

**SENATE . . . . . No. 907**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Mark C. Montigny***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to prevent human trafficking and sexual exploitation in bodyworks establishments.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/3/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>1/20/2017</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/23/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/24/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>1/27/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/1/2017</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/1/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/1/2017</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>2/1/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/2/2017</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>2/2/2017</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>	<i>2/3/2017</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>2/3/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/3/2017</i>

**SENATE . . . . . No. 907**

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By Mr. Montigny, a petition (accompanied by bill, Senate, No. 907) of Mark C. Montigny, Patricia A. Haddad, Sal N. DiDomenico, Richard J. Ross and other members of the General Court for legislation to prevent human trafficking and sexual exploitation in bodyworks establishments. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to prevent human trafficking and sexual exploitation in bodyworks establishments.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 13 of the General Laws is hereby amended by adding the following  
2 2 sections:-

3 Section 109. (a) There shall be a board of registration in bodywork therapy consisting of  
4 7 members who are residents of the commonwealth appointed by the governor, 3 of whom shall  
5 be licensed bodywork therapists engaged in the practice of bodywork therapy in the  
6 commonwealth for not fewer than 5 years immediately preceding appointment or, in the case of  
7 initial appointments, who are able to provide proof of: (i) not fewer than 500 hours of bodywork  
8 therapy for compensation; (ii) authorization to practice bodywork therapy issued by a municipal  
9 board of health within the commonwealth within the preceding 2 years; or (iii) not fewer than 40  
10 hours of bodywork therapy performed within a licensed healthcare facility; 1 of whom shall be a  
11 health agent, board member or other health professional employed by or elected to a municipal  
12 board of health within the commonwealth; 1 of whom shall be an individual engaged in the

13 operation of a bodywork therapy education program; and 2 of whom shall be consumers of  
14 bodywork therapy. Board members shall be subject to chapter 268A.

15 (b) Board members shall be appointed for a term of 3 years; provided, however, that of  
16 the members first appointed to the board, 3 shall serve for a term of 3 years, 2 shall serve for a  
17 term of 2 years and 2 shall serve for a term of 1 year. Upon expiration of their terms members of  
18 the board shall continue to hold office until the appointment of a successor. A member may be  
19 removed by the governor for cause. Upon the death, resignation or removal for cause of any  
20 member of the board, the governor shall fill the vacancy for the remainder of that member's  
21 term.

22 (c) The board shall at its first meeting and annually thereafter elect from among its  
23 members, by majority vote, a chairman and vice-chairman. The board shall meet at least once  
24 every 3 months and may hold additional meetings as necessary for the discharge of its duties.  
25 Members shall receive no compensation but shall be entitled to reasonable travel expenses. The  
26 members of the board shall be public employees for the purposes of chapter 258 for all acts or  
27 omissions within the scope of their duties as board members.

28 Section 110. The board shall have the following powers and duties: (i) to administer and  
29 enforce sections 265 to 272, inclusive, of chapter 112; (ii) to adopt rules and regulations  
30 governing the licensure of bodywork therapists, the practice of bodywork therapy and the  
31 operation of bodywork therapy establishments and schools to promote the public health, welfare  
32 and safety of the citizens of the commonwealth; (iii) to establish standards of professional and  
33 ethical conduct; (iv) to establish standards for continuing education reflecting acceptable national  
34 standards; (v) to investigate complaints, conduct inspections, review billing and treatment

35 records and set and administer penalties as defined in sections 61 to 65F, inclusive, and sections  
36 265 to 272, inclusive, of chapter 112 for fraudulent, deceptive or professionally incompetent and  
37 unsafe practices and for violations of rules and regulations promulgated by the board; and (vi) to  
38 make available to the public a list of licensed bodywork therapists.

39 SECTION 2. Chapter 112 of the General Laws is hereby amended by adding the  
40 following 9 sections:-

41 Section 265. As used in this section and sections 266 to 272, inclusive, the following  
42 words shall have the following meanings:-

43 “Board”, the board of registration of bodywork therapy established in section 109 of  
44 chapter 13.

45 “Licensed bodywork establishment”, an office, clinic, spa, salon or other establishment  
46 licensed by the board to offer bodywork services.

47 “Bodywork” or “bodywork therapy”, the use of touch, words or directed movement to  
48 deepen awareness of patterns of movement in the body, or the affectation of the human energy  
49 system or acupoints or Qi meridians of the human body including, but not be limited to: the  
50 Feldenkrais method; reflexology; the Trager approach; Ayurvedic therapies; Rolf structural  
51 integration; polarity or polarity therapy; polarity therapy bodywork; Asian bodywork therapy;  
52 acupressure; Jin Shin Do; Qi Gong; Tui Na; Shiatsu; body-mind centering and Bowenwork;  
53 provided, however, that bodywork or bodywork therapy shall not include massage as that term is  
54 defined in section 227, nor the practice or instruction in yoga or Reiki; and provided, further, that  
55 bodywork therapy shall not include diagnosis of illness or disease, the prescription of drugs or  
56 medicines, spinal or other joint manipulations, electrical stimulation, application of ultrasound or

57 any services or procedures for which a license to practice medicine, chiropractic, acupuncture,  
58 massage therapy, occupational therapy, physical therapy or podiatry is required by law.

59 “Bodywork therapist” or “bodywork practitioner”, a person licensed by the board that  
60 instructs or administers bodywork or bodywork therapy for compensation.

61 Section 266. (a) No person shall advertise or be otherwise characterized as a bodywork  
62 therapist or practice bodywork or bodywork therapy unless that person holds a valid license  
63 issued in accordance with this chapter; provided, however, that a student of bodywork therapy  
64 enrolled in a bodywork therapy program approved by the board may engage in a required clinical  
65 component of the student’s course of study under the guidance of a licensed bodywork therapist  
66 and for no compensation.

67 (b) The following individuals shall be exempt from the licensure requirements of this  
68 section: (i) a person duly licensed, registered or certified in another state, territory, the District  
69 of Columbia or a foreign country who is temporarily in the commonwealth to teach a course  
70 related to bodywork therapy or to consult with a person licensed as a bodywork therapist under  
71 this chapter; (ii) a person providing bodywork therapy to a member of that person's immediate  
72 family for which the person receives no compensation; (iii) a person who holds a professional  
73 license, certificate or registration under the General Laws who performs services within the scope  
74 of practice authorized by the license, certificate or registration but does not hold themselves out  
75 to be a bodywork therapist; and (iv) a person, duly licensed, registered or certified in another  
76 state, territory, the District of Columbia, or a foreign country, who is incidentally in the  
77 commonwealth to provide service as part of an emergency response team working in conjunction  
78 with disaster relief officials..

79           Section 267. (a) An applicant for licensure as a bodywork therapist shall submit an  
80 application on a form furnished by the board. The information included in the application shall  
81 be attested to and signed by the applicant. Each application shall be accompanied by payment of  
82 the fee prescribed by the executive office of administration and finance under section 3B of  
83 chapter 7. Upon submission of a completed application to the board and the payment of the  
84 required fees, the board may issue a license to practice as a bodywork therapist to an applicant  
85 who: (i) is 18 years of age or older; (ii) is of good moral character as determined by the board;  
86 (iii) has obtained a high school diploma or its equivalent; (iv) has submitted 2 professional letters  
87 of reference including at least 1 letter from an employer or licensed professional in the field of  
88 bodywork therapy or a similar field as defined by the board; (v) has successfully completed a  
89 course of study or training program approved by the board; (vi) has not been convicted in any  
90 jurisdiction of a sexually-related crime or a crime involving moral turpitude during the 10 years  
91 immediately preceding the date of application; (vii) provides proof of adequate professional  
92 liability coverage as determined by the board; and (viii) demonstrates professional competence  
93 as determined by the board.

94           (b) The director of the division of professional licensure shall determine the renewal  
95 cycle and renewal period for bodywork therapy licenses. Each person licensed in accordance  
96 with these sections may apply to the board for renewal of a license on or before the expiration  
97 date, as determined by the director, unless the license was revoked, suspended or canceled earlier  
98 by the board as a result of a disciplinary proceeding instituted pursuant to this chapter.  
99 Applications for renewal shall be made on forms furnished by the board and accompanied by  
100 payment of a renewal fee, as prescribed by the executive office of administration and finance  
101 under section 3B of chapter 7, which fee shall not be less than \$100.

102 (c) As a condition of renewal of a license each licensed bodywork therapist shall furnish  
103 the board with satisfactory proof that the licensee: (i) has not been convicted in any jurisdiction  
104 of a sexually-related crime or a crime involving moral turpitude during the term of licensure; (ii)  
105 carries adequate professional liability coverage as determined by the board; and (iii) has  
106 completed the required number of relevant continuing education hours on the practice of  
107 bodywork therapy and business practices as determined by the board. The board shall issue a  
108 renewal license upon satisfactory proof of compliance with the licensing requirements. The  
109 board may provide for the late renewal of a license which has lapsed and may require payment of  
110 a late fee. All licensing and application fees collected pursuant to sections 265 to 272, inclusive,  
111 shall be deposited into the trust fund established in section 35V of chapter 10.

112 (d) Every person receiving a license from the board shall conspicuously display the  
113 license in the licensee's place of business.

114 Section 268. The board may provide reciprocal licenses for registered, certified or  
115 licensed bodywork therapists from other jurisdictions if the standards of registration, certification  
116 or licensure in their jurisdictions are reasonably equivalent to those set forth in section 267. The  
117 board shall promulgate regulations to implement this section. The fee for a reciprocal license  
118 shall be prescribed by the executive office of administration and finance under section 3B of  
119 chapter 7 and shall not be less than \$100. An applicant shall not be granted reciprocity if the  
120 applicant's license to practice has been revoked or suspended in another jurisdiction. The board,  
121 subject to a vote of the majority of its members, may revoke a license if the license, certificate of  
122 registration issued by another state or territory of the United States, the District of Columbia or a  
123 foreign state or nation has been revoked, cancelled, suspended, or otherwise acted against, or if

124 the holder has been disciplined in that jurisdiction where the basis for the action would constitute  
125 a basis for disciplinary action in the commonwealth.

126 Section 269. The board may grant a license to an individual who: (i) submits a  
127 completed application and pays the necessary fee prescribed by the executive office of  
128 administration and finance under section 3B of chapter 7; (ii) is 18 years of age or older; (iii) is  
129 of good moral character as determined by the board; (iv) has obtained a high school diploma or  
130 its equivalent; (v) has submitted 2 professional letters of reference including at least 1 letter from  
131 an employer; (vi) provides proof of adequate professional liability coverage; (vii) has not been  
132 convicted in any jurisdiction of a sexually-related crime or a crime involving moral turpitude  
133 during the 10 years immediately preceding the date of application; and (viii) submits  
134 documentation in a form determined by the board that the individual: (A) previously provided at  
135 least 500 hours of bodywork therapy for compensation to individuals other than immediate  
136 family members; (B) has been authorized by a municipal board of health in the commonwealth  
137 to practice bodywork therapy within 2 years of the date of application; or (C) previously  
138 provided at least 40 hours of bodywork therapy within a licensed healthcare facility.

139 Section 270. (a) The board shall conduct inspections and investigate all complaints filed  
140 relating to the proper practice of bodywork therapy and any violation of sections 265 to 272,  
141 inclusive, or any rule or regulation of the board. Complaints may be brought by any person or  
142 municipality, or the board may initiate a complaint.

143 (b) The board shall be under the supervision of the division of professional licensure and  
144 shall have the authority conferred under sections 61 to 65F, inclusive. For the purposes of this  
145 section and sections 61 to 65F, inclusive, conduct which places into question the holder's



146 competence to practice bodywork therapy shall include, but not be limited to: (i) committing  
147 fraud or misrepresentation in obtaining a license; (ii) criminal conduct resulting in a conviction,  
148 guilty plea or plea of nolo contendere or an admission of sufficient facts; (iii) violating a rule or  
149 regulation of the board; (iv) failing to cooperate with the board or its agents in the conduct of an  
150 inspection or investigation; (v) failing to fulfill any continuing education requirements set out by  
151 the board; or (vi) violating an ethical standard which in the board's determination renders the  
152 person unfit to practice as a bodywork therapist including, but not limited to, inappropriate  
153 conduct or touching in the practice of bodywork therapy, offering medical opinion or diagnosis  
154 or negligence in the course of professional practice.

155 (c) The board may issue an order to a licensee directing the licensee to cease and desist  
156 from unethical or unprofessional conduct if the board finds, after the opportunity for a hearing,  
157 that the licensee has engaged in such conduct.

158 (d) A bodywork therapist whose license to practice is suspended for more than 1 year as  
159 the result of professional misconduct related to insurance fraud during the course of the  
160 licensee's practice shall not own, operate, practice in or be employed by another bodywork  
161 therapist, massage therapist, physical therapist or chiropractor in any capacity during the course  
162 of the suspension and until the license is reinstated by the board. A second occurrence of  
163 professional misconduct related to insurance fraud during the course of a licensee's practice shall  
164 result in the permanent revocation of the license. The licensee shall be barred from owning,  
165 operating, practicing or being employed in a business that provides bodywork therapy, massage  
166 therapy, physical therapy or chiropractic care.

167 (e) Nothing in this section shall limit the board's authority to impose sanctions by consent  
168 agreements that are considered reasonable and appropriate by the board. Any person aggrieved  
169 by a disciplinary action taken by the board under this chapter may file a petition for judicial  
170 review under section 64.

171 Section 271. Every person licensed by the board to practice bodywork therapy shall  
172 conspicuously display the license in the licensee's place of business.

173 Section 272. (a) Only persons duly licensed under this chapter shall be designated as  
174 bodywork therapists and entitled to use the term "bodywork" or "bodywork therapy" when  
175 advertising or printing promotional material. Any person who uses the term "bodywork" in a  
176 professional title without being authorized to do so may be the subject of disciplinary action by  
177 the board under section 65A.

178 (b) Any person who: (i) knowingly aids and abets another person in the use of the term  
179 "bodywork" as part of a professional title when the person using the term is not authorized to do  
180 so; or (ii) knowingly employs unlicensed individuals in the operation of a bodywork therapy  
181 business may be the subject of a disciplinary proceeding before the board.

182 (c) It shall be a violation of this chapter for a person to advertise: (i) as a bodywork  
183 therapist or a bodywork therapy business unless each person employed as part of the business,  
184 and acting as a bodywork therapist, holds a valid license under this chapter; (ii) licensed  
185 bodywork therapy services with escort or dating services; (iii) as specializing in particular  
186 bodywork therapy services without an appropriate showing of competency as determined by the  
187 board; or (iv) services not recognized as bodywork therapy by the board or explicitly prohibited  
188 under section 265. The term "advertise" as used in this section shall include, but not be limited

189 to: (A) providing a card, sign or device to another; (B) causing, permitting, or allowing a sign or  
190 marking on or in a building, vehicle or structure; (C) causing the placement of an advertisement  
191 in a newspaper, magazine or on television; or (D) listing or causing the placement of an  
192 advertisement in a directory under a classification or heading that includes the word “bodywork”.

193           Section 273. A city or town may adopt ordinances or by-laws relative to health and  
194 safety of the practice of bodywork therapy not inconsistent with sections 265 to 272, inclusive;  
195 provided, however, that local ordinances pertaining to bodywork therapy in effect prior to the  
196 effective date of sections 265 to 272, inclusive, of the General Laws and that are consistent with  
197 and that may exceed the requirements of those sections may remain in effect.

198           SECTION 3. Section 269 of said chapter 112 is hereby repealed.

199           SECTION 4. Chapter 140 of the General Laws is hereby amended by adding the  
200 following section:-

201           Section 207. State police or members of the police department of a city or town may,  
202 upon appropriate legal process, enter and inspect any premises in a town where bodywork or  
203 bodywork therapy services are provided under chapter 112.

204           SECTION 5. Section 3 shall take effect on March 1, 2019.

205           SECTION 6. Unless otherwise provided, this act shall take effect on September 1, 2017.