House Bill 915
By: Representatives Hawkins of the 27th, Cooper of the 43rd, Hugley of the 136th, Lott of the 122nd, Newton of the 123rd, and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for the regulation and licensure of bodywork therapists; to provide for the regulation of massage therapy and bodywork therapy educational programs; to provide for legislative intent; to clarify requirements for massage therapy licenses and bodywork therapy licenses; to expand the Georgia Board of Massage Therapy to include bodywork therapists; to provide for violations; to provide for conditions relating to regulation by counties, municipalities, or other local jurisdictions relating to massage therapy or bodywork therapy; to require reporting of violations of Chapter 24A; to amend Code Section 16-5-47 of the Official Code of Georgia Annotated, relating to posting model notice with human trafficking hotline information in businesses and on Internet, so as to provide for notices in bodywork therapy businesses; to amend Code Section 48-13-9 of the Official Code of Georgia Annotated, relating to limitation on authority of local government to impose regulatory fee, examples of those which may be subject to fees, and individuals and entities not subject to fees, so as to provide that certain health care professions are not subject to regulatory fees by local governments; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising Chapter 24A, relating to massage therapy practice, as follows:
CHAPTER 24A

ARTICLE 1

43-24A-1.
This chapter shall be known and may be cited as the 'Georgia Massage Therapy and Bodywork Therapy Practice Act.'

The General Assembly acknowledges that the practice of massage therapy and bodywork therapy are health care services delivered by health care professionals that affect the public health, safety, and welfare of Georgia citizens. Massage therapists and bodywork therapists must have a knowledge of anatomy and physiology and an understanding of the relationship between the structure and function of the tissue being treated and the total function of the body. Massage and bodywork are therapeutic, and regulations are necessary to protect the public from unqualified practitioners. It is in the interest of the public to set standards of qualifications, education, training, and experience for those who seek to practice the massage therapy or bodywork therapy professions; to promote high standards of professional performance for those licensed to practice massage therapy or bodywork therapy; and to protect the public from unprofessional conduct by persons and entities licensed to practice or teach massage therapy or bodywork therapy. The General Assembly also finds that it is in the best interest of the massage therapy and bodywork therapy professions to be subjected only to such local regulation, fees, or taxes that are also imposed on other health care professions in Georgia.

43-24A-3.
As used in this chapter, the term:

(1) 'Advertise' means, but is not limited to, the issuing of or causing to be distributed any card, sign, or other device or causing or permitting any sign or marking on or in any building or structure, or in any newspaper, magazine, or directory, or announcement on radio, or announcement or display on television, computer network, or electronic or telephonic medium.

(2) 'Applicant' means any person seeking a license or renewal under this chapter.

(3) 'Board' means the Georgia Board of Massage Therapy and Bodywork Therapy established by this chapter.

(4) 'Board recognized bodywork therapy educational program' means an educational program located within or outside the State of Georgia that receives compensation for training more than one person in bodywork therapy, that has submitted an application and
fee, and which meets the standards for training and curriculum as set out by the board in its rules.

(5) 'Board recognized educational program' means a board recognized bodywork therapy educational program or a board recognized massage therapy educational program.

(6) 'Board recognized massage therapy educational program' means an educational program located within or outside the State of Georgia that receives compensation for training more than one person in massage therapy, that has submitted an application and fee, and which meets the standards for training and curriculum as set out by the board in its rules, including but not limited to standards for training and curriculum which are consistent with:

(A) The Nonpublic Postsecondary Education Commission as provided in Code Section 20-3-250.4;

(B) A postsecondary institution of the Technical College System of Georgia that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or

(C) A postsecondary institution that is accredited by a regionally accredited agency recognized by the United States Department of Education and that is authorized or approved by a professional licensing board, department, or agency in another state, jurisdiction, or territory whose standards have been determined by the board to be equivalent to the Nonpublic Postsecondary Education Commission.

(7) 'Bodywork therapist' or 'bodyworker' means a person licensed under this chapter as a bodywork therapist who administers or teaches bodywork therapy for compensation.

(8) 'Bodywork therapy' or 'bodywork' means the application of a system of structured touch when provided to another person for compensation and which involves the human energy system, acupoints, or Qi meridians of the human body. The branches of bodywork therapy practices include structural integration, Asian, and energy work that touch the human body. Such term includes the professions, therapies, treatments, and modalities of the various branches of bodywork therapy and the requisite education and training to safely practice each, as set out in board rules. Such term includes determining whether bodywork therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. Such term does not include diagnosis of an illness or disease; spine or joint manipulation; the application of electrical stimulation; the application of ultrasound, fluidotherapy, laser, or other methods of deep thermal modalities; or any services or procedures for which a license to practice medicine, counseling, chiropractic, acupuncture, occupational therapy, physical therapy, or podiatry is required by law.
(9) 'Certification of bodywork therapy profession' means successful completion of the most current requirements of a national professional membership organization or national certification commission recognized by the board that meets standards defined by the Institute for Credentialing Excellence, including any minimum hours of coursework or clinical experience applicable to the bodywork therapy profession that provides a certification or credential, and that includes an established set of educational standards, requires compliance with a specific code of ethics, and offers a grievance process.

(10) 'Entity' means the owner or operator of a business where massage therapy or bodywork therapy for compensation is performed.

(11) 'Health care professional' means any practitioner licensed or regulated pursuant to Chapter 5, 9, 10A, 11, 11A, 20, 26, 27, 28, 29, 30, 33, 34, 35, 39, 44, or 50 of this title.

(12) 'License' means a valid and current certificate of registration issued by the board pursuant to this chapter to practice massage therapy or bodywork therapy.

(13) 'Licensee' means any person holding a license.

(14) 'Licensure identification card' means the photographic identification card issued by the board to a licensed massage therapist or licensed bodywork therapist specifying his or her licensure as a massage therapist or a bodywork therapist.

(15) 'Massage therapist' means a person licensed under this chapter as a massage therapist who administers or teaches massage, or massage therapy, or bodywork therapy for compensation.

(16) 'Massage therapy' or 'massage' means the application of a system of structured touch, pressure, movement, and holding to the soft tissue of the body in which the primary intent is to enhance or restore health and well-being. The term includes complementary methods, including without limitation cupping therapy, taping techniques, the external application of water, superficial heat, superficial cold, lubricants, salt scrubs, or other topical preparations and the use of commercially available electromechanical devices which do not require the use of transcutaneous electrodes and which mimic or enhance the actions possible by the hands; the term also includes determining whether massage therapy is appropriate or contraindicated, or whether referral to another health care provider is appropriate. Massage therapy shall not include the use of ultrasound, fluidotherapy, laser, and other methods of deep thermal modalities.

(17) 'Massage therapy or bodywork therapy business' is the physical location where the practice of massage therapy or bodywork therapy is performed by a licensed massage therapist or licensed bodywork therapist.

(18) 'Person' means a natural person only.
'(Provisionally permitted massage therapist or bodywork therapist' means a person issued a provisional permit under this chapter.


(a) There is created the Georgia Board of Massage Therapy and Bodywork Therapy which, on and after July 1, 2018, shall consist of five members. The board shall be assigned to the Secretary of State's office for administrative purposes and shall be under the jurisdiction of the division director and shall operate in accordance with and pursuant to the provisions of Chapter 1 of this title, as applicable.

(b) The Governor shall appoint, subject to confirmation by the Senate, all members of the board for initial terms of office beginning July 1, 2005. The Governor shall appoint two initial members of the board to serve for terms of two years and three initial members of the board, including the public member, to serve for terms of four years. Beginning July 1, 2018, the Governor shall appoint, subject to confirmation by the Senate, one additional member of the board to serve for a term of two years and one additional member of the board to serve for a term of four years who meet the qualifications of paragraph (3) of subsection (a) of Code Section 43-24A-5. After the initial terms specified in this subsection, members of the board shall take office on the first day of July immediately following the expired term of that office and shall serve for a term of four years and until their successors are appointed and qualified. Any person appointed to the board when the Senate is not in session may serve on the board without Senate confirmation until the Senate acts on that appointment. No member shall serve on the board for more than two full consecutive terms. Any vacancy due to death, resignation, removal, or otherwise shall be filled for the remainder of the unexpired term in the same manner as regular appointments.

(c) All members of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

(d) An appointee to the board shall qualify by taking an oath of office within 15 days from the date of his or her appointment. On presentation of the oath, the Secretary of State shall issue a commission to each appointee as evidence of his or her authority to act as a member of the board.

43-24A-5.

(a)(1) There shall be four professional members of the board who shall:

(A) be at least 25 years of age, citizens of the United States, and residents of this state for at least three years prior to the date of appointment;

(B)(2) Four of the professional members of the board shall:
(A) Have been engaged in massage therapy practice for compensation for at least five years immediately preceding their appointment; and

(B) Be eligible for licensure under this chapter. Effective July 1, 2006, and thereafter, all professional members of the board shall be licensed under this chapter.

(3) Two of the professional members of the board shall:

(A) Have been engaged in bodywork therapy practice for compensation for at least five years immediately preceding their appointment; and

(B) Be eligible for licensure under this chapter. Effective July 1, 2018, and thereafter, all such professional members of the board appointed pursuant to this paragraph shall be licensed under this chapter.

(2) No more than one professional member of the board may be an owner or affiliated with any massage therapy school.

(B) No more than one professional member of the board may be an owner or affiliated with any bodywork therapy school.

(b) There shall be one consumer member of the board who shall be appointed by the Governor from the public at large, shall be a citizen of the United States and resident of this state, and shall be a person to whom neither this state nor any other state or jurisdiction or organization has ever issued a certificate, registration, license, or permit to engage in the practice of massage therapy or bodywork therapy nor be an owner of or affiliated with any massage therapy or bodywork therapy school or massage therapy or bodywork therapy business.

(c) The Governor, after notice and opportunity for hearing, may remove any member of the board for incompetence, neglect of duty, unprofessional conduct, conviction of a felony, failure to meet the qualifications of this chapter, or committing any act prohibited by this chapter.


The board shall meet at least once each year at a time fixed by the board. At its annual meeting, the board shall elect from its members a chairperson, vice chairperson, and any other officers as deemed necessary who shall hold office for a term of one year. Additionally, the board may appoint such committees as it considers necessary to fulfill its duties. In addition to its annual meeting, the board may hold additional meetings at the call of the chairperson or at the request of any two members of the board or as approved by the division director.
(a) (1) On and after July 1, 2018, the Georgia Board of Massage Therapy and Bodywork Therapy shall regulate the practices of massage therapy and bodywork therapy in this state. The board shall promulgate rules and regulations governing the practices of massage therapy, bodywork therapy, massage therapy educational programs, and bodywork therapy educational programs pursuant to this chapter. Such rules and regulations shall be adopted no later than July 1, 2019.

(2) Any person who holds a license as a massage therapist issued under this chapter as its provisions existed on June 30, 2018, shall not be required to undergo recertification under this chapter but shall otherwise be subject to all applicable provisions of this chapter effective on and after July 1, 2018.

(b) The board shall have the power to:

1. Examine and determine the qualifications and fitness of applicants for both licenses to practice massage therapy and licenses to practice bodywork therapy in this state;
2. Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice massage therapy or bodywork therapy in this state or otherwise discipline licensed massage therapists and licensed bodywork therapists;
3. Conduct investigations for the purpose of discovering violations of this chapter or grounds for disciplining persons or entities acting in violation of this chapter;
4. Upon reasonable notice, make on-site inspections of the facility, equipment, and personnel of a massage therapy or bodywork therapy business for the purpose of determining compliance with this chapter;
5. Hold hearings on all matters properly brought before the board and, in conjunction therewith, to administer oaths, receive evidence, make the necessary determinations, and enter orders consistent with the findings. The board may designate one or more of its members as its hearing officer;
6. Adopt, revise, and enforce rules concerning advertising by licensees including, but not limited to, rules to prohibit false, misleading, or deceptive practices;
7. Periodically evaluate board recognized educational programs and license such programs that meet the board's requirements;
8. Develop and enforce reasonable and uniform standards for massage therapy educational programs, bodywork therapy educational programs, and massage therapy and bodywork therapy practices;
9. Deny or withdraw recognition of noncompliant massage therapy educational programs and bodywork therapy educational programs;
10. Appoint standing or ad hoc committees as necessary to inform and make recommendations to the board about issues and concerns of the massage therapy and
bodywork therapy professions and to facilitate communication amongst the board, licensees under this chapter, and the community;

(11) Collect and publish data regarding existing massage therapy and bodywork therapy resources in Georgia and coordinate planning for board recognized massage therapy educational programs and practice and board recognized bodywork therapy educational programs and practice;

(6)(12) Adopt an official seal; and

(7)(13) Bring proceedings to the courts for the enforcement of this chapter or any rules and regulations promulgated pursuant to this chapter.

(b) In addition to the enumerated powers in subsection (a) of this Code section, the board has the authority to conduct its business pursuant to the provisions of Code Section 43-1-19 which is incorporated herein and made a part of this chapter by specific reference.


(a) No person may practice massage therapy in this state who is not a licensed massage therapist or the holder of a valid provisional permit issued by the division director pursuant to this chapter.

(b) Any applicant for a license as a massage therapist must submit a completed application upon a form and in such manner as the board prescribes, accompanied by applicable fees, and evidence satisfactory to the board that:

(1) The applicant is at least 18 years of age;

(2) The applicant has a high school diploma or its recognized equivalent;

(3) The applicant is a citizen of the United States or a permanent resident of the United States;

(4) The applicant is of good moral character. For purposes of this paragraph, 'good moral character' means professional integrity and a lack of any conviction for acts involving moral turpitude where the underlying conduct relates to the applicant's fitness to practice massage therapy;

(5) The applicant has satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for licensure by examination agrees to provide the board with any and all information necessary to run a criminal background check, including, but not...
limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check;

(6) The applicant has completed successfully a board recognized massage therapy educational program consisting of a minimum of 500 hours of course and clinical work; and

(7) The applicant has passed satisfactorily the National Certification Examination for Therapeutic Massage and Bodywork, the Massage and Bodywork Licensing Exam administered by the Federation of State Massage Therapy Boards, an equivalent test approved by the board, or an examination administered by another state, territory, or jurisdiction whose license requirements meet or exceed those of this state; and

(8) The applicant has and agrees to maintain continuously during the term of licensure liability insurance coverage for bodily injury and property damage in coverages and amounts determined by the board.


(a) No person may practice bodywork therapy in this state who is not a licensed bodywork therapist, a licensed massage therapist who has satisfied any formal education or continuing training required by the board, or the holder of a valid provisional permit issued by the division director pursuant to this chapter. If a massage therapist elects to practice a bodywork specialty, he or she must obtain the appropriate certification and credentialing as determined by the board.

(b) Any applicant for a license as a bodywork therapist must submit a completed application upon a form and in such manner as the board prescribes, accompanied by applicable fees, and evidence satisfactory to the board that:

(1) The applicant is at least 18 years of age;

(2) The applicant has a high school diploma or its recognized equivalent;

(3) The applicant is a citizen of the United States or a permanent resident of the United States;

(4) The applicant is of good moral character. For purposes of this paragraph, the term 'good moral character' means professional integrity and a lack of any conviction for acts involving moral turpitude where the underlying conduct relates to the applicant's fitness to practice bodywork therapy;

(5) The applicant has satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an
application to the board for licensure by examination agrees to provide the board with any
and all information necessary to run a criminal background check, including, but not
limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees
associated with the performance of such background check;
(6) The applicant has completed successfully a board recognized bodywork therapy
educational program;
(7) The applicant meets any applicable education and training standards established by
the board in order to safely practice the general bodywork competencies and specific
therapies, treatments, and modalities authorized by this chapter;
(8) The applicant has and agrees to maintain continuously during the term of licensure
liability insurance coverage for bodily injury and property damage in coverages and
amounts determined by the board; and
(9) The applicant provides satisfactory evidence of his or her certification of bodywork
therapy profession.

(a) A provisional permit to practice as a provisionally permitted massage therapist or
bodywork therapist shall, upon proper application, be issued for a six-month period to an
applicant who meets the following criteria:
(1) Holds a valid license as a massage therapist or bodywork therapist in another state;
(2) Is not a resident of this state as confirmed in a secure and verifiable document, as
defined in Code Section 50-36-2;
(3) Has not had a license or permit to practice as a massage therapist or bodywork
therapist voided, revoked, suspended, denied, or annulled by this state or another state,
territory, or jurisdiction; and
(4) Has not been convicted of a felony in the courts of this state, any other state, territory,
or country, or in the courts of the United States, including, but not limited to, a plea of
nolo contendere entered to such charge or the affording of first offender treatment to any
such charge in the same manner as provided in paragraph (4) of subsection (a) of Code
Section 43-1-19.
(b) A provisional permit shall require the applicant to work under the supervision of a
licensed massage therapist or licensed bodywork therapist, as applicable. If an applicant
has met the requirements of subsection (a) of this Code section and submits the applicable
license fee, the applicant shall be granted a provisional permit to practice either massage
therapy or bodywork therapy, as applicable, in this state. Upon receipt of such application
and fee, a provisional permit shall be administratively issued.
(c) A provisional permit may be voided if the board determines that the person holding such permit no longer meets one or more of the criteria set forth in subsection (a) of this Code section.

(d) A provisional permit issued pursuant to subsection (a) of this Code section shall have the same force and effect as a permanent license until the time of its expiration.

(e) A provisional permit issued pursuant to subsection (a) of this Code section shall expire on the same date as a license issued under this chapter to a holder of a provisional permit who has passed the examination pursuant to Code Section 43-24A-8.

43-24A-10.

The board may require that all applications be made under oath.


(a) Examinations shall be administered to qualified applicants for massage therapy licensure at least twice each calendar year.

(b) Applicants may obtain their examination scores in accordance with such rules and regulations as the board may establish.

43-24A-12.

Reserved.


(a) Any applicant for a license by endorsement as a massage therapist or bodywork therapist must submit a completed application upon a form and in such manner as the board prescribes, accompanied by applicable fees, and evidence satisfactory to the board that:

(1) The applicant is at least 18 years of age;

(2) The applicant is of good moral character. For purposes of this paragraph, 'good moral character' means professional integrity and a lack of any conviction for acts involving moral turpitude where the underlying conduct relates to the applicant's fitness to practice massage therapy or bodywork therapy;

(3) The applicant has satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for licensure by endorsement agrees to provide the board with any and all information necessary to run a criminal background check, including, but not
limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees
associated with the performance of such background check; and
(4) The applicant is currently licensed as a massage therapist or bodywork therapist in
another jurisdiction, state, or territory of the United States or foreign country which
requires standards for licensure considered by the board to be equivalent to the
requirements for licensure under this chapter.
(b) The board may establish by rule procedures for an applicant for licensure by
endorsement to supplement his or her application to satisfy any standards for licensure
pursuant to this chapter that are greater than those of another state, territory, or jurisdiction.

(a) The licensee shall display the license certificate or a photocopy thereof in an
appropriate and public manner at each location at which he or she practices. In a mobile
practice, each licensee shall also have his or her licensure identification card on his or her
person or in the mobile practice facility where the massage therapy or bodywork therapy
is being performed.
(b) All licenses shall expire biennially unless renewed. All applications for renewal of a
license shall be filed with the division director prior to the expiration date, accompanied
by the biennial renewal fee prescribed by the board and certifying that all current
requirements of continuing education as determined by the board have been fulfilled. The
board shall provide for penalty fees for late registration. The failure to renew a license by
the end of an established penalty period shall have the same effect as a revocation of said
license, subject to reinstatement only after application and payment of the prescribed
reinstatement fee within the time period established by the division director, provided that
the applicant meets such requirements as the board may establish by rule.
(c) A licensee shall provide evidence of current liability insurance coverage as required
in Code Sections 43-24A-8 and 43-24A-8.1 upon request by the board at any time during
the term of licensure.
(d) The licensee shall inform the board of any change of address within 30 days.
(e) Each person licensed under this chapter is responsible for renewing his or her
license before the expiration date.
(f) Under procedures and conditions established by the board, a licensee may request
that his or her license be declared inactive. The licensee may apply for active status at any
time and upon meeting the conditions set forth by the board shall be declared active.

(a) It shall be a violation of this chapter for any person, entity, or board recognized educational program to advertise:

(1) Massage therapy or bodywork therapy services or to advertise the offering of massage therapy or bodywork therapy services unless such services are provided by a person who holds a valid license under this chapter; or

(2) Massage therapy or bodywork therapy services through the use of pictorial representations unless the persons depicted in such representations are attired and posed in a manner so as to avoid appealing to the prurient interest.

(b) It shall be a violation of this chapter for any person to advertise:

(1) As a massage therapist or a bodywork therapist unless the person holds a valid license under this chapter in the classification so advertised; or

(2) Massage therapy or bodywork therapy services combined with escort or dating services or adult entertainment.

(c) It shall be a violation of this chapter for a person or entity, or the employees, agents, or representatives of such person or entity, to practice massage therapy or to use in connection with such person's or entity's name or business activity the terms 'massage,' 'massage therapy,' 'massage therapist,' 'massage practitioner,' or the letters 'M.T.,' 'L.M.T.,' or any other words, letters, abbreviations, or insignia indicating or implying directly or indirectly that massage therapy is provided or supplied unless such massage therapy is provided by a massage therapist licensed and practicing in accordance with this chapter.

(d) It shall be a violation of this chapter for a person or entity, or the employees, agents, or representatives of such person or entity, to practice bodywork therapy or to use in connection with such person's or entity's name or business activity the terms 'bodywork,' 'bodyworker,' 'bodywork therapy,' 'bodywork therapist,' 'bodywork practitioner,' or the letters 'B.W.,' 'L.B.W.,' or any other words, letters, abbreviations, or insignia indicating or implying directly or indirectly that bodywork therapy is provided or supplied unless such bodywork therapy is provided by a bodywork therapist licensed and practicing in accordance with this chapter.

(e) It shall be a violation of this chapter for any entity to:

(1) Advertise the offering of massage therapy or bodywork therapy services combined with escort or dating services or adult entertainment; or

(2) Employ unlicensed massage therapists or unlicensed bodywork therapists to perform massage therapy or bodywork therapy.

(f) It shall be a violation of this chapter for any person to practice massage therapy or bodywork therapy without holding a current or provisional license as a massage therapist.
or bodywork therapist in accordance with subsection (a) of Code Section 43-24A-8 or subsection (a) of Code Section 43-24A-8.1. 

(g) It shall be a violation of this chapter for any person or entity, or the employees, agents, or representatives of such person or entity, to render or offer massage therapy or bodywork therapy services for compensation unless such massage therapy or bodywork therapy is provided by a licensed massage therapist or a licensed bodywork therapist.

43-24A-16. The practice of massage therapy and bodywork therapy are declared to be an activity affecting the public interest and involving the health, safety, and welfare of the public. Such practice by a person who is not licensed to practice in this state is declared to be a public nuisance, harmful to the public health, safety, and welfare. Any citizen of this state, the board, or the appropriate prosecuting attorney of a jurisdiction where such practice is carried on by such unlicensed person may, on behalf of the public, bring an action to restrain and enjoin such unlicensed practice in the superior court of the county where such unlicensed person resides or works. It shall not be necessary in order to obtain an injunction under this Code section to allege or prove that there is no adequate remedy at law or to allege or prove any special injury.

43-24A-17. (a) The board may take any one or more of the following actions against a person, entity, or board recognized educational program found by the board to have committed a violation of this chapter:

1. Reprimand or place the licensee on probation;
2. Revoke or suspend the license or deny the issuance or renewal of a license;
3. Impose an administrative fine not to exceed $500.00 for each violation; and
4. Assess costs against the violator for expenses relating to the investigation and administrative action.

(b) The board may assess collection costs and interest for the collection of fines imposed under this chapter against any person, entity, or board recognized educational program that fails to pay a fine as directed by the board.

43-24A-18. Proceedings under this chapter shall be governed by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(a) Nothing in this chapter shall be construed to affect, restrict, or prevent the practice, services, or activities of:

(1) A person licensed, registered, or certified under any other chapter or article under Title 43 while engaged in the professional or trade practices properly conducted under authority of such other licensing laws, provided that such person shall not use the title of massage therapist or bodywork therapist;

(2) A person pursuing a course of study leading to a degree or certificate as a massage therapist or bodywork therapist in an educational program recognized by the board, if such person is designated by title indicating student status and is fulfilling uncompensated work experiences required for the attainment of the degree or certificate;

(3) A nonresident person rendering massage therapy or bodywork therapy up to 60 days during a 12 month period for treatment of a temporary sojourner only, provided that such nonresident massage therapist or bodywork therapist holds a license, registration, or certification of bodywork therapy profession from another state, jurisdiction, or country if the requirements as determined by the board for licensure, registration, or certification of bodywork therapy profession are substantially equal to the requirements contained in this chapter or provided that such nonresident massage therapist or bodywork therapist is currently nationally certified in therapeutic massage and bodywork;

(4) A person duly licensed, registered, or certified in another jurisdiction, state, territory, or a foreign country when incidentally in this state to provide service as part of an emergency response team working in conjunction with disaster relief officials or as part of a charity event with which he or she comes into the state;

(5) A person who restricts his or her practice to the manipulation of the soft tissue of the human body to hands, feet, or ears who does not have the client disrobe and does not hold himself or herself out as a massage therapist;

(6) A person who uses touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement while engaged within the scope of practice of a profession with established standards and ethics, provided that his or her services are not designated or implied to be massage or massage therapy or bodywork therapy;

(7) A person who uses touch and movement education to effect change in the structure of the body while engaged in the practice of structural integration, provided that he or she is a member of, or whose training would qualify for membership in, the International Association of Structural Integrators and provided that his or her services are not designated or implied to be massage or massage therapy;
A person who uses does not touch the body to affect the energy systems, polarity, acupoints, or Qi meridians, also known as channels of energy, of the human body while engaged within the scope of practice of a profession with established standards and ethics, provided that his or her services are not designated or implied to be massage or massage therapy or bodywork therapy;

(7) A person who was engaged in the practice of bodywork therapy prior to July 1, 2018; provided, however, that the prohibition of subsection (d) of Code Section 43-24A-15 shall apply to such a person on and after July 1, 2020; or

(9) A person who was engaged in massage therapy practice prior to July 1, 2005; provided, however, that the prohibition of subsection (c) of Code Section 43-24A-15 shall apply to such a person on and after July 1, 2007; or

(9) A person licensed under other chapters of this title providing cupping therapy or taping techniques that are authorized within the scope of practice of such person.

(b) Nothing in this chapter shall prohibit a licensed massage therapist from practicing bodywork therapy or providing bodywork therapy services as permitted in this chapter.


(a) The board shall establish continuing education requirements not to exceed 25 hours per biennium. The board shall by rule establish criteria for the approval of continuing education programs or courses. The programs or courses approved by the board may include correspondence courses that meet the criteria requirements for continuing education programs or courses.

(b) Continuing education requirements or credits used for license renewal shall be approved by the board.


As cumulative to any other remedy or criminal prosecution, the board may file a proceeding in the name of the state seeking issuance of a restraining order, injunction, or writ of mandamus against any person, entity, or board recognized educational program that who is or has been violating any of the provisions of this chapter or the lawful rules or orders of the board.


(a) This chapter shall not be construed to prohibit a county or municipality from enacting any regulation of persons not licensed pursuant to this chapter. Any place of business where massage therapy or bodywork therapy for compensation is performed shall also be subject to regulation by local governing authorities in accordance with this chapter.
(b) No provision of any ordinance enacted by a municipality, county, municipality, or other local jurisdiction that relates to the practice of massage therapy or requires licensure an individual professional license by such county, municipality, or local jurisdiction of a massage therapist or bodywork therapist may be enforced against a person who is issued a license by the board under this chapter.

43-24A-23.

Notwithstanding any provision of law to the contrary, the act of a duly licensed massage therapist in performing a massage or a duly licensed bodywork therapist in performing bodywork shall be deemed to be the act of a health care professional and shall not be subject to the collection of any form of state or local taxation regulations or fees not also imposed on other professional health care activities professionals.


(a) Any person, entity, or board recognized educational program that acts in violation of Code Section 43-24A-15, upon conviction thereof, shall be punished as provided in this Code section.

(b) Each act of unlawful practice under this Code section shall constitute a distinct and separate offense.

(c) Upon being convicted a first time under this Code section, such person, or entity, or board recognized educational program shall be guilty of and shall be punished as for a misdemeanor for each offense which is punishable by a fine of not less than $500.00 nor more than $5,000.00. Upon being convicted a second time under this Code section, such person, or entity, or board recognized educational program shall be guilty of and shall be punished as for a misdemeanor of a high and aggravated nature punishable by a fine of not less than $5,000.00 nor more than $10,000.00, or imprisonment for not less than six months nor more than one year, at the discretion of the court. Upon being convicted a third or subsequent time under this Code section, such person, or entity, or board recognized educational program shall be guilty of a felony and shall be punished by a fine of not more than $25,000.00 for each offense, imprisonment for not less than one nor more than five years, or both, and shall be precluded from owning, operating, or working for or with an entity that offers massage therapy or bodywork therapy.
ARTICLE 2

43-24A-30. (a) A county, municipality, or other local jurisdiction may by ordinance or resolution license or regulate massage therapy or bodywork therapy businesses. Any ordinance or resolution adopted pursuant to this subsection may include but is not limited to at least the following requirements on such businesses:

(1) Current liability insurance coverage for bodily injury and property damage for the massage therapy or bodywork therapy business;

(2) Compliance with state and local fire and safety requirements;

(3) Provision for extermination of vermin, insects, termites, and rodents in any property or location used by the massage therapy or bodywork therapy business;

(4) Maintenance of equipment in a safe and sanitary condition;

(5) Adequate toilet and lavatory facilities with running water, toilet tissue, soap dispenser with soap or other hand cleansing materials, sanitary towels or other hand-drying devices, waste receptacle, and adequate lighting and ventilation sufficient to remove objectionable odors on the premises of the business or entity or within reasonable proximity to such business or entity when it is located in a space or facilities also used by other businesses; and

(6) Adequate and sanitary shower facilities if the massage therapy or bodywork therapy business maintains a whirlpool bath, sauna, hot tub, spa, steam cabinet, or steam room, including soap and sanitary cloth towels and adequate lighting and ventilation.

(b) A county, municipality, or other local jurisdiction may limit or prohibit a massage therapy or bodywork therapy business from using labels or names including the words 'spa establishment,' 'massage parlor,' 'personal service,' or 'adult entertainment.'

43-24A-31. (a) A county, municipality, or other local jurisdiction that licenses or regulates massage therapy or bodywork therapy businesses may not adopt any ordinance or regulation that includes any of the following:

(1) Conditions or requirements required as of July 1, 2018, for licensure as a massage therapist or bodywork therapist under this chapter, including, but not limited to, criminal background checks, education, and training;

(2) Limitations on the location of a massage therapy or bodywork therapy business relating to its proximity to other massage therapy or bodywork therapy businesses that are not imposed on the businesses of other health care professionals or which directly or
indirectly prohibit massage therapy or bodywork therapy businesses from locating in the
jurisdiction;

(3) Requirements that the owner or owners of any massage therapy or bodywork therapy
business be licensed massage therapists or bodywork therapists so long as the operation
of the massage therapy or bodywork therapy business includes the presence of a licensed
massage therapist or bodywork therapist on the premises of the massage therapy or
bodywork therapy business at any time when massage therapy or bodywork therapy is
being performed on a client of the massage therapy or bodywork therapy business;

(4) Prohibition of off-premises or mobile services by a licensed massage therapist or
licensed bodywork therapist;

(5) Limitations on the operation of the massage therapy or bodywork therapy business
from engaging licensed massage therapists or licensed bodywork therapists as contractors
of such business or lessees of the premises of the massage therapy or bodywork therapy
business for the performance of massage therapy or bodywork therapy; or

(6) Conditions or requirements that are in any manner inconsistent with the federal
Health Insurance Portability and Accountability Act of 1996.

(b) A county, municipality, or other local jurisdiction shall not impose any requirements
relating to massage therapy or bodywork therapy for the purpose of impeding the lawful
practice of massage therapy or bodywork therapy pursuant to this chapter.

Nothing in this article shall prohibit a county, municipality, or other local jurisdiction from:

(1) Licensing or regulating other businesses that are not massage therapy or bodywork
therapy businesses;

(2) Enacting advertising restrictions on massage therapy or bodywork therapy businesses
to protect the public; provided, however, that this shall not include any restrictions on the
content of advertising beyond what is included in Code Section 43-24A-15;

(3) Inspecting massage therapy or bodywork therapy businesses; provided, however, that
this shall not be construed to authorize the review of client records protected by the
federal Health Insurance Portability and Accountability Act of 1996; or

(4) Prohibiting and prosecuting illicit, immoral, prurient, or illegal activities or sexual
activity in the operation or on the premises of a massage therapy or bodywork therapy
business.

(a) The appropriate prosecuting attorney may cause appropriate proceedings to be
commenced in order to enforce the provisions of this article.
(b) The board, in addition to the remedies set forth in this chapter, may bring an action in a court of competent jurisdiction to enjoin violations of this article. Such injunction may be issued by such court notwithstanding the existence of an adequate remedy at law.

ARTICLE 3

(a) A massage therapist or bodywork therapist shall report names of subject persons to the board if he or she has reasonable cause to believe that any other massage therapist or bodywork therapist has violated any of the grounds for discipline set forth in Code Section 43-24A-42.
(b) A massage therapist or bodywork therapist shall not be required to duplicate a report if he or she has reasonable cause to believe that such report has been made to the board.
(c) A health care professional shall not be required to report a massage therapist or bodywork therapist to the board under this Code section as a result of professional knowledge obtained in the course of the health care professional-patient relationship when the massage therapist or bodywork therapist is the patient.

43-24A-41.
(a) Hospitals, nursing homes, temporary staffing agencies, spa establishments, massage therapy or bodywork therapy businesses, and other employers of massage therapists or bodywork therapists shall report to the board, or ensure that such report has in fact been made to the board, the name of any massage therapist or bodywork therapist whose employment has been terminated or who has resigned in order to avoid termination for any reasons stipulated in Code Section 43-24A-42.
(b) A state agency that licenses, registers, or certifies hospitals, nursing homes, home health agencies, massage therapy or bodywork therapy businesses, or other health care facilities, or surveys one of these facilities or agencies, shall report to the board when such state agency has evidence that a massage therapist or bodywork therapist has violated Code Section 43-24A-42 to ensure that such a report has in fact been made to the board.
(c) In the event a massage therapist or bodywork therapist enters a voluntary alternative to discipline program approved by the board, reporting to the board shall not be required for such massage therapist or bodywork therapist by a person under this Code section. The board may approve alternative to discipline programs for monitoring of a massage therapist or bodywork therapist who agrees to seek treatment for impairment by chemical dependency or mental illness that could lead to disciplinary action by the board. The costs for any treatment programs shall be borne by the massage therapist or bodywork therapist.
(d) The board shall inform, in the manner the board determines appropriate, massage therapists and bodywork therapists of their duty to report under this article.

43-24A-42.

The following incidents shall be reported to the board pursuant to Code Section 43-24A-40 when any person is:

1. Practicing massage therapy or bodywork therapy without a valid, current license, except as otherwise permitted under this chapter;

2. Practicing massage therapy or bodywork therapy under cover of any diploma, license, certification, or record illegally or fraudulently obtained, signed, or issued;

3. Practicing massage therapy or bodywork therapy during the time his or her license is suspended, revoked, surrendered, or administratively revoked for failure to renew;

4. Using any words, abbreviations, figures, letters, titles, signs, cards, or devices implying that such person is a licensed massage therapist or licensed bodywork therapist unless such person is duly licensed or recognized by the board to practice as such under the provisions of this chapter;

5. Fraudulently furnishing a license to practice massage therapy or bodywork therapy as a licensed massage therapist or licensed bodywork therapist;

6. Knowingly aiding or abetting any person in violating this chapter;

7. While holding a license as a massage therapist or bodywork therapist, convicted of any misdemeanor or felony, crime involving moral turpitude, or crime violating a federal or state law relating to controlled substances or dangerous drugs in the courts of this state or any other state, territory, or country, or in the courts of the United States, including but not limited to a plea of nolo contendere entered to the charge;

8. While holding a license as a massage therapist or bodywork therapist, convicted of any felony, crime involving moral turpitude, or crime violating a federal or state law relating to sexual offenses; and

9. While holding a license as a massage therapist or bodywork therapist, currently or previously displaying an inability to practice massage therapy or bodywork therapy as a licensed massage therapist or bodywork therapist with reasonable skill and safety due to the use of alcohol, drugs, narcotics, or chemicals.

43-24A-43.

The board may seek an order from a court of competent jurisdiction for a report from a massage therapist or bodywork therapist as required by Code Section 43-24A-40, if one is not forthcoming voluntarily. The board may seek a citation for civil contempt if a court order for a report is not obeyed by such massage therapist or bodywork therapist.
43-24A-44.

(a) No massage therapist, bodywork therapist, hospital, nursing home, temporary staffing agency, massage therapy or bodywork therapy business, employer, state agency, or other person required to report a massage therapist or bodywork therapist to the board under this article who in good faith either reports or fails to report shall be subject to civil or criminal liability or discipline for unprofessional conduct for such action or inaction.

(b) A physician or other health care professional who, at the request of the board, examines a massage therapist or bodywork therapist shall be immune from suit for damages by the massage therapist or bodywork therapist examined if the examining physician or examining health care professional conducted the examination and made findings or diagnoses in good faith."

SECTION 2.

Code Section 16-5-47 of the Official Code of Georgia Annotated, relating to posting model notice with human trafficking hotline information in businesses and on Internet, is amended by adding a new paragraph to subsection (a) and by revising paragraph (13) of subsection (b) as follows:

"(3.1) 'Bodywork therapist' means a person licensed pursuant to Chapter 24A of Title 43.

*(13) Businesses and establishments that offer massage or bodywork services by a person who is not a massage therapist or bodywork therapist; and"*

SECTION 3.

Code Section 48-13-9 of the Official Code of Georgia Annotated, relating to limitation on authority of local government to impose regulatory fee, examples of those which may be subject to fees, and individuals and entities not subject to fees, is amended by revising subsection (c) as follows:

"(c) Examples of businesses and practitioners of professions and occupations which local governments are not authorized to subject to regulatory fees include, but are expressly not limited to, the following:

(1) Lawyers;
(2) Physicians licensed under Chapter 34 of Title 43;
(3) Osteopaths licensed under Chapter 34 of Title 43;
(4) Chiropractors;
(5) Podiatrists;
(6) Dentists;
(7) Optometrists;
(8) Psychologists;
(9) Veterinarians;
(10) Massage therapists and bodywork therapists licensed under Chapter 24A of Title 43;
(11) Occupational therapists licensed under Chapter 28 of Title 43;
(12) Physical therapists licensed under Chapter 33 of Title 43;
(13) Speech-language pathologists and audiologists licensed under Chapter 44 of Title 43;
(14) Landscape architects;
(15) Land surveyors;
(16) Practitioners of physiotherapy;
(17) Public accountants;
(18) Embalmers;
(19) Funeral directors;
(20) Civil, mechanical, hydraulic, or electrical engineers;
(21) Architects;
(22) Marriage and family therapists, social workers, and professional counselors;
(23) Dealers of motor vehicles, as defined in paragraph (1) of Code Section 10-1-622;
(24) Owners or operators of bona fide coin operated amusement machines, as defined in Code Section 50-27-70, and owners or operators of businesses where bona fide coin operated amusement machines are available for commercial use and play by the public, provided that such amusement machines have affixed current stickers showing payment of annual permit fees, in accordance with Code Section 50-27-78;
(25) Merchants or dealers as defined in Code Section 48-5-354 as to their deliveries to businesses and practitioners of professions and occupations in areas zoned for commercial use; and
(26) Any other business, profession, or occupation for which state licensure or registration is required by state law, unless the state law regulating such business, profession, or occupation specifically allows for regulation by local governments.

SECTION 4.
This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.
All laws and parts of laws in conflict with this Act are repealed.