

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Legislative Fiscal Note

BILL NUMBER: House Bill 451 (First Edition)

SHORT TITLE: Regulate Massage & Bodywork Therapy Estmts.

SPONSOR(S): Representatives McNeill, Bert Jones, R. Turner, and Hurley

FISCAL IMPACT					
(\$ in millions)					
	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> No Estimate Available		
State Impact	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
General Fund Revenues:					
General Fund Expenditures:					
State Positions:					
NET STATE IMPACT	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: The North Carolina Board of Massage and Bodywork Therapy

EFFECTIVE DATE: This act becomes effective October 1, 2017.

TECHNICAL CONSIDERATIONS:
None

BILL SUMMARY:

House Bill 451 amends GS 90-624 to authorize the North Carolina Board of Massage and Bodywork Therapy to adopt, amend, or repeal rules related to massage and bodywork therapy establishments (currently, the approval of massage and bodywork therapy establishments).

The bill enacts new GS 90-632.10 (Massage and bodywork therapy establishment license required), directing the Board to license massage and bodywork therapy establishments. Prohibits opening, operating, or advertising a massage and bodywork therapy establishment unless first licensed by the Board. Directs the Board to maintain a list of licensed establishments.

Enacts new GS 90-632.11 (Requirements for massage and bodywork therapy establishment licensure). Creates nine requirements for an application for massage and bodywork therapy establishment licensure, including proof of insurance coverage and proof that the establishment employs, hires, or plans to hire a licensed massage and bodywork therapist.

Enacts new GS 90-632.12 (Operation of a massage and bodywork therapy establishment under a name different than the owner; advertisement). Authorizes operation of a licensed establishment under a name other than the owner's name, subject to notification to the Board on the application for licensure. Advertisements must include the establishment's business name.

Enacts new GS 90-632.13 (Rules for massage and bodywork therapy establishment license). Directs the Board to establish rules for the licensure of massage and bodywork therapy establishments, including rules on six specified subjects, including requirements for adequate, safe, and sanitary facilities.

Enacts new GS 90-632.14 (Fees for massage and bodywork therapy establishment license), setting a schedule of fees for licensure application, renewal, and other related fees, to be paid by cashier's check, certified check, or money order.

Enacts new GS 90-632.15 (Grounds for suspension, revocation, or refusal of massage and bodywork therapy license; notice and hearing; judicial review). Authorizes the Board to deny, suspend, revoke, discipline, or refuse to approve a massage and bodywork therapy establishment for any of 10 listed reasons, including fraud, deceit, or misrepresentation in obtaining or attempting to obtain a massage and bodywork therapy establishment license.

Enacts new GS 90-632.16 (Unlicensed massage and bodywork therapy prohibited at massage and bodywork therapy establishments), prohibiting establishments from employing or contracting with unlicensed massage and bodywork therapists.

Enacts new GS 90-632.17 (Sexual activity prohibited), prohibiting sexual activity in massage and bodywork therapy establishments by any person or persons. Prohibits establishment owners from allowing any person or persons to use the establishment to make arrangements to engage in sexual activity in any other place.

Enacts new GS 90-632.18 (Enforcement; injunctive relief against massage and bodywork therapy establishments), authorizing the Board to use enforcement and injunctive relief under GS 90-634, and to assess civil penalties and disciplinary costs to address statutory or rule violations applicable to the operation of a massage and bodywork therapy establishment.

Amends GS 90-634 to create a Class 1 misdemeanor for persons who (1) employ, hire, engage, or otherwise contract with a person who is not licensed to provide massage and bodywork therapy services to the public; (2) aid and abet any person not licensed in the practice of massage and bodywork therapy; (3) advertise, represent, or hold out any person not licensed as a massage and bodywork therapist; or (4) describe the practice of any person not licensed or use any title descriptive of any branch of massage and bodywork therapy to reference any person in violation of GS 90-623.

ASSUMPTIONS AND METHODOLOGY:

Currently, the North Carolina Board of Massage and Bodywork Therapy may impose fees on individuals to be licensed as massage and bodywork therapists. House Bill 451 would allow the Board to not only collect fees from individuals, but also from massage and bodywork establishments. Those fees are listed below.

The Board may impose the following fees up to the amounts listed below or massage and bodywork therapy establishment licensure:

Application for license	\$20.00
Initial license fee	\$150.00
License renewal	\$100.00
Late renewal penalty	\$75.00
Duplicate license	\$25.00
Inspection of establishment	\$150.00

Fiscal Research was unable to determine the number of establishments that would be licensed under House Bill 451. Also, it was not possible to determine how the number of licensed individuals would change due to changes in the licensure requirements.

SOURCES OF DATA:

TECHNICAL CONSIDERATIONS: None

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DATE: June 14, 2017



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