committee, **the** Massage, Bodywork and Somatic Therapy
38 Examining Committee,**]** the Perfusionists Advisory Committee, the
39 Physician Assistant Advisory Committee, and the Audiology and
40 Speech-Language Pathology Advisory Committee, the New Jersey
41 Board of Massage and Bodywork Therapy and any other entity
42 hereafter created under Title 45 to license or otherwise regulate a
43 profession or occupation.
44 (cf: P.L.2005, c.308, s.11)

45

46 13. (New section) a. Nothing in this amendatory and
47 supplementary act shall be construed to prohibit any person licensed
48 to practice in this State under any other law from engaging in ²or

1 using titles consistent with² the practice for which he is licensed or
2 to prohibit any student enrolled in a program of massage and
3 bodywork therapies recognized by the board from performing
4 massage and bodywork therapies which are necessary to his course
5 of study.

6 b. Nothing in this amendatory and supplementary act shall be
7 construed to prohibit any person performing massage and bodywork
8 therapies in this State, if those therapies are performed for no more
9 than 45 days in a calendar year and for no more than 30 days in any
10 60-consecutive day period and provided that the person is duly
11 licensed, certified or registered to practice massage and bodywork
12 therapy in another state or the District of Columbia.

13 c. Nothing in this amendatory and supplementary act shall be
14 construed to prohibit any person from engaging in the manipulation
15 of soft tissue of the human body contained on hands, feet or ears,
16 provided that the client does not remove any clothing ¹other than
17 shoes or socks.

18 d. Nothing in this amendatory and supplementary act shall be
19 construed to prohibit any teacher from demonstrating massage and
20 bodywork techniques while teaching a class or workshop if the
21 individual is duly licensed by another state or possession of the
22 United States or the District of Columbia to practice massage and
23 bodywork therapies if their state or district of residence requires
24 such licensure for an individual to practice massage and bodywork
25 therapies.

26 e. Nothing in this amendatory and supplementary act shall be
27 construed to prohibit any person from using touch, words and
28 directed movement to deepen awareness of existing patterns of
29 movement in the body, or to suggest new possibilities of movement
30 provided that these services are not designated or implied to be
31 massage and bodywork therapy and the client is fully clothed.

32 ²[f. Nothing in this amendatory and supplementary act shall be
33 construed to prohibit a person from providing Reiki and similar
34 energy work, as determined by the board¹.]²

35
36 14. (New section) There is created within the Division of
37 Consumer Affairs in the Department of Law and Public Safety the
38 New Jersey Board of Massage and Bodywork Therapy. The board
39 shall consist of nine members who are residents of the State, two of
40 whom shall be public members appointed pursuant to the provisions
41 of subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) and one
42 of whom shall be a member of the Executive Branch appointed in
43 fulfillment of the requirement of subsection c. of that section. The
44 six remaining members shall have been actively engaged in the
45 practice of massage and bodywork therapies for at least five years
46 immediately preceding their appointment and all of whom, except
47 for the members first appointed, shall be licensed as massage and
48 bodywork therapists pursuant to this amendatory and supplementary

1 act. No more than one member of the board shall be an owner of,
2 or be affiliated with, a school teaching massage and bodywork
3 therapy.

4 The Governor shall appoint each member, other than the State
5 executive department member, for terms of three years, except that
6 of the massage and bodywork therapists first appointed, two shall
7 serve for a term of three years, two shall serve for terms of two
8 years and two shall serve for terms of one year. Any vacancy in the
9 membership shall be filled for the unexpired term in the manner
10 provided by the original appointment. No member of the board
11 may serve more than two successive terms in addition to any
12 unexpired term to which he has been appointed. The Governor may
13 remove any member of the board, other than the State executive
14 department member, for cause.

15

16 15. (New section) Members of the board shall be compensated
17 and reimbursed for expenses and provided with office and meeting
18 facilities pursuant to section 2 of P.L.1977, c.285 (C.45:1-2.5).

19

20 16. (New section) The board shall annually elect from among
21 its members a chairman and a vice-chairman and may appoint a
22 secretary, who need not be a member of the board. The board shall
23 meet at least once every two months and may hold additional
24 meetings as necessary to discharge its duties.

25

26 ²[17. (New section) Upon payment to the board of a
27 prescribed fee and the submission of a written application on forms
28 prescribed by the board, the board shall issue a temporary permit to
29 an applicant who ¹[within not more than 90 days from the date of
30 application]¹ has completed a program of massage and bodywork
31 therapies recognized by the board, which permit shall allow the
32 applicant to engage in the practice of massage and bodywork
33 therapies. The permit shall remain valid for a period of no more
34 than 120 days or upon receipt of a newly issued license as a
35 massage and bodywork therapist, whichever occurs first. Only one
36 temporary permit shall be issued to an applicant.]²

37

38 ²[18.] 17.² (New section) a. The board shall require each
39 person licensed as a massage and bodywork therapist, as a condition
40 for biennial license renewal pursuant to section 1 of P.L.1972, c.108
41 (C.45:1-7), to complete any continuing education requirements
42 imposed by the board pursuant to this section.

43 b. The board shall:

44 (1) Establish standards for continuing massage and bodywork
45 therapist education, including: the number of credits, which shall
46 not exceed 24 credit hours biennially; the subject matter and content
47 of courses of study; competency assessments; and the type of

1 continuing education credits required of a licensed massage and
2 bodywork therapist as a condition of license renewal;

3 (2) Approve educational programs offering credit towards
4 continuing massage and bodywork therapist education
5 requirements; and

6 (3) Approve other equivalent educational programs and
7 establish procedures for the issuance of credit upon satisfactory
8 proof of the completion of those programs. In the case of
9 continuing education courses and programs, each hour of
10 instruction shall be equivalent to one credit.

11 c. The board shall only approve programs that are provided on
12 a nondiscriminatory basis.

13 d. (1) The board may, in its discretion, waive requirements for
14 continuing education on an individual basis for reasons of hardship,
15 such as disability, retirement of the license, military service or
16 deployment, or any other good cause.

17 (2) If a massage and bodywork therapist completes a number of
18 continuing education credit hours in excess of the number required
19 for a biennial period, the board, by rule or regulation, may allow
20 credits to be carried over to satisfy the person's continuing
21 education requirement for the next biennial renewal period, but
22 shall not be applicable thereafter.

23
24 ²[19.] 18.² (New section) a. No person shall engage in the
25 practice of massage and bodywork therapies ²[for compensation]²
26 as a licensed massage and bodywork therapist or present, call or
27 represent himself as a licensed massage and bodywork therapist
28 unless licensed pursuant to this amendatory and supplementary act.

29 b. No person shall assume, represent himself as, or use the title
30 or designation "massage or bodywork therapist," "licensed massage
31 and bodywork therapist" or any title or designation which includes
32 the words "massage," "bodywork," ¹"masseur,"¹ "masseuse,"
33 "shiatsu," "acupressure," "accupressure," "accu-pressure," "nuad
34 bo'rarn," "amma," "anma," ²[chei] chi² nei tsang," ²[medical
35 qigong,"]² "tuina," "polarity educator," "polarity therapist,"
36 "polarity therapy," "polarity practitioner" or any of the
37 abbreviations "MT," "BT," "MBT," "MBST," "CMBT," "COBT,"
38 "CMT," "LBT," "LMBST," "LMBT," "LABT," "LOBT," "AB,"
39 "ABT," "OB," "RPP," or "LMT" or similar abbreviations ²as
40 determined by the board², unless licensed under this amendatory
41 and supplementary act.

42
43 ²[20.] 19.² (New section) Any person who is a certified
44 massage, bodywork and somatic therapist pursuant to sections 8 or
45 9 of P.L.1999, c.19 (C.45:11-60 or 45:11-61) on the effective date
46 of P.L. , c. (C.) (pending before the Legislature as this bill)
47 shall be a licensed massage and bodywork therapist under and

1 subject to the provisions of P.L.1999, c.19 (C.45:11-53 et seq.) and
2 P.L. , c. (C.) (pending before the Legislature as this bill).

3
4 ²[21.] 20.² (New section) For 360 days after the date
5 procedures are established by the board for applying for licensure
6 under the provisions of P.L. , c. (C.) (pending before the
7 Legislature as this bill), any person who engaged in the full-time
8 practice, as determined by the board, of massage and bodywork
9 therapies for two years preceding the enactment date of
10 P.L. , c. (C.) (pending before the Legislature as this bill), or
11 in the part-time practice, as determined by the board, of massage
12 and bodywork therapies for five years preceding the enactment date
13 of P.L. , c. (C.) (pending before the Legislature as this bill),
14 and has successfully completed a minimum of 200 hours of
15 education or training in massage or bodywork therapies as
16 determined by the board, may acquire a license to practice massage
17 and bodywork therapies without satisfying either the education or
18 examination requirement of section 8 of P.L.1999, c.19 (C.45:11-
19 60).

20
21 ²[22.] 21.² (New section) a. No employer shall engage in or
22 advertise or hold itself out as offering massage and bodywork
23 therapies unless the employer is registered with the board.

24 b. A written application for registration shall be made to the
25 board on the form prescribed by the board and shall contain the
26 following information:

27 (1) The name and residence of the owner or operator of the
28 entity providing massage and bodywork therapies;

29 (2) The municipality and location of the owner or operator's
30 primary place of business and the locations of all other branches of
31 business; and

32 (3) Any other biographical information of the applicant as
33 required by the board.

34 ²c. Each applicant for registration and each registrant pursuant
35 to the provisions of this section shall pay to the board a fee for the
36 issuance of a two-year registration in the amount established by the
37 board in accordance with the provisions of P.L.1974, c.46 (C.45:1-
38 3.1 et seq.)²

39
40 ²[23.] 22.² (New section) The board may suspend or revoke the
41 registration of an employer offering massage and bodywork
42 therapies upon proof showing by a preponderance of the evidence
43 that the employer:

44 a. Has made false or misleading statements of a material nature
45 in the application for registration; or

46 b. Failed to demonstrate that each employee of the employer
47 who is engaged in the performance of massage and bodywork

1 therapies is in possession of a license to practice massage and
2 bodywork therapies.

3

4 ²[24.] 23.² (New section) This act shall supersede any
5 municipal ordinance or regulation that provides for the licensing,
6 certification or registration of massage and bodywork therapists.

7

8 ²[25.] 24.² The following sections are repealed:

9 Section 4 of P.L.1999, c.19 (C.45:11-56)

10 Section 5 of P.L.1999, c.19 (C.45:11-57)

11 Section 6 of P.L.1999, c.19 (C.45:11-58)

12 Section 13 of P.L.1999, c.19 (C.45:11-65)

13 Section 14 of P.L.1999, c.19 (C.45:11-66)

14

15 ²[26.] 25.² ²[This act shall take effect on the 90th day
16 following enactment] Section 14 of this act shall take effect
17 immediately. The remaining sections of this act shall not become
18 effective until such time as the New Jersey Board of Massage and
19 Bodywork Therapy, established pursuant to section 14 of this act,
20 shall adopt rules regulating the practice of massage and bodywork
21 therapies².

22

23

24

25

26 Provides for licensure of massage and bodywork therapists and
27 registration of their employers.

ASSEMBLY, No. 4455

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED NOVEMBER 8, 2007

Sponsored by:

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Co-Sponsored by:

Assemblyman Holzapfel

SYNOPSIS

Provides for licensure of massage and bodywork therapists and registration of their employers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/20/2007)

1 AN ACT providing for the licensing of massage and bodywork
2 therapists and the registration of certain employers, amending the
3 title and body of P.L.1999, c.19, amending various parts of the
4 statutory law, supplementing P.L.1999, c.19, and repealing
5 sections 4, 5, 6, 13, and 14 of P.L.1999, c.19.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. The title of P.L.1999, c.19 is amended to read as follows:

11 **AN ACT** providing for the **[certification]** licensing of massage **[,]**
12 and bodywork **[and somatic]** therapists and supplementing
13 P.L.1947, c.262 (C.45:11-23 et seq.).
14 (cf: P.L.1999, c.19)

15
16 2. Section 1 of P.L.1999, c.19 (C.45:11-53) is amended to read
17 as follows:

18 1. This act shall be known and may be cited as the "Massage
19 **[,]** and Bodywork **[and Somatic]** Therapist **[Certification]**
20 Licensing Act."

21 (cf: P.L.1999, c.19, s.1)

22
23 3. Section 2 of P.L.1999, c.19 (C.45:11-54) is amended to read
24 as follows:

25 2. The Legislature finds and declares that:

26 a. the public interest requires the regulation of the practice of
27 massage and bodywork therapies and the establishment of clear
28 **[certification]** licensure standards for massage **[,]** and bodywork
29 **[and somatic]** therapists;

30 b. the health and welfare of the citizens of this State will be
31 protected by identifying to the public those individuals who are
32 qualified to **[call themselves]** practice massage **[,]** and bodywork
33 **[and somatic therapists]** therapies; and

34 c. the regulation of massage **[,]** and bodywork **[and somatic]**
35 therapists will benefit the public by encouraging it to take
36 advantage of massage **[,]** and bodywork **[and somatic]** therapies as
37 a viable complement to traditional medicine.

38 (cf: P.L.1999, c.19, s.2)

39
40 4. Section 3 of P.L.1999, c.19 (C.45:11-55) is amended to read
41 as follows:

42 3. As used in this act and P.L. , c. (C.) (pending before
43 the Legislature as this bill):

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Board" means the New Jersey Board of **[Nursing] Massage and**
2 **Bodywork Therapy established pursuant to section 14 of P.L. , c.**
3 **(C.) (pending before the Legislature as this bill).**

4 **["Committee" means the Massage, Bodywork and Somatic**
5 **Therapy Examining Committee established pursuant to section 4 of**
6 **this act.]**

7 "Licensee" means any person who holds a **[certification] license**
8 **to practice massage and bodywork therapies** pursuant to the
9 provisions of this act **and P.L. , c. (C.) (pending before the**
10 **Legislature as this bill).**

11 "Massage **[,] and** bodywork **[and somatic] therapist" means a**
12 **person **[certified] licensed to practice massage and bodywork****
13 **therapies for compensation** pursuant to the provisions of this act **and**
14 **P.L. , c. (C.) (pending before the Legislature as this bill).**

15 "Massage **[,] and** bodywork **[and somatic] therapies" or**
16 **"massage **[,] and** bodywork **[and somatic]" means systems of**
17 **activity of structured touch which include, but are not limited to,**
18 **holding, applying pressure, positioning and mobilizing soft tissue of**
19 **the body by manual technique and use of visual, kinesthetic,**
20 **auditory and palpating skills to assess the body for purposes of**
21 **applying therapeutic massage **[,] and** bodywork **[or somatic]****
22 **principles. Such application may include, but is not limited to, the**
23 **use of therapies such as heliotherapy or hydrotherapy, the use of**
24 **moist hot and cold external applications, external application of**
25 **herbal or topical preparations not classified as prescription drugs,**
26 **explaining and describing myofascial movement, self-care and**
27 **stress management as it relates to massage **[,] and** bodywork **[and****
28 **somatic] therapies. Massage **[,] and** bodywork **[and somatic]****
29 **therapy practices are designed to affect the **[energetic system] soft****
30 **tissue of the body for the purpose of promoting and maintaining the**
31 **health and well-being of the client. Massage **[,] and** bodywork**
32 ****[and somatic] therapies do not include the diagnosis **[or treatment]******
33 **of illness, disease, impairment or disability.****

34 (cf: P.L.1999, c.19, s.3)

35
36 5. Section 7 of P.L.1999, c.19 (C.45:11-59) is amended to read
37 as follows:

38 7. The **[committee] board** shall:

39 a. Review the qualifications of applicants for **[certification] licensure;**
40

41 b. Insure the proper conduct and standards of examinations;

42 c. Issue and renew **[certificates of certification] licenses** to
43 **massage **[,] and** bodywork **[and somatic] therapists** pursuant to
44 **this act; and P.L. c. (C.) (pending before the Legislature as this**
45 **bill)****

46 d. Suspend, revoke or fail to renew the **[certificate of**
47 **certification] license of a massage **[,] and** bodywork **[and somatic]****

1 therapist pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et
2 seq.);

3 e. Establish any standards for the continuing education of
4 licensees as it deems necessary;

5 f. Prescribe or change the charges for examinations,
6 **【certifications】** licensures, renewals and other services performed
7 pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.); and

8 g. Maintain a record of every massage **【,】** and bodywork **【and**
9 **somatic】** therapist **【certified】** licensed in this State, and the date
10 and number of his **【certificate of certification】** license, and publish
11 a list of the names and addresses of all licensees annually.

12 (cf: P.L.1999, c.19, s.7)

13

14 6. Section 8 of P.L.1999, c.19 (C.45:11-60) is amended to read
15 as follows:

16 8. To be eligible for **【certification】** licensure as a massage **【,】**
17 and bodywork **【and somatic】** therapist, an applicant shall be of
18 good moral character and submit to the **【committee】** board
19 satisfactory evidence of:

20 a. Successful completion of a minimum of 500 hours in class
21 study in the field of massage **【,】** and bodywork **【and somatic】**
22 therapies approved by the **【committee】** board; or

23 b. Successful completion of the written examination offered by
24 **【The】** the National Certification Board for Therapeutic Massage
25 and Bodywork or the written examination offered by the National
26 Certification Commission for Acupuncture and Oriental Medicine,
27 or a substantially equivalent examination approved by the
28 **【committee】** board to determine the applicant's competence to **【call**
29 **himself a】** practice massage **【,】** and bodywork **【and somatic**
30 **therapist】** therapies. The successful completion of any such
31 examination may have been accomplished before the effective date
32 of this act.

33 (cf: P.L.1999, c.19, s.8)

34

35 7. Section 10 of P.L.1999, c.19 (C.45:11-62) is amended to
36 read as follows:

37 10. A fee to be determined by the **【committee】** board shall
38 accompany each application for **【certification】** licensure.
39 **【Certificates of certification】** Licenses shall expire biennially and
40 may be renewed upon submission of a renewal application provided
41 by the board and payment of a fee. If the renewal fee is not paid by
42 that date, the **【certificate of certification】** license shall
43 automatically expire, but may be renewed within two years of its
44 expiration date on payment to the board of a sum determined by the
45 **【committee】** board for each year or part thereof during which the
46 **【certificate of certification】** license was expired and an additional
47 restoration fee. After a two-year period, a **【certificate of**

1 certification] license may only be renewed by complying with the
2 provisions of this act and P.L. , c. (C.) (pending before the
3 Legislature as this bill) regarding initial [certification] licensure.
4 (cf: P.L.1999, c.19, s.10)

5
6 8. Section 11 of P.L.1999, c.19 (C.45:11-63) is amended to
7 read as follows:

8 11. The [committee] board shall issue a [certificate of
9 certification] license to each applicant for [certification] licensure
10 as a massage [,] and bodywork [and somatic] therapist who
11 qualifies pursuant to this act and P.L. , c. (C.) (pending before
12 the Legislature as this bill) and any rules and regulations
13 promulgated by the board and who is not disqualified for
14 [certification] licensure pursuant to the provisions of P.L.1978,
15 c.73 (C.45:1-14 et seq.).
16 (cf: P.L.1999, c.19, s.11)

17
18 9. Section 12 of P.L.1999, c.19 (C.45:11-64) is amended to
19 read as follows:

20 12. Upon payment to the board of a fee and the submission of a
21 written application on forms provided by it, the [committee] board
22 shall issue without examination a [certificate of certification]
23 license to a massage [,] and bodywork [and somatic] therapist who
24 holds a valid license or certification issued by another state or
25 possession of the United States or the District of Columbia which
26 has education and experience requirements substantially equivalent
27 to the requirements of this act and P.L. , c. (C.) (pending
28 before the Legislature as this bill); provided, however, that the
29 applicant has not previously failed any examination referred to in
30 section 8 of [this act] P.L.1999, c.19 (C.45:11-60) that is approved
31 by the [committee] board, in which case the granting of
32 [certification] licensure shall be at the discretion of the
33 [committee] board.
34 (cf: P.L.1999, c.19, s.12)

35
36 10. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
37 as follows:

38 1. The provisions of this act shall apply to the following boards
39 and commissions: the New Jersey State Board of Accountancy, the
40 New Jersey State Board of Architects, the New Jersey State Board
41 of Cosmetology and Hairstyling, the Board of Examiners of
42 Electrical Contractors, the New Jersey State Board of Dentistry, the
43 State Board of Mortuary Science of New Jersey, the State Board of
44 Professional Engineers and Land Surveyors, the State Board of
45 Marriage and Family Therapy Examiners, the State Board of
46 Medical Examiners, the New Jersey Board of Nursing, the New
47 Jersey State Board of Optometrists, the State Board of Examiners of
48 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of

1 Pharmacy, the State Board of Professional Planners, the State Board
2 of Psychological Examiners, the State Board of Examiners of
3 Master Plumbers, the New Jersey Real Estate Commission, the
4 State Board of Court Reporting, the State Board of Veterinary
5 Medical Examiners, the Radiologic Technology Board of
6 Examiners, the Acupuncture Examining Board, the State Board of
7 Chiropractic Examiners, the State Board of Respiratory Care, the
8 State Real Estate Appraiser Board, the State Board of Social Work
9 Examiners, and the State Board of Physical Therapy Examiners, the
10 Orthotics and Prosthetics Board of Examiners, the New Jersey
11 Cemetery Board, the State Board of Polysomnography, the New
12 Jersey Board of Massage and Bodywork Therapy and any other
13 entity hereafter created under Title 45 to license or otherwise
14 regulate a profession or occupation.
15 (cf: P.L.2005, c.308, s.8)

16

17 11. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
18 as follows:

19 1. The provisions of this act shall apply to the following boards
20 and commissions: the New Jersey State Board of Accountancy, the
21 New Jersey State Board of Architects, the New Jersey State Board
22 of Cosmetology and Hairstyling, the Board of Examiners of
23 Electrical Contractors, the New Jersey State Board of Dentistry, the
24 State Board of Mortuary Science of New Jersey, the State Board of
25 Professional Engineers and Land Surveyors, the State Board of
26 Marriage and Family Therapy Examiners, the State Board of
27 Medical Examiners, the New Jersey Board of Nursing, the New
28 Jersey State Board of Optometrists, the State Board of Examiners of
29 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
30 Pharmacy, the State Board of Professional Planners, the State Board
31 of Psychological Examiners, the State Board of Examiners of
32 Master Plumbers, the State Board of Court Reporting, the State
33 Board of Veterinary Medical Examiners, the Radiologic
34 Technology Board of Examiners, the Acupuncture Examining
35 Board, the State Board of Chiropractic Examiners, the State Board
36 of Respiratory Care, the State Real Estate Appraiser Board, the New
37 Jersey Cemetery Board, the State Board of Social Work Examiners
38 and the State Board of Physical Therapy Examiners, the State Board
39 of Polysomnography, the Orthotics and Prosthetics Board of
40 Examiners, the New Jersey Board of Massage and Bodywork
41 Therapy and any other entity hereafter created under Title 45 to
42 license or otherwise regulate a profession or occupation.
43 (cf: P.L.2005, c.308, s.10)

44 12. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
45 as follows:

46 2. The provisions of this act shall apply to the following boards
47 and all professions or occupations regulated by, through or with the
48 advice of those boards: the New Jersey State Board of
49 Accountancy, the New Jersey State Board of Architects, the New

1 Jersey State Board of Cosmetology and Hairstyling, the Board of
2 Examiners of Electrical Contractors, the New Jersey State Board of
3 Dentistry, the State Board of Mortuary Science of New Jersey, the
4 State Board of Professional Engineers and Land Surveyors, the
5 State Board of Marriage and Family Therapy Examiners, the State
6 Board of Medical Examiners, the New Jersey Board of Nursing, the
7 New Jersey State Board of Optometrists, the State Board of
8 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
9 the Board of Pharmacy, the State Board of Professional Planners,
10 the State Board of Psychological Examiners, the State Board of
11 Examiners of Master Plumbers, the State Board of Court Reporting,
12 the State Board of Veterinary Medical Examiners, the State Board
13 of Chiropractic Examiners, the State Board of Respiratory Care, the
14 State Real Estate Appraiser Board, the State Board of Social Work
15 Examiners, the State Board of Physical Therapy Examiners, the
16 State Board of Polysomnography, the Professional Counselor
17 Examiners Committee, the New Jersey Cemetery Board, the
18 Orthotics and Prosthetics Board of Examiners, the Occupational
19 Therapy Advisory Council, the Electrologists Advisory Committee,
20 the Acupuncture Advisory Committee, the Alcohol and Drug
21 Counselor Committee, the Athletic Training Advisory Committee,
22 the Certified Psychoanalysts Advisory Committee, the Fire Alarm,
23 Burglar Alarm, and Locksmith Advisory Committee, the Home
24 Inspection Advisory Committee, the Interior Design Examination
25 and Evaluation Committee, the Hearing Aid Dispensers Examining
26 Committee, the Landscape Architect Examination and Evaluation
27 Committee, [the Massage, Bodywork and Somatic Therapy
28 Examining Committee,] the Perfusionists Advisory Committee, the
29 Physician Assistant Advisory Committee, and the Audiology and
30 Speech-Language Pathology Advisory Committee, the New Jersey
31 Board of Massage and Bodywork Therapy and any other entity
32 hereafter created under Title 45 to license or otherwise regulate a
33 profession or occupation.

34 (cf: P.L.2005, c.308, s.11)

35

36 13. (New section) a. Nothing in this amendatory and
37 supplementary act shall be construed to prohibit any person licensed
38 to practice in this State under any other law from engaging in the
39 practice for which he is licensed or to prohibit any student enrolled
40 in a program of massage and bodywork therapies recognized by the
41 board from performing massage and bodywork therapies which are
42 necessary to his course of study.

43 b. Nothing in this amendatory and supplementary act shall be
44 construed to prohibit any person performing massage and bodywork
45 therapies in this State, if those therapies are performed for no more
46 than 45 days in a calendar year and for no more than 30 days in any
47 60-consecutive day period and provided that the person is duly
48 licensed, certified or registered to practice massage and bodywork
49 therapy in another state or the District of Columbia.

1 c. Nothing in this amendatory and supplementary act shall be
2 construed to prohibit any person from engaging in the manipulation
3 of soft tissue of the human body contained on hands, feet or ears,
4 provided that the client does not remove any clothing.

5
6 14. (New section) There is created within the Division of
7 Consumer Affairs in the Department of Law and Public Safety the
8 New Jersey Board of Massage and Bodywork Therapy. The board
9 shall consist of nine members who are residents of the State, two of
10 whom shall be public members appointed pursuant to the provisions
11 of subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) and one
12 of whom shall be a member of the Executive Branch appointed in
13 fulfillment of the requirement of subsection c. of that section. The
14 six remaining members shall have been actively engaged in the
15 practice of massage and bodywork therapies for at least five years
16 immediately preceding their appointment and all of whom, except
17 for the members first appointed, shall be licensed as massage and
18 bodywork therapists pursuant to this amendatory and supplementary
19 act. No more than one member of the board shall be an owner of,
20 or be affiliated with, a school teaching massage and bodywork
21 therapy.

22 The Governor shall appoint each member, other than the State
23 executive department member, for terms of three years, except that
24 of the massage and bodywork therapists first appointed, two shall
25 serve for a term of three years, two shall serve for terms of two
26 years and two shall serve for terms of one year. Any vacancy in the
27 membership shall be filled for the unexpired term in the manner
28 provided by the original appointment. No member of the board
29 may serve more than two successive terms in addition to any
30 unexpired term to which he has been appointed. The Governor may
31 remove any member of the board, other than the State executive
32 department member, for cause.

33
34 15. (New section) Members of the board shall be compensated
35 and reimbursed for expenses and provided with office and meeting
36 facilities pursuant to section 2 of P.L.1977, c.285 (C.45:1-2.5).

37
38 16. (New section) The board shall annually elect from among
39 its members a chairman and a vice-chairman and may appoint a
40 secretary, who need not be a member of the board. The board shall
41 meet at least once every two months and may hold additional
42 meetings as necessary to discharge its duties.

43
44 17. (New section) Upon payment to the board of a prescribed
45 fee and the submission of a written application on forms prescribed
46 by the board, the board shall issue a temporary permit to an
47 applicant who within not more than 90 days from the date of
48 application has completed a program of massage and bodywork
49 therapies recognized by the board, which permit shall allow the

1 applicant to engage in the practice of massage and bodywork
2 therapies. The permit shall remain valid for a period of no more
3 than 120 days or upon receipt of a newly issued license as a
4 massage and bodywork therapist, whichever occurs first. Only one
5 temporary permit shall be issued to an applicant.
6

7 18. (New section) a. The board shall require each person
8 licensed as a massage and bodywork therapist, as a condition for
9 biennial license renewal pursuant to section 1 of P.L.1972, c.108
10 (C.45:1-7), to complete any continuing education requirements
11 imposed by the board pursuant to this section.

12 b. The board shall:

13 (1) Establish standards for continuing massage and bodywork
14 therapist education, including: the number of credits, which shall
15 not exceed 24 credit hours biennially; the subject matter and content
16 of courses of study; competency assessments; and the type of
17 continuing education credits required of a licensed massage and
18 bodywork therapist as a condition of license renewal;

19 (2) Approve educational programs offering credit towards
20 continuing massage and bodywork therapist education
21 requirements; and

22 (3) Approve other equivalent educational programs and
23 establish procedures for the issuance of credit upon satisfactory
24 proof of the completion of those programs. In the case of
25 continuing education courses and programs, each hour of
26 instruction shall be equivalent to one credit.

27 c. The board shall only approve programs that are provided on
28 a nondiscriminatory basis.

29 d. (1) The board may, in its discretion, waive requirements for
30 continuing education on an individual basis for reasons of hardship,
31 such as disability, retirement of the license, military service or
32 deployment, or any other good cause.

33 (2) If a massage and bodywork therapist completes a number of
34 continuing education credit hours in excess of the number required
35 for a biennial period, the board, by rule or regulation, may allow
36 credits to be carried over to satisfy the person's continuing
37 education requirement for the next biennial renewal period, but
38 shall not be applicable thereafter.

1 19. (New section) a. No person shall engage in the practice of
2 massage and bodywork therapies for compensation as a licensed
3 massage and bodywork therapist or present, call or represent
4 himself as a licensed massage and bodywork therapist unless
5 licensed pursuant to this amendatory and supplementary act.

6 b. No person shall assume, represent himself as, or use the title
7 or designation “massage or bodywork therapist,” “licensed massage
8 and bodywork therapist” or any title or designation which includes
9 the words “massage,” “bodywork,” “masseur,” “shiatsu,”
10 “acupressure,” “accupressure,” “accu-pressure,” “nuad bo’rarn,”
11 “amma,” “anma,” “chei nei tsang,” “medical qigong,” “tuina,”
12 “polarity educator,” “polarity therapist,” “polarity therapy,”
13 “polarity practitioner” or any of the abbreviations “MT,” “BT,”
14 “MBT,” “MBST,” “CMBT,” “COBT,” “CMT,” “LBT,” “LMBST,”
15 “LMBT,” “LABT,” “LOBT,” “AB,” “ABT,” “OB,” “RPP,” or
16 “LMT” or similar abbreviations, unless licensed under this
17 amendatory and supplementary act.

18

19 20. (New section) Any person who is a certified massage,
20 bodywork and somatic therapist pursuant to sections 8 or 9 of
21 P.L.1999, c.19 (C.45:11-60 or 45:11-61) on the effective date of
22 P.L. , c. (C.) (pending before the Legislature as this bill) shall
23 be a licensed massage and bodywork therapist under and subject to
24 the provisions of P.L.1999, c.19 (C.45:11-53 et seq.) and P.L. ,
25 c. (C.) (pending before the Legislature as this bill).

26

27 21. (New section) For 360 days after the date procedures are
28 established by the board for applying for licensure under the
29 provisions of P.L. , c. (C.) (pending before the Legislature as
30 this bill), any person who engaged in the full-time practice, as
31 determined by the board, of massage and bodywork therapies for
32 two years preceding the enactment date of P.L. , c. (C.)
33 (pending before the Legislature as this bill), or in the part-time
34 practice, as determined by the board, of massage and bodywork
35 therapies for five years preceding the enactment date of P.L. ,
36 c. (C.) (pending before the Legislature as this bill), and has
37 successfully completed a minimum of 200 hours of education or
38 training in massage or bodywork therapies as determined by the
39 board, may acquire a license to practice massage and bodywork
40 therapies without satisfying either the education or examination
41 requirement of section 8 of P.L.1999, c.19 (C.45:11-60).

42

43 22. (New section) a. No employer shall engage in or advertise
44 or hold itself out as offering massage and bodywork therapies
45 unless the employer is registered with the board.

46 b. A written application for registration shall be made to the
47 board on the form prescribed by the board and shall contain the
48 following information:

1 (1) The name and residence of the owner or operator of the
2 entity providing massage and bodywork therapies;

3 (2) The municipality and location of the owner or operator's
4 primary place of business and the locations of all other branches of
5 business; and

6 (3) Any other biographical information of the applicant as
7 required by the board.

8

9 23. (New section) The board may suspend or revoke the
10 registration of an employer offering massage and bodywork
11 therapies upon proof showing by a preponderance of the evidence
12 that the employer:

13 a. Has made false or misleading statements of a material nature
14 in the application for registration; or

15 b. Failed to demonstrate that each employee of the employer
16 who is engaged in the performance of massage and bodywork
17 therapies is in possession of a license to practice massage and
18 bodywork therapies.

19

20 24. (New section) This act shall supersede any municipal
21 ordinance or regulation that provides for the licensing, certification
22 or registration of massage and bodywork therapists.

23

24 25. The following sections are repealed:

25 Section 4 of P.L.1999, c.19 (C.45:11-56)

26 Section 5 of P.L.1999, c.19 (C.45:11-57)

27 Section 6 of P.L.1999, c.19 (C.45:11-58)

28 Section 13 of P.L.1999, c.19 (C.45:11-65)

29 Section 14 of P.L.1999, c.19 (C.45:11-66)

30

31 26. This act shall take effect on the 90th day following
32 enactment.

33

34

35

STATEMENT

36

37 This bill amends and supplements the "Massage, Bodywork and
38 Somatic Therapist Certification Act," P.L.1999, c.19 (C.45:11-53 et
39 seq.), to become the "Massage and Bodywork Therapist Licensing
40 Act." The bill provides for the use of the title "licensed massage
41 and bodywork therapist" instead of the title "certified massage,
42 bodywork and somatic therapist," as currently established by law.

43 Also, the bill specifies that massage and bodywork therapy
44 practices are designed to affect the soft tissue of the body, rather
45 than the energetic system as currently stated in law, for the purpose
46 of promoting and maintaining the health and well-being of the
47 client.

48 The bill also abolishes the Massage Bodywork and Somatic
49 Therapy Examining Committee under the New Jersey Board of

1 Nursing in the Department of Law and Public Safety. Instead, this
2 bill establishes within the Division of Consumer Affairs in the
3 Department of Law and Public Safety the New Jersey Board of
4 Massage and Bodywork Therapy, which board is to be responsible
5 for the licensure of massage and bodywork therapists.

6 In addition, the bill stipulates that no person shall engage in the
7 practice of massage and bodywork therapies for compensation as a
8 licensed massage and bodywork therapist or present, call or
9 represent himself as a licensed massage and bodywork therapist
10 unless licensed pursuant to the provisions of this bill.

11 The bill specifies that nothing shall be construed to prohibit any
12 person licensed to practice in this State under any other law from
13 engaging in the practice for which he is licensed; or to prohibit any
14 student enrolled in a program of massage and bodywork therapies
15 recognized by the board from performing massage and bodywork
16 therapies which is necessary to his course of study; or to prohibit
17 any person performing massage and bodywork therapies in this
18 State, if those therapies are performed for no more than 45 days in a
19 calendar year and for no more than 30 days in any 60-consecutive
20 day period and provided that the person is duly licensed, certified or
21 registered to practice massage and bodywork therapy in another
22 state or the District of Columbia; or to prohibit any person from
23 engaging in the manipulation of soft tissue of the human body
24 contained on hands, feet or ears, provided that the client does not
25 remove any clothing. In addition, the bill permits the New Jersey
26 Board of Massage and Bodywork Therapy to issue a temporary
27 permit to an applicant who within not more than 90 days from the
28 date of application has completed a program of massage and
29 bodywork therapies recognized by the board, which permit shall
30 allow the applicant to engage in the practice of massage and
31 bodywork therapies. The permit shall remain valid for a period of
32 no more than 120 days.

33 The bill permits massage and bodywork therapists to treat
34 illness, disease, impairment or disability. The current statutory
35 provision prohibits massage, bodywork and somatic therapists from
36 treating illness, disease, impairment or disability.

37 Furthermore, the bill provides that the New Jersey Board of
38 Massage and Bodywork Therapy shall establish standards for
39 continuing massage and bodywork therapist education, including:
40 the number of credits, which shall not exceed 24 credit hours
41 biennially; the subject matter and content of courses of study;
42 competency assessments; and the type of continuing education
43 credits required of a licensed massage and bodywork therapist as a
44 condition of license renewal; approval of educational programs
45 offering credit towards continuing massage and bodywork therapist
46 education requirements; and approval of other equivalent
47 educational programs and establishment of procedures for the
48 issuance of credit upon satisfactory proof of the completion of those
49 programs. In the case of continuing education courses and

1 programs, each hour of instruction shall be equivalent to one credit.
2 Also, the board may waive requirements for continuing education
3 on an individual basis for reasons of hardship, such as disability,
4 retirement of the license, military service or deployment, or any
5 other good cause. The board may also allow a number of
6 continuing education credit hours in excess of the number required
7 for a biennial period to be carried over to satisfy a person's
8 continuing education requirement for the next biennial renewal
9 period.

10 This bill also stipulates that no employer shall engage in or
11 advertise or hold itself out as offering massage and bodywork
12 therapies unless the employer is registered with the New Jersey
13 Board of Massage and Bodywork Therapy. In addition, the board
14 may suspend or revoke the registration of an employer offering
15 massage and bodywork therapies upon proof showing by a
16 preponderance of the evidence that the employer: has made false or
17 misleading statements of a material nature in the application for
18 registration; or failed to demonstrate that each employee of the
19 employer who is engaged in the performance of massage and
20 bodywork therapies is in possession of a license to practice massage
21 and bodywork therapies.

22 Furthermore, the bill states that the "Massage and Bodywork
23 Therapist Licensing Act," shall supersede any municipal ordinance
24 or regulation that provides for the licensing, certification or
25 registration of massage and bodywork therapists.

ASSEMBLY REGULATED PROFESSIONS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4455

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2007

The Assembly Regulated Professions and Independent Authorities Committee reports favorably Assembly Bill No. 4455 with committee amendments.

As amended, this bill amends and supplements the "Massage, Bodywork and Somatic Therapist Certification Act," P.L.1999, c.19 (C.45:11-53 et seq.), to become the "Massage and Bodywork Therapist Licensing Act." The bill provides for the use of the title "licensed massage and bodywork therapist" instead of the title "certified massage, bodywork and somatic therapist," as currently established by law.

Also, the bill specifies that massage and bodywork therapy practices are designed to affect the soft tissue of the body, rather than the energetic system as currently stated in law, for the purpose of promoting and maintaining the health and well-being of the client.

The bill also abolishes the Massage Bodywork and Somatic Therapy Examining Committee under the New Jersey Board of Nursing in the Department of Law and Public Safety. Instead, this bill establishes within the Division of Consumer Affairs in the Department of Law and Public Safety the New Jersey Board of Massage and Bodywork Therapy, which board is to be responsible for the licensure of massage and bodywork therapists.

In addition, the bill stipulates that no person shall engage in the practice of massage and bodywork therapies for compensation as a licensed massage and bodywork therapist or present, call or represent himself as a licensed massage and bodywork therapist unless licensed pursuant to the provisions of this bill.

The bill specifies that nothing shall be construed to prohibit any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed; or to prohibit any student enrolled in a program of massage and bodywork therapies recognized by the board from performing massage and bodywork therapies which is necessary to his course of study; or to prohibit any person performing massage and bodywork therapies in this State, if

those therapies are performed for no more than 45 days in a calendar year and for no more than 30 days in any 60-consecutive day period and provided that the person is duly licensed, certified or registered to practice massage and bodywork therapy in another state or the District of Columbia; or to prohibit any person from engaging in the manipulation of soft tissue of the human body contained on hands, feet or ears, provided that the client does not remove any clothing other than shoes or socks; or to prohibit any teacher from demonstrating massage and bodywork techniques while teaching a class or workshop if the individual is duly licensed by another state or possession of the United States or the District of Columbia to practice massage and bodywork therapies if their state or district of residence requires such licensure for an individual to practice massage and bodywork therapies; or to prohibit any person from using touch, words and directed movement to deepen awareness of existing patterns of movement in the body, or to suggest new possibilities of movement, provided that these services are not designated or implied to be massage and bodywork therapy and the client is fully clothed; or to prohibit a person from providing Reiki and similar energy work, as determined by the board.

In addition, the bill permits the New Jersey Board of Massage and Bodywork Therapy to issue a temporary permit to an applicant who has completed a program of massage and bodywork therapies recognized by the board, which permit shall allow the applicant to engage in the practice of massage and bodywork therapies. The permit shall remain valid for a period of no more than 120 days.

The bill permits massage and bodywork therapists to treat illness, disease, impairment or disability. The current statutory provision prohibits massage, bodywork and somatic therapists from treating illness, disease, impairment or disability.

Furthermore, the bill provides that the New Jersey Board of Massage and Bodywork Therapy shall establish standards for continuing massage and bodywork therapist education, including: the number of credits, which shall not exceed 24 credit hours biennially; the subject matter and content of courses of study; competency assessments; and the type of continuing education credits required of a licensed massage and bodywork therapist as a condition of license renewal; approval of educational programs offering credit towards continuing massage and bodywork therapist education requirements; and approval of other equivalent educational programs and establishment of procedures for the issuance of credit upon satisfactory proof of the completion of those programs. In the case of continuing education courses and programs, each hour of instruction shall be equivalent to one credit. Also, the board may waive requirements for continuing education on an individual basis for reasons of hardship, such as disability, retirement of the license, military service or deployment, or any other good cause. The board may also allow a

number of continuing education credit hours in excess of the number required for a biennial period to be carried over to satisfy a person's continuing education requirement for the next biennial renewal period.

This bill also stipulates that no employer shall engage in or advertise or hold itself out as offering massage and bodywork therapies unless the employer is registered with the New Jersey Board of Massage and Bodywork Therapy. In addition, the board may suspend or revoke the registration of an employer offering massage and bodywork therapies upon proof showing by a preponderance of the evidence that the employer: has made false or misleading statements of a material nature in the application for registration; or failed to demonstrate that each employee of the employer who is engaged in the performance of massage and bodywork therapies is in possession of a license to practice massage and bodywork therapies.

The bill further mandates that no person shall assume, represent himself as, or use the title or designation "massage or bodywork therapist," "licensed massage and bodywork therapist" or any title or designation which includes the words "massage," "bodywork," "masseur," "masseur," "shiatsu," "acupressure," "accupressure," "accu-pressure," "nuad bo'rarn," "amma," "anma," "chei nei tsang," "medical qigong," "tuina," "polarity educator," "polarity therapist," "polarity therapy," "polarity practitioner" or any of the abbreviations "MT," "BT," "MBT," "MBST," "CMBT," "COBT," "CMT," "LBT," "LMBST," "LMBT," "LABT," "LOBT," "AB," "ABT," "OB," "RPP," or "LMT" or similar abbreviations, unless licensed under the provisions of this bill.

Furthermore, the bill states that the "Massage and Bodywork Therapist Licensing Act," shall supersede any municipal ordinance or regulation that provides for the licensing, certification or registration of massage and bodywork therapists.

COMMITTEE AMENDMENTS

The committee amended the bill to stipulate that nothing shall be construed to prohibit any teacher from demonstrating massage and bodywork techniques while teaching a class or workshop if the individual is duly licensed by another state or possession of the United States or the District of Columbia to practice massage and bodywork therapies if their state or district of residence requires such licensure for an individual to practice massage and bodywork therapies; or to prohibit any person from using touch, words and directed movement to deepen awareness of existing patterns of movement in the body, or to suggest new possibilities of movement, provided that these services are not designated or implied to be massage and bodywork therapy and the client is fully clothed; or to prohibit a person from providing Reiki and similar energy work, as determined by the board. The amendments also provide that nothing shall prohibit a person from

engaging in manipulation of the soft tissue of the human body contained on hands, feet or ears when shoes or socks are removed.

In addition, the amendments remove a provision in the bill mandating that in order to receive a temporary permit an applicant must complete a program of massage and bodywork therapies within 90 days from the date of application for such temporary permit.

The amendments add the title or designation of “masseur” to the other titles and designations already contained in the bill that no person shall assume, represent himself as, or use unless licensed under the provisions of the bill.

Also, the amendments provide that to be eligible for licensure as a massage and bodywork therapist, an applicant shall, in part, successfully complete a written examination approved by the board, which shall consider relevant education, training and practical work experience and remove reference to examinations offered by the National Certification Board for Therapeutic Massage and Bodywork and the National Certification Commission for Acupuncture and Oriental Medicine.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4455

with Assembly Floor Amendments
(Proposed By Assemblymen CARABALLO and BIONDI)

ADOPTED: DECEMBER 13, 2007

These amendments remove the provision in the bill permitting the issuance of temporary permits for persons to engage in the practice of massage and bodywork therapies. The amendments also delete the provision in the bill specifying that nothing in the bill shall be construed to prohibit a person from providing Reiki and similar energy work, as determined by the New Jersey Board of Massage and Bodywork Therapy.

Furthermore, the amendments delete from the definition of “massage and bodywork therapies” the external application of herbal or topical preparations not classified as prescription drugs. In addition, these amendments omit the requirement contained in the original bill that no person use any title or designation which includes the words “medical qigong” unless licensed under the provisions of this bill.

Also, as stipulated in the amendments, nothing in this bill shall be construed to prohibit any person licensed to practice in this State under any other law from using titles consistent with the practice for which that person is so licensed.

As amended, this bill is identical to SCS for S-2536 (1R).

SENATE, No. 2536

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED FEBRUARY 8, 2007

Sponsored by:
Senator NIA H. GILL
District 34 (Essex and Passaic)

SYNOPSIS

Revises laws for the regulation of massage, bodywork and somatic therapists.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT providing for the licensing of massage, bodywork and
2 somatic therapists, amending the title of P.L.1999, c.19,
3 amending and supplementing P.L.1999, c.19, and repealing
4 section 13 of P.L.1999, c.19.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. The title of P.L.1999, c.19 is amended to read as follows:

10 AN ACT providing for the **[certification]** licensing of massage,
11 bodywork and somatic therapists and supplementing P.L.1947,
12 c.262 (C.45:11-23 et seq.).
13 (cf: P.L.1999, c.19, title)

14
15 2. Section 1 of P.L.1999, c.19 (C.45:11-53) is amended to read
16 as follows:

17 1. This act shall be known and may be cited as the "Massage,
18 Bodywork and Somatic Therapist **[Certification]** Licensing Act."
19 (cf: P.L.1999, c.19, s.1)

20
21 3. Section 2 of P.L.1999, c.19 (C.45:11-54) is amended to read
22 as follows:

23 2. The Legislature finds and declares that:

24 a. the public interest requires the regulation of the practice of
25 massage, bodywork and somatic therapies and the establishment of
26 clear **[certification]** licensure standards for massage, bodywork and
27 somatic therapists;

28 b. the health and welfare of the citizens of this State will be
29 protected by identifying to the public those individuals who are
30 qualified to **[call themselves]** practice massage, bodywork and
31 somatic **[therapists]** therapies; and

32 c. the regulation of massage, bodywork and somatic therapists
33 will benefit the public by encouraging it to take advantage of
34 massage, bodywork and somatic therapies as a viable complement
35 to traditional medicine.

36 (cf: P.L.1999, c.19, s.2)

37
38 4. Section 3 of P.L.1999, c.19 (C.45:11-55) is amended to read
39 as follows:

40 3. As used in this act:

41 "Board" means the New Jersey Board of Nursing.

42 "Committee" means the Massage, Bodywork and Somatic
43 Therapy Examining Committee established pursuant to section 4 of
44 this act.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Licensee" means any person who holds a **[certification]** license
2 to practice massage, bodywork and somatic therapies pursuant to
3 the provisions of this act.

4 "Massage, bodywork and somatic therapist" means a person
5 **[certified]** licensed to practice massage, bodywork and somatic
6 therapies pursuant to the provisions of this act.

7 "Massage, bodywork and somatic therapies" or "massage,
8 bodywork and somatic" means systems of activity of structured
9 touch which include, but are not limited to, holding, applying
10 pressure, positioning and mobilizing soft tissue of the body by
11 manual technique and use of visual, kinesthetic, auditory and
12 palpating skills to assess the body for purposes of applying
13 therapeutic massage, bodywork or somatic principles. Such
14 application may include, but is not limited to, the use of therapies
15 such as heliotherapy or hydrotherapy, the use of moist hot and cold
16 external applications, external application of herbal or topical
17 preparations not classified as prescription drugs, explaining and
18 describing myofascial movement, self-care and stress management
19 as it relates to massage, bodywork and somatic therapies. Massage,
20 bodywork and somatic therapy practices are designed to affect the
21 energetic system of the body for the purpose of promoting and
22 maintaining the health and well-being of the client. Massage,
23 bodywork and somatic therapies do not include the diagnosis **[or**
24 **treatment]** of illness, disease, impairment or disability.

25 (cf: P.L.1999, c.19, s.3)

26

27 5. Section 4 of P.L.1999, c.19 (C.45:11-56) is amended to read
28 as follows:

29 4. a. There is created within the Division of Consumer Affairs
30 in the Department of Law and Public Safety, under the New Jersey
31 Board of Nursing, a Massage, Bodywork and Somatic Therapy
32 Examining Committee. The committee shall consist of six
33 members who are residents of the State and are certified massage,
34 bodywork and somatic therapists who have been actively engaged
35 in the practice of massage, bodywork and somatic therapies in this
36 State for at least five years immediately preceding their
37 appointment, except that the committee shall not have at any one
38 time more than two members who practice a particular method and
39 manner of treatment of massage, bodywork and somatic therapies.

40 b. For a period of one year after the effective date of **[this act]**
41 P.L.1999, c.19 (C.45:11-53 et seq.), providing for the certification
42 of message, bodywork and somatic therapists, and notwithstanding
43 any other provisions of this act to the contrary, the first six
44 massage, bodywork and somatic therapists appointed as members of
45 the committee shall not be required, at the time of their first
46 appointment, to be certified to practice massage, bodywork and
47 somatic therapies. Starting on, and after, the date of enactment of
48 P.L. , c. (C.)(pending before the licensure as this bill),

1 and pursuant to section 15 of this amendatory and supplementary
2 act, every member of the committee who was a certified message,
3 bodywork and somatic therapist at the time of their appointment
4 shall be a licensed member of the committee.

5 c. The Governor shall appoint each committee member with the
6 advice and consent of the Senate. The Governor shall appoint each
7 member for a term of three years, except that of the members first
8 appointed, two shall serve for terms of three years, two shall serve
9 for terms of two years and two shall serve for a term of one year.
10 Each member shall hold office until his successor has been
11 qualified. Any vacancy in the membership of the committee shall
12 be filled for the unexpired term in the manner provided for the
13 original appointment. No member of the committee may serve
14 more than two successive terms in addition to any unexpired term to
15 which he has been appointed.

16 (cf: P.L.1999, c.19, s.4)

17

18 6. Section 7 of P.L.1999, c.19 (C.45:11-59) is amended to read
19 as follows:

20 7. The committee shall:

21 a. Review the qualifications of applicants for **[certification]**
22 licensure;

23 b. Insure the proper conduct and standards of examinations;

24 c. Issue and renew **[certificates of certification]** licenses to
25 massage, bodywork and somatic therapists pursuant to this act;

26 d. Suspend, revoke or fail to renew the **[certificate of**
27 **certification]** license of a massage, bodywork and somatic therapist
28 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

29 e. Establish any standards for the continuing education of
30 licensees as it deems necessary;

31 f. Prescribe or change the charges for examinations,
32 **[certifications]** licensures, renewals and other services performed
33 pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.); and

34 g. Maintain a record of every massage, bodywork and somatic
35 therapist **[certified]** licensed in this State, and the date and number
36 of his **[certificate of certification]** license, and publish a list of the
37 names and addresses of all licensees annually.

38 (cf: P.L.1999, c.19, s.7)

39

40 7. Section 8 of P.L.1999, c.19 (C.45:11-60) is amended to read
41 as follows:

42 8. To be eligible for **[certification]** licensure as a massage,
43 bodywork and somatic therapist, an applicant shall be of good
44 moral character and submit to the committee satisfactory evidence
45 of:

46 a. Successful completion of a minimum of 500 hours in class
47 study in the field of massage, bodywork and somatic therapies
48 approved by the committee; or

1 b. Successful completion of the written examination offered by
2 **【The】** the National Certification Board for Therapeutic Massage
3 and Bodywork or a substantially equivalent examination approved
4 by the committee to determine the applicant's competence to **【call**
5 **himself a】** practice massage, bodywork and somatic **【therapist】**
6 therapies. The successful completion of any such examination may
7 have been accomplished before the effective date of this act.
8 (cf: P.L.1999, c.19, s.8)

9
10 8. Section 10 of P.L.1999, c.19 (C.45:11-62) is amended to read
11 as follows:

12 10. A fee to be determined by the committee shall accompany
13 each application for **【certification】** licensure. **【Certificates of**
14 **certification】** Licenses shall expire biennially and may be renewed
15 upon submission of a renewal application provided by the board and
16 payment of a fee. If the renewal fee is not paid by that date, the
17 **【certificate of certification】** license shall automatically expire, but
18 may be renewed within two years of its expiration date on payment
19 to the board of a sum determined by the committee for each year or
20 part thereof during which the **【certificate of certification】** license
21 was expired and an additional restoration fee. After a two-year
22 period, a **【certificate of certification】** license may only be renewed
23 by complying with the provisions of this act regarding initial
24 **【certification】** licensure.
25 (cf: P.L.1999, c.19, s.10)

26
27 9. Section 11 of P.L.1999, c.19 (C.45:11-63) is amended to read
28 as follows:

29 11. The committee shall issue a **【certificate of certification】**
30 license to each applicant for **【certification】** licensure as a massage,
31 bodywork and somatic therapist who qualifies pursuant to this act
32 and any rules and regulations promulgated by the board and who is
33 not disqualified for **【certification】** licensure pursuant to the
34 provisions of P.L.1978, c.73 (C.45:1-14 et seq.).
35 (cf: P.L.1999, c.19, s.11)

36
37 10. Section 12 of P.L.1999, c.19 (C.45:11-64) is amended to
38 read as follows:

39 12. Upon payment to the board of a fee and the submission of a
40 written application on forms provided by it, the committee shall
41 issue without examination a **【certificate of certification】** license to
42 a massage, bodywork and somatic therapist who holds a valid
43 license or certification issued by another state or possession of the
44 United States or the District of Columbia which has education and
45 experience requirements substantially equivalent to the
46 requirements of this act; provided, however, that the applicant has
47 not previously failed any examination referred to in section 8 of this

1 act that is approved by the committee, in which case the granting of
2 **【certification】** licensure shall be at the discretion of the committee.
3 (cf: P.L.1999, c.19, s.12)

4

5 11. Section 14 of P.L.1999, c.19 (C45:11-66) is amended to read
6 as follows;

7 14. Any person who holds a **【certificate of certification】** license
8 as a massage, bodywork and somatic therapist pursuant to this act
9 may use the title "massage, bodywork and somatic **【therapist" or】**
10 therapist," "certified massage, bodywork and somatic **【therapist"】**
11 therapist," or "licensed massage, bodywork and somatic therapist"
12 or the abbreviations "MBT," "CMBT," "COBT," **【or "CMT"】**
13 "CMT," "LMBT," "LOBT," or "LMT". Every holder of a
14 **【certificate of certification】** license shall display it in a conspicuous
15 place in his principal office, place of business or employment.
16 (cf: P.L.1999, c.19, s.14)

17

18 12. (New section) Nothing in this amendatory and
19 supplementary act shall be construed to prohibit any person licensed
20 to practice in this State under any other law from engaging in the
21 practice for which he is licensed or to prohibit any student enrolled
22 in a program of massage, bodywork and somatic therapies
23 recognized by the committee from performing massage, bodywork
24 and somatic therapies which are necessary to his course of study.

25

26 13. (New section) Upon payment to the committee of a
27 prescribed fee and the submission of a written application on forms
28 prescribed by the committee, the committee shall issue a temporary
29 permit to an applicant who has completed a program of massage,
30 bodywork and somatic therapies recognized by the committee,
31 which permit shall allow the applicant to engage in the practice of
32 massage, bodywork and somatic therapies. The permit shall remain
33 valid for a period of no more than 120 days or upon receipt of a
34 newly issued license as a massage, bodywork and somatic therapist,
35 whichever occurs first. Only one temporary permit shall be issued
36 to an applicant.

37

38 14. (New section) No person shall engage in the practice of
39 massage, bodywork and somatic therapies as a licensed massage,
40 bodywork and somatic therapist or present, call or represent himself
41 as a licensed massage, bodywork and somatic therapist unless
42 licensed pursuant to this amendatory and supplementary act.

43

44 15. (New section) Any person who is a certified massage,
45 bodywork and somatic therapist pursuant to sections 8 or 9 of
46 P.L.1999, c.19 (C.45:11-60 or 45:11-61) on the effective date of
47 this amendatory and supplementary act shall be a licensed massage,
48 bodywork and somatic therapist under and subject to the provisions

1 of P.L.1999, c.19 (C.45:11-53 et seq.) and this amendatory and
2 supplementary act.

3
4 16. (New section) This act shall supersede any municipal
5 ordinance or regulation that provides for the licensing, certification
6 or registration of massage, bodywork and somatic therapists.

7
8 17. Section 13 of P.L.1999, c.19 (C.45:11-65) is repealed.

9
10 18. This act shall take effect on the 180th day following
11 enactment.

12
13
14 STATEMENT

15
16 This bill amends and supplements the "Massage, Bodywork and
17 Somatic Therapist Certification Act," P.L.1999, c.19 (C.45:11-53 et
18 seq.), to become the "Massage, Bodywork and Somatic Therapist
19 Licensing Act." The bill provides for the use of the title "licensed
20 massage, bodywork and somatic therapist" instead of the title
21 "certified massage bodywork and somatic therapist," as currently
22 established by law, for individuals so authorized by the Massage
23 Bodywork and Somatic Therapy Examining Committee under the
24 New Jersey Board of Nursing in the Department of Law and Public
25 Safety.

26 In addition, the bill stipulates that no person shall engage in the
27 practice of massage, bodywork and somatic therapies as a licensed
28 massage, bodywork and somatic therapist or present, call or
29 represent himself as a licensed massage, bodywork and somatic
30 therapist unless licensed pursuant to the provisions of this bill.

31 The bill specifies that nothing shall be construed to prohibit any
32 person licensed to practice in this State under any other law from
33 engaging in the practice for which he is licensed or to prohibit any
34 student enrolled in a program of massage, bodywork and somatic
35 therapies recognized by the committee from performing massage,
36 bodywork and somatic therapies which are necessary to his course
37 of study. In addition, the bill permits the Massage, Bodywork and
38 Somatic Therapy Examining Committee to issue a temporary permit
39 to an applicant who has completed a program of massage,
40 bodywork and somatic therapies recognized by the committee,
41 which permit shall allow the applicant to engage in the practice of
42 massage, bodywork and somatic therapies. The permit shall remain
43 valid for a period of no more than 120 days.

44 The bill also removes the statutory provision that currently
45 prohibits massage, bodywork and somatic therapists from treating
46 illness, disease, impairment or disability.

47 Furthermore, the bill states that the "Massage, Bodywork, and
48 Somatic Therapist Licensing Act" shall supersede any municipal

S2536 GILL

8

- 1 ordinance or regulation that provides for the licensing, certification
- 2 or registration of massage, bodywork and somatic therapists.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2536**

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2007

The Senate Commerce Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2536.

The substitute amends and supplements the "Massage, Bodywork and Somatic Therapist Certification Act," P.L.1999, c.19 (C.45:11-53 et seq.), to become the "Massage and Bodywork Therapist Licensing Act." The substitute provides for the use of the title "licensed massage and bodywork therapist" instead of the title "certified massage, bodywork and somatic therapist," as currently established by law.

Also, the substitute specifies that massage and bodywork therapy practices are designed to affect the soft tissue of the body, rather than the energetic system as currently stated in law, for the purpose of promoting and maintaining the health and well-being of the client.

The substitute also abolishes the Massage Bodywork and Somatic Therapy Examining Committee under the New Jersey Board of Nursing in the Department of Law and Public Safety. Instead, this substitute establishes within the Division of Consumer Affairs in the Department of Law and Public Safety the New Jersey Board of Massage and Bodywork Therapy, which board is to be responsible for the licensure of massage and bodywork therapists.

In addition, the substitute stipulates that no person shall engage in the practice of massage and bodywork therapies for compensation as a licensed massage and bodywork therapist or present, call or represent himself as a licensed massage and bodywork therapist unless licensed pursuant to the provisions of this substitute.

The substitute specifies that nothing shall be construed to prohibit any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed; or to prohibit any student enrolled in a program of massage and bodywork therapies recognized by the board from performing massage and bodywork therapies which is necessary to his course of study; or to prohibit any person performing massage and bodywork therapies in this State, if those therapies are performed for no more than 45 days in a calendar year and for no more than 30 days in any 60-consecutive day period and provided that the person is duly licensed, certified or registered to practice massage and bodywork therapy in another state or the District

of Columbia; or to prohibit any person from engaging in the manipulation of soft tissue of the human body contained on hands, feet or ears, provided that the client does not remove any clothing other than shoes or socks; or to prohibit any teacher from demonstrating massage and bodywork techniques while teaching a class or workshop if the individual is duly licensed by another state or possession of the United States or the District of Columbia to practice massage and bodywork therapies if their state or district of residence requires such licensure for an individual to practice massage and bodywork therapies; or to prohibit any person from using touch, words and directed movement to deepen awareness of existing patterns of movement in the body, or to suggest new possibilities of movement, provided that these services are not designated or implied to be massage and bodywork therapy and the client is fully clothed; or to prohibit a person from providing Reiki and similar energy work, as determined by the board.

In addition, the substitute permits the New Jersey Board of Massage and Bodywork Therapy to issue a temporary permit to an applicant who has completed a program of massage and bodywork therapies recognized by the board, which permit shall allow the applicant to engage in the practice of massage and bodywork therapies. The permit shall remain valid for a period of no more than 120 days.

The substitute permits massage and bodywork therapists to treat illness, disease, impairment or disability. The current statutory provision prohibits massage, bodywork and somatic therapists from treating illness, disease, impairment or disability.

Furthermore, the substitute provides that the New Jersey Board of Massage and Bodywork Therapy shall establish standards for continuing massage and bodywork therapist education, including: the number of credits, which shall not exceed 24 credit hours biennially; the subject matter and content of courses of study; competency assessments; and the type of continuing education credits required of a licensed massage and bodywork therapist as a condition of license renewal; approval of educational programs offering credit towards continuing massage and bodywork therapist education requirements; and approval of other equivalent educational programs and establishment of procedures for the issuance of credit upon satisfactory proof of the completion of those programs. In the case of continuing education courses and programs, each hour of instruction shall be equivalent to one credit. Also, the board may waive requirements for continuing education on an individual basis for reasons of hardship, such as disability, retirement of the license, military service or deployment, or any other good cause. The board may also allow a number of continuing education credit hours in excess of the number required for a biennial period to be carried over to satisfy a person's continuing education requirement for the next biennial renewal period.

This substitute also stipulates that no employer shall engage in or advertise or hold itself out as offering massage and bodywork therapies unless the employer is registered with the New Jersey Board of Massage and Bodywork Therapy. In addition, the board may suspend or revoke the registration of an employer offering massage and bodywork therapies upon proof showing by a preponderance of the evidence that the employer: has made false or misleading statements of a material nature in the application for registration; or failed to demonstrate that each employee of the employer who is engaged in the performance of massage and bodywork therapies is in possession of a license to practice massage and bodywork therapies.

The substitute further mandates that no person shall assume, represent himself as, or use the title or designation "massage or bodywork therapist," "licensed massage and bodywork therapist" or any title or designation which includes the words "massage," "bodywork," "masseur," "masseur," "shiatsu," "acupressure," "accupressure," "accu-pressure," "nuad bo'rarn," "amma," "anma," "chei nei tsang," "medical qigong," "tuina," "polarity educator," "polarity therapist," "polarity therapy," "polarity practitioner" or any of the abbreviations "MT," "BT," "MBT," "MBST," "CMBT," "COBT," "CMT," "LBT," "LMBST," "LMBT," "LABT," "LOBT," "AB," "ABT," "OB," "RPP," or "LMT" or similar abbreviations, unless licensed under the provisions of this substitute.

Furthermore, the substitute states that the "Massage and Bodywork Therapist Licensing Act," shall supersede any municipal ordinance or regulation that provides for the licensing, certification or registration of massage and bodywork therapists.

This substitute is identical to Assembly Bill No. 4455 (1R), amended and reported by the Assembly Regulated Professions and Independent Authorities Committee on November 19, 2007.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 2536

with Senate Floor Amendments
(Proposed By Senator GILL)

ADOPTED: DECEMBER 10, 2007

These amendments remove the provision in the bill permitting the issuance of temporary permits for persons to engage in the practice of massage and bodywork therapies. The amendments also delete the provision in the bill specifying that nothing in the bill shall be construed to prohibit a person from providing Reiki and similar energy work, as determined by the New Jersey Board of Massage and Bodywork Therapy.

Furthermore, the amendments delete from the definition of "massage and bodywork therapies" the external application of herbal or topical preparations not classified as prescription drugs. In addition, these amendments omit the requirement contained in the original bill that no person use any title or designation which includes the words "medical qigong" unless licensed under the provisions of this bill.

Also, as stipulated in the amendments, nothing in this bill shall be construed to prohibit any person licensed to practice in this State under any other law from using titles consistent with the practice for which that person is so licensed.