

SENATE BILL NO. 2275

Introduced by

Senator Grindberg

1 A BILL for an Act to create a new section to chapter 43-25 of the North Dakota Century Code,
2 relating to student massage; to amend and reenact sections 43-25-02, 43-25-03, and 43-25-04
3 of the North Dakota Century Code, relating to massage therapist licensing requirements; and to
4 declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 43-25-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **43-25-02. Definitions.** In this chapter, unless the context otherwise requires:

- 9 1. "Board" means the North Dakota board of massage.
- 10 2. "Massage" means the practice of the art of body massage scientifically applied
11 either by hands or with a mechanical or vibratory apparatus. The term includes
12 reducing or contouring; the use of oil rubs, heat lamps, salt glows, and hot and cold
13 packs; and tub, shower, and cabinet baths. Procedure variations used in massage
14 include touch, stroking, friction, kneading, vibration, percussion, and medical
15 gymnastics. Acupressure, polarity, and reflexology are included branches of
16 massage. The term does not include diagnosing or treating classified diseases,
17 practicing spinal or other joint manipulations, or prescribing or administering
18 vitamins.
- 19 ~~3.~~ 3. "Massage establishment" means any place of business ~~where one or more of the~~
20 ~~subjects and methods of treatments defined in this section are~~ in which massage is
21 administered or used.
- 22 ~~3.~~ 4. "Massage therapist" means ~~a person~~ an individual who practices or administers
23 ~~any of the following subjects~~ massage and who ~~has~~ studied the underlying
24 principles of anatomy and physiology generally included in a regular course of

1 study by a recognized and approved school of massage: ~~the art of body massage~~
2 either by hands or with a mechanical or vibratory apparatus for the purpose of body
3 massaging, reducing or contouring, the use of oil rubs, heat lamps, salt glows, hot
4 and cold packs, tub, shower, or cabinet baths. ~~Massage is the practice of a~~
5 ~~profession scientifically applied to the patient by the operator's hands and includes~~
6 ~~such modalities as acupressure and polarity and, after July 1, 1993, massage~~
7 ~~includes reflexology. Variations of the following procedures are used: touch,~~
8 ~~stroking, friction, kneading, vibration, percussion, and medical gymnastics.~~
9 ~~Massage therapists may not diagnose or treat classified diseases, practice spinal~~
10 ~~or other joint manipulations, or prescribe or administer vitamins.~~

11 **SECTION 2. AMENDMENT.** Section 43-25-03 of the 1997 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **43-25-03. Massage therapists to be licensed.** A person may not:

- 14 1. Engage in the practice or attempt to practice massage for a fee or gratuity or to
15 conduct or teach massage without a license issued under this chapter;
- 16 2. Operate or conduct a massage establishment unless it the establishment meets
17 the sanitary requirements of this chapter and any regulations rules adopted by the
18 board;
- 19 3. Employ an unlicensed ~~person to work as a~~ massage therapist; or
- 20 4. Practice ~~any branch of massage as defined in subsection 3 of section 43-25-02,~~
21 ~~whether for payment or free demonstration, without first being a licensed massage~~
22 ~~therapist under this chapter, or without~~ operating and maintaining a bona fide
23 massage establishment; and without first paying a license fee to the board.

24 **SECTION 3. AMENDMENT.** Section 43-25-04 of the 1997 Supplement to the North
25 Dakota Century Code is amended and reenacted as follows:

26 **43-25-04. Exemptions.** Any exemption granted under this section to a class of
27 professionals only applies to the extent the practice of the profession overlaps the practice of
28 massage. The following ~~classes of~~ persons are exempt from this chapter:

- 29 1. ~~Persons~~ Any person authorized by under the laws of this state to practice
30 medicine, surgery, osteopathy, chiropractic, or podiatry, ~~or persons holding a~~
31 ~~drugless practitioner's certificate under the laws of this state.~~

- 1 2. ~~Registered nurses and~~ Any nurse licensed ~~practical nurses~~ under the laws of this
2 state chapter 43-12.1.
- 3 3. ~~Registered~~ Any physical therapists ~~therapist licensed~~ under the laws of this state
4 chapter 43-26.
- 5 4. ~~Schools and~~ Any school or YMCA clubs who furnish ~~club in the furnishing of~~
6 therapy and massage services to their players and members.
- 7 5. ~~Registered hairdressers and cosmetologists~~ Any cosmetologist licensed and
8 registered under the laws of this state chapter 43-11.
- 9 6. ~~Registered barbers~~ Any barber licensed or registered under the laws of this state
10 chapter 43-04.
- 11 7. ~~Reflexologists~~ Any reflexologist licensed under chapter 43-49.
- 12 8. Any student of a school of massage who is practicing massage under section 4 of
13 this Act.

14 ~~Any exemption granted under this chapter is effective only insofar as and to the extent that the~~
15 ~~bona fide practice of the profession or business of the person exempted overlaps into the field~~
16 ~~comprehended by this chapter, and exemptions under this chapter are only for those activities~~
17 ~~which are performed in the course of the bona fide practice of the business or profession of the~~
18 ~~person exempted.~~

19 **SECTION 4.** A new section to chapter 43-25 of the North Dakota Century Code is
20 created and enacted as follows:

21 **Student massage.** A school of massage may allow a student to practice massage in
22 the course of fulfilling a required massage therapy practicum or in the course of participating in
23 a school-supervised student massage clinic. The school of massage must meet the curriculum
24 standards set by the board for vocational and technical education or other appropriate state
25 governing body, and the standards must be established in consultation with the board of
26 massage.

27 **SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure.