STAND. COM. REP. NO. 1082 -20

Honolulu, Hawaii MAR 13 , 2020 RE: S.B. No. 2541 S.D. 1 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Intrastate Commerce, to which was referred S.B. No. 2541, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MASSAGE THERAPISTS,"

begs leave to report as follows:

The purpose of this measure is to establish continuing education requirements and clarify the advertising limitations for massage therapists.

Your Committee received testimony in support of this measure from the Board of Massage Therapy, American Massage Therapy Association-Hawaii Chapter, and one individual. Your Committee received testimony in opposition to this measure from the Hanalei Day Spa and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Pacific Center for Awareness and Bodywork, and Kauai Massage Therapy.

Your Committee finds that massage therapist licensees should regularly maintain their knowledge and education through continuing education requirements that include basic first aid and emergency-related training. While your Committee understands that advertisements, regardless of medium, should be limited to protect consumers from unscrupulous practitioners, concerns raised in testimony before your Committee about the breadth of the



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advertising limitations proposed by this measure and their possible infringement on constitutionally-protected commercial speech warrants sufficient caution. Accordingly, your Committee believes that amendments to this measure are necessary to address these concerns.

Your Committee has amended this measure by:

- (1)Authorizing the Board of Massage Therapy to conduct random audits of licensees to determine compliance with the continuing educations requirements proposed by this measure;
- (2)Deleting the provisions that would have updated and modified the advertising limitations and penalties on massage therapists and massage therapy establishments;
- (3) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (4)Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Intrastate Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2541, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2541, S.D. 1, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

> Respectfully submitted on behalf of the members of the Committee on Intrastate Commerce,



State of Hawaii House of Representatives The THIRTIETH Legislature



Record of Votes of the Committee on Intrastate Commerce

| Bill/Resolution No.:Committee Referral:SB2541, SD1IAC, CPC, JUD | | | Date: 03/12/2020 | | | |
|---|--|---|------------------|--|---------|--|
| □ The committee is reconsidering its previous decision on the measure. | | | | | | |
| The recommendation is to: □ Pass, unamended (as is) □ Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit) | | | | | | |
| IAC Member | 'S | Ayes | Ayes (WR) | Nays | Excused | |
| 1. OHNO, Takashi (C) | | | | | · | |
| 2. KOBAYASHI, Dale T. (V | (C) | <u> </u> | | | | |
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| 3. GATES, Cedric Asuega | an an an the tract of the traction of the trac | <u> </u> | | see water and the second s | | |
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| 4. KONG, Sam Satoru | | المسلم | | | | |
| 5. NISHIMOTO, Scott Y. | | | | | | |
| | | | | | | |
| 6. TAKAYAMA, Gregg | | | | | | |
| | n tinta National Contractions | | | | | |
| 7. McDERMOTT, Bob | | | | | | |
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| TOTAL (7) | | 5 | | | 2 | |
| | Adopted Adopter Adopted | al, did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: | | | | | | |
| Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO | | | | | | |