
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2584

Session of
1988

INTRODUCED BY DAWIDA, McVERRY, TRELLO, MELIO, BARLEY, PRESTON,
MICHLOVIC AND BORTNER, JUNE 27, 1988

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 27, 1988

AN ACT

1 Providing for the licensing of masseurs and massage parlors;
2 establishing a board to determine standards and
3 qualifications; providing standards for licenses; and fixing
4 fees and penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Massage
9 License Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Board." The State Board of Masseurs.

15 "Body massage." The application of any or all of the
16 following to the human body by the hands or any other means:
17 touching, stroking, friction, kneading, vibration, percussion,
18 oil rubs, heat, cold, salt glows, hot and cold packs, alcohol

1 rubs, and tub, shower or cabinet baths.

2 "Department." The Department of State of the Commonwealth.

3 "Massage establishment." Any place where body massage is
4 available to any person for a fee, donation or other
5 remuneration.

6 "Masseur." Any person who shall practice or administer body
7 massage to any other person for a fee, donation or other
8 remuneration.

9 Section 3. Exemptions.

10 This act shall not apply to the following classes of persons:

11 (1) Persons authorized by the laws of this Commonwealth
12 to practice medicine, surgery, dentistry, osteopathy,
13 chiropractic, podiatry or physical therapy.

14 (2) Registered nurses and licensed practical nurses.

15 (3) Barbers, beauticians and manicurists, insofar as
16 they deal with the head, hands and feet.

17 Section 4. Licenses required; unlawful acts.

18 It shall be unlawful for any person to:

19 (1) act as a masseur without first having validly
20 obtained a masseur's license pursuant to this act;

21 (2) operate a massage establishment without first having
22 validly obtained a massage establishment license pursuant to
23 this act; or

24 (3) violate any of the provisions of this act.

25 Section 5. State Board of Masseurs.

26 (a) Board created.--There is hereby created, under the
27 administrative jurisdiction of the department, the State Board
28 of Masseurs, consisting of nine members, as follows: two
29 physicians, one of whom is a doctor of osteopathy; one physical
30 therapist; one registered nurse; one chiropractor; three

1 masseurs; and one consumer or lay person.

2 (b) Terms.--Three members of the initial board shall be
3 appointed for a term of one year; three for a term of two years;
4 and three for a term of three years. Thereafter, when the term
5 of each member of the board ends, the Governor shall appoint his
6 successor to serve for a term of three years. Any vacancy
7 occurring on the board shall be filled by the Governor by
8 appointment for the unexpired term. Board members shall continue
9 to serve until their successors are appointed.

10 (c) Appointment process.--Appointments to the board shall be
11 made by the Governor, by and with the advice and consent of a
12 majority of the members elected to the Senate, after
13 consultation with the associations and societies appropriate to
14 the professions and disciplines representative of the members to
15 be appointed.

16 (d) Officers.--The board shall elect annually from its
17 membership a chairman, vice chairman and secretary. The
18 secretary shall keep a written record of the proceedings of the
19 board.

20 (e) Meetings.--The board shall meet at least two times each
21 year and at such other times as deemed necessary and advisable
22 by the chairman or by a majority of its members. A majority of
23 the members present at a meeting shall constitute a quorum.

24 (f) Expenses.--Each board member shall be reimbursed for
25 actual expenses incurred while he is engaged in the performance
26 of his duties.

27 Section 6. Powers and duties of board.

28 The board shall have the following powers and duties:

29 (1) To pass upon the qualifications and fitness of
30 applicants for licenses and reciprocal licenses.

1 (2) To adopt and revise such rules and regulations not
2 inconsistent with law as may be necessary to effectuate the
3 provisions of this act.

4 (3) To examine for, deny, approve, issue, revoke,
5 suspend and renew licenses pursuant to this act, and to
6 conduct hearings in connection therewith.

7 (4) To conduct hearings upon complaints concerning
8 violations of the provisions of, and the rules and
9 regulations adopted pursuant to, this act and cause the
10 prosecution and enjoinder of all such violations.

11 Section 7. Qualifications for licensure.

12 (a) Individual license.--All applications for a masseur's
13 license shall be made to the board, which shall issue such
14 license upon satisfactory proof that the applicant:

15 (1) is 18 years of age or older;

16 (2) is a citizen of the United States and has resided in
17 this Commonwealth for at least one year;

18 (3) has not been convicted of a felony or of the crime
19 of prostitution or any other sex-related offense in the
20 courts of this Commonwealth or any other state, territory or
21 country;

22 (4) has a diploma from a recognized school of massage
23 having a curriculum approved by the board, certifying that
24 such person has completed 500 hours of study in the basic
25 subjects of anatomy, physiology, hygiene, corrective
26 exercises, gymnastics, hydrotherapy, techniques of massage
27 and has served a clinical internship or apprenticeship of six
28 months. The board may reduce the required hours of study to
29 not less than 400 hours and equivalent experience under a
30 qualified masseur; and

1 (5) has passed to the satisfaction of the board, a
2 written examination which shall test the applicant's
3 knowledge of the basic subjects listed in paragraph (4) and
4 such other subjects as the board may deem necessary to test
5 the applicant's fitness to practice body massage. Such
6 examination may also include an oral examination or practical
7 examination or both at the discretion of the board.

8 (b) Establishment license.--All applications for a massage
9 establishment license shall be made to the board, which shall
10 issue such license upon satisfactory proof that the applicant
11 meets the requirements of subsection (a)(2) and (3) and in
12 addition that:

13 (1) the applicant is 21 years of age or older;

14 (2) the applicant has legal or equitable title to an
15 establishment which the board finds to be suitable for use as
16 a massage establishment; and

17 (3) the floor plan, equipment and proposed services are
18 reasonably adequate and meet the standards established by the
19 board.

20 (c) Waivers.--The board may waive the residency and
21 educational requirements of subsections (a) and (b), with
22 respect to any applicant who has practiced massage for three
23 years within this Commonwealth or who has been an owner of a
24 massage establishment for two years within this Commonwealth,
25 and who within one year after the effective date of this act
26 makes application to the board and demonstrates to the
27 satisfaction of the board sufficient knowledge and practical
28 experience.

29 (d) Renewal.--A masseur's license and massage establishment
30 license shall be renewed annually without reexamination of the

1 holder thereof.

2 Section 8. Licensing fees.

3 (a) Individual fees.--The application fee for a masseur's
4 license shall be \$35 which shall accompany the application and
5 shall not be refundable. The fee for renewal of an existing
6 masseur's license shall be \$25.

7 (b) Establishment fee.--The application fee for a massage
8 establishment license shall be \$75, which shall accompany the
9 application and shall not be refundable. The fee for an
10 additional massage establishment license by one already so
11 licensed, or for renewal of an existing massage establishment
12 license, shall be \$50.

13 Section 9. Display of licenses.

14 (a) Establishment.--A massage establishment license issued
15 in accordance with this act shall be conspicuously displayed on
16 the premises of the massage establishment.

17 (b) Individual.-- A masseur license issued in accordance
18 with this act shall be conspicuously displayed at any massage
19 establishment where the masseur practices body massage;
20 provided, however, that the board in its discretion may waive
21 this requirement as impracticable and instead allow the masseur
22 to carry his license on his person.

23 Section 10. Revocation and suspension of licenses.

24 (a) Violations.--The board may revoke or suspend a masseur
25 or massage establishment license upon satisfactory proof of any
26 of the following:

27 (1) That the licensee did not properly meet or no longer
28 meets the licensing requirements of this act, or obtained
29 licensure by fraud or misrepresentation.

30 (2) That the licensee is addicted to, or habitually uses

1 intoxicating liquor, narcotics or other drugs.

2 (3) That the licensee has attempted to diagnose or treat
3 classified diseases, practiced spinal adjustments or
4 prescribed medicines.

5 (4) That the licensee has practiced body massage while
6 knowingly suffering from a contagious or infectious disease.

7 (5) That the licensee has violated any of the provisions
8 of this act or the rules and regulations promulgated by the
9 board.

10 (b) Hearing and appeal.--All final actions or orders of the
11 board shall be taken subject to the right of notice, hearing and
12 adjudication and the right of appeal therefrom in accordance
13 with the provisions of 2 Pa.C.S. Chs. 5 (relating to practice
14 and procedure) and 7 (relating to judicial review).

15 Section 11. Reciprocity.

16 Upon application and payment of the license fee as provided
17 in section 8, the board shall issue a masseur's license to a
18 person who has a valid masseur license from another state, if
19 the board is satisfied:

20 (1) that the other state maintains a system and standard
21 of qualifications equivalent to that provided in this act;
22 and

23 (2) that the other state gives similar recognition and
24 endorsement to masseur licenses of this Commonwealth.

25 Section 12. Penalties.

26 (a) Violations.--Any person who sells or fraudulently
27 obtains or furnishes a masseur license or massage establishment
28 license; practices body massage or operates a massage
29 establishment under a license illegally or fraudulently
30 obtained, or without a valid license to do so, or while such

1 license is suspended or revoked; or otherwise violates the
2 provisions of this act commits a misdemeanor of the third
3 degree.

4 (b) Municipal authority.--Nothing contained in this act
5 shall be construed as prohibiting any municipality from adopting
6 appropriate ordinances not inconsistent with the provisions of
7 this act or the rules and regulations adopted thereunder, as may
8 be deemed necessary to promote or protect the public health or
9 safety, which regulate the conduct of masseurs or of massage
10 establishments; and any such ordinances heretofore or hereafter
11 adopted shall be enforceable by such municipalities.

12 Section 13. Effective date.

13 This act shall take effect immediately.