

---

---

# A BILL FOR AN ACT

RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 452, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§452- Citation for licensee violations; fines. (a) In  
5 addition to any other remedy available under this chapter, the  
6 department of commerce and consumer affairs may issue a citation  
7 to any person who holds a massage therapist or massage therapy  
8 establishment license issued by the board, or is designated the  
9 principal massage therapist by the massage therapy  
10 establishment, for any of the following violations of this  
11 chapter or the rules adopted pursuant to this chapter and  
12 chapter 91:

13           (1) Failure of a massage therapy establishment, during all  
14 hours of operation, to conspicuously display a current  
15 massage therapy establishment license and the current  
16 licenses and permits of all persons employed by the  
17 massage therapy establishment who engage in the  
18 practice of massage therapy;



- 1        (2) Failure of a principal massage therapist to ensure  
2        that every massage therapist apprentice who engages in  
3        the practice of massage therapy at the massage therapy  
4        establishment wears a conspicuously placed name tag  
5        stating the massage therapist apprentice's name and  
6        the word "apprentice" during all hours of operation;
- 7        (3) Operation of a massage therapy establishment without  
8        the presence of a principal massage therapist or a  
9        licensed designee during all hours of operation; or
- 10       (4) Failure of a massage therapist or massage therapy  
11       establishment to include the respective massage  
12       therapist's or massage therapy establishment's current  
13       license number in any advertisement pursuant to  
14       section 452-23(b).
- 15       (b) Each citation:
- 16       (1) Shall be in writing and describe the basis of the  
17       citation, including the specific statute or rule  
18       violated;
- 19       (2) May contain an order of abatement and the assessment  
20       of a fine in the amount of \$250 for each violation;



1       (3) Shall be served on the licensee by personal service;

2           and

3       (4) Shall inform the licensee that the licensee may submit

4           a written request to the board for a hearing to

5           contest the citation, within twenty calendar days from

6           the service of the citation.

7       (c) If the licensee timely submits a written request to

8       the board for a hearing, the board may designate a hearings

9       officer to conduct the hearing in accordance with chapter 91.

10       (d) If the licensee does not timely submit a written

11       request to the board for a hearing, the citation shall be deemed

12       a final order of the board.

13       (e) Failure of a licensee to pay any assessed fine within

14       thirty calendar days, unless the licensee contests the citation,

15       may result in further disciplinary action by the board."

16       SECTION 2. Section 452-1, Hawaii Revised Statutes, is  
17 amended by adding a new definition to be appropriately inserted  
18 and to read as follows:

19       "Principal massage therapist" means a massage therapist  
20 designated by an establishment or an out-call massage service as  
21 the person in charge."



1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2016.



**Report Title:**

Massage Therapy; Massage Therapists; Massage Therapist  
Apprentices; Licensees; Violations; Citation; Fines

**Description:**

Authorizes the issuance of a citation for specific violations of  
massage therapy laws or rules by licensees. Establishes a  
process for licensees to contest the citation. Provides for the  
assessment of fines for each violation. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

