

Submitted by: Assembly Chair Traini and  
Assembly Vice Chair  
Gray-Jackson  
Prepared by: Municipal Clerk's Office  
Reviewed by: Department of Law  
For reading: July 14, 2015

CLERK'S OFFICE  
APPROVED

Date:

7-28-15

ANCHORAGE, ALASKA  
AO NO. 2015-78

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY DIRECTING THE MUNICIPAL CLERK TO DISCONTINUE ENFORCEMENT OF ORDINANCES SPECIFIC TO MASSAGE PRACTITIONER LICENSING AND TO ENGAGE THE COMMUNITY IN DRAFTING ORDINANCES SPECIFIC TO REGULATION OF MASSAGE THERAPY ESTABLISHMENTS; AMENDING ANCHORAGE MUNICIPAL CODE SECTION 10.40.010 ACCORDINGLY; AND WITH A RETROACTIVE EFFECTIVE DATE TO JULY 1, 2015.

WHEREAS, Article X § 1 of the Alaska Constitution provides for maximum local self-government and directs that a liberal construction shall be given to the powers of local government units; and

WHEREAS, in the local exercise of public health and safety, the City of Anchorage provided for the local business licensing of massage practitioners, and since unification under a home rule charter in 1975, the Municipality of Anchorage continues to license massage practitioners; and

WHEREAS, in 2014 the Legislature of the State of Alaska enacted statutes by passage of HB328 for the professional licensing of massage therapists, to become effective on July 1, 2015, and in doing so, reserved the authority to license massage therapists to the state, and, unless specifically provided for by statute, disallowed municipalities from enacting or enforcing ordinances requiring professional licensure of massage therapists; and

WHEREAS, in Chapter 10.40 of Anchorage Municipal Code, the Municipality has ordinances requiring professional licensure of massage practitioners which need to be amended pursuant to state statute; and

WHEREAS, because of activities such as prostitution and human trafficking observed by enforcement agencies within the Municipality, licensing criteria and specifications of massage establishments are warranted for Municipality of Anchorage licensing, and are best administered at the local level under home rule municipal government; now, therefore,

1 **THE ANCHORAGE ASSEMBLY ORDAINS:**

2  
3 **Section 1.** Effective July 1, 2015, the Municipal Clerk is directed to cease  
4 enforcing ordinances specific to the licensing of massage practitioners, including  
5 the provisions of Anchorage Municipal Code section 10.40.010.  
6

7 **Section 2.** The Anchorage Assembly supports continuous improvement in  
8 licensing administration to protect the community's health and safety interests.  
9 Inclusive stakeholder engagement is key to successful and efficient licensing  
10 regulation. Beginning in or about July 2015, the Municipal Clerk is authorized to  
11 schedule public stakeholder meetings on massage establishment licensing with  
12 the goal of developing and submitting a proposed ordinance specific to licensing  
13 criteria and specifications for massage establishments.  
14

15 **Section 3.** Anchorage Municipal Code section 10.40.010 is hereby amended to  
16 read as follows:  
17

18 **10.40.010 Massage practitioner license required; issuance.**

19  
20 A. No person may engage in the business of providing or otherwise  
21 provide as a service to the public, massages or related services as  
22 an owner, operator, employee or contractor, or massage therapist  
23 without first obtaining a massage practitioner license from the state  
24 [MUNICIPAL CLERK], unless such person is a health care provider.  
25

26 B. No person shall advertise, use the title of or otherwise hold  
27 themselves out as a massage therapist, masseuse, masseur or  
28 massage practitioner unless such person is licensed by the state to  
29 provide massage or massage-related services [UNDER THIS  
30 SECTION] or is a health care provider.  
31

32 C. For purposes of this section, the following terms shall have the  
33 meanings indicated in this subsection:  
34

35 1. Engaging in the business of providing massages or related  
36 services means administering for compensation or hire  
37 massages or a method of treating the superficial parts of the  
38 human body through physical contact with or by rubbing,  
39 stroking, kneading, tapping, rolling, pounding or vibration for  
40 the purposes of relaxation, hygiene or improvement of  
41 physical appearance, muscle tone or circulation.  
42

43 2. Health care provider means a health care provider who holds  
44 a current, valid license issued under AS Title 8, including  
45 chiropractors, naturopaths, physicians, nurses, physical  
46 therapists and other such health care providers, who are  
47 authorized under this license to perform massage therapy as  
48 a part of their licensed practice.

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3. Massage means the treatment of the human body by soft tissue manipulation, methodical pressure, friction or the kneading of the body through the use of techniques including but not limited to effleurage, petrissage, friction or tapotement, but not including flagellation, as those terms are defined in a recognized medical dictionary such as but not limited to Taber's Cyclopedic Medical Dictionary, 17th edition, F.A. Davis Company, 1989.

4. Massage practitioner means a person who is licensed by the state or is qualified for a license to provide massage or massage related services [UNDER THIS SECTION].

D. License.

[1. A MASSAGE PRACTITIONER LICENSEE MUST BE 18 YEARS OF AGE AND FILL OUT A FORM SUPPLIED BY THE MUNICIPAL CLERK CONTAINING SUCH OTHER RELEVANT INFORMATION AS THE MUNICIPAL CLERK MAY REQUIRE.

A. THE MUNICIPAL CLERK MAY ISSUE A MASSAGE PRACTITIONER LICENSE, VALID FOR ONE YEAR, TO A MASSAGE PRACTITIONER FULFILLING THE QUALIFICATIONS SET FORTH IN SUBSECTION D.2. OF THIS SECTION.

2. TO QUALIFY FOR A LICENSE UNDER THIS SECTION, AN APPLICANT FOR A LICENSE SHALL:

A. PAY A \$100.00 NON-REFUNDABLE APPLICATION FEE; AND

B. REQUEST A CRIMINAL JUSTICE INFORMATION REPORT (BACKGROUND CHECK) FROM THE ALASKA CRIMINAL HISTORY RECORD REPOSITORY, DEPARTMENT OF PUBLIC SAFETY, COVERING ALL CRIMINAL CHARGES AND DISPOSITIONS.

I. SUCH REPORT SHALL BE MAILED OR FAXED DIRECTLY FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE MUNICIPAL CLERK'S OFFICE; AND

II. SHALL CONFIRM THE APPLICANT'S RECORD IS FREE OF ANY CONVICTION FOR PROSTITUTION OR SEXUAL ASSAULT WITHIN THE PAST TEN YEARS.

C. HAVE GRADUATED FROM A POST-SECONDARY EDUCATION SCHOOL OF MASSAGE THERAPY, APPROVED BY ANY STATE, WHICH REQUIRED

THE SUCCESSFUL COMPLETION OF A PROGRAM OF AT LEAST 500 HOURS OF SUPERVISED INSTRUCTION; OR

D. HOLD A CURRENT CERTIFICATION AS A MASSAGE THERAPIST BY A NATIONAL CERTIFICATION BOARD OR A NATIONAL CERTIFICATION PROGRAM FOR MASSAGE AND BODY WORK MEETING STANDARDS SIMILAR TO THOSE FOR PERSONS CURRENTLY LICENSED UNDER AS 8.84 AS A PHYSICAL THERAPIST.]

[3.] Nothing in this section shall require a person owning or operating a massage business to obtain a license from the state [UNDER THIS SECTION] provided such person does not personally provide massages or hold himself or herself out to the public as personally providing massages or as a massage therapist.

(CAC 6.28.040; AO No. 78-23; AO No. 85-26; AO No. 94-38(S-2), § 1, 7-12-94; AO No. 94-230(S-1), § 1, 1-31-95; AO No. 2009-70, § 1, 6-23-09)

**Section 4.** Nothing in this ordinance or the code amendments herein shall be construed to terminate or otherwise affect any municipal action relevant to licenses commenced prior to July 1, 2015, including disciplinary actions, fines, or appeals. This section does not preclude an arbiter in any administrative or judicial proceeding from issuing a determination that any such action under consideration shall be affected by the state statutes or code amendments referenced herein.

**Section 5.** This ordinance shall be effective retroactively to July 1, 2015.

PASSED AND APPROVED by the Anchorage Assembly this 28<sup>th</sup> day of July, 2015.

Dick Zi  
Chair of the Assembly

ATTEST:

Amanda K. Mason  
Municipal Clerk



# LAWS OF ALASKA

2014

Source  
CSHB 328(L&C)

Chapter No.  
\_\_\_\_\_

## AN ACT

Establishing the Board of Massage Therapists; relating to the licensing of massage therapists; and providing for an effective date.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1



AN ACT

1 Establishing the Board of Massage Therapists; relating to the licensing of massage therapists;  
2 and providing for an effective date.

3

4 \* **Section 1.** AS 08.01.010 is amended by adding a new paragraph to read:

5 (39) Board of Massage Therapists (AS 08.61.010).

6 \* **Sec. 2.** AS 08.02.010(a) is amended to read:

7 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-  
8 language pathologist licensed under AS 08.11, a person licensed in the state as a  
9 chiropractor under AS 08.20, a professional counselor licensed under AS 08.29, a  
10 dentist under AS 08.36, a dietitian or nutritionist licensed under AS 08.38, **a massage**  
11 **therapist licensed under AS 08.61**, a marital and family therapist licensed under  
12 AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry midwife  
13 certified under AS 08.65, a registered nurse under AS 08.68, an optometrist under  
14 AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist or occupational

1 therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social  
2 worker licensed under AS 08.95, shall use as professional identification appropriate  
3 letters or a title after that person's name that represents the person's specific field of  
4 practice. The letters or title shall appear on all signs, stationery, or other advertising in  
5 which the person offers or displays personal professional services to the public. In  
6 addition, a person engaged in the practice of medicine or osteopathy as defined in  
7 AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses,  
8 treats, tests, or counsels other persons in relation to human health or disease and uses  
9 the letters "M.D." or the title "doctor" or "physician" or another title that tends to show  
10 that the person is willing or qualified to diagnose, treat, test, or counsel another  
11 person, shall clarify the letters or title by adding the appropriate specialist designation,  
12 if any, such as "dermatologist," [,] "radiologist," [,] "audiologist," [,] "naturopath," [,]  
13 or the like.

14 \* **Sec. 3.** AS 08.03.010(c) is amended by adding a new paragraph to read:

15 (22) Board of Massage Therapists (AS 08.61.010) - June 30, 2018.

16 \* **Sec. 4.** AS 08 is amended by adding a new chapter to read:

17 **Chapter 61. Massage Therapists.**

18 **Sec. 08.61.010. Board established.** The Board of Massage Therapists is  
19 established in the department. The board consists of five members appointed by the  
20 governor as follows:

21 (1) four licensed massage therapists who have been engaged in the  
22 practice of massage therapy in the state for the three years immediately preceding  
23 appointment and who shall remain actively engaged in the practice of massage therapy  
24 while serving on the board; not more than one member appointed under this paragraph  
25 may have an ownership or partnership interest in a massage school; and

26 (2) one public member; the governor may not appoint as a public  
27 member

28 (A) a licensed health care provider;

29 (B) an employee of the state; or

30 (C) a current or former member of another occupational  
31 licensing board established under AS 08.



1                   **Sec. 08.61.020. Duties and powers of board.** In addition to the duties  
2 specified in AS 08.01, the board shall

3                   (1) provide for the examination of applicants by the board or through a  
4 nationally recognized competency examination approved by the board and issue  
5 licenses to applicants the board finds qualified;

6                   (2) adopt regulations governing

7                                 (A) licensing of massage therapists; and

8                                 (B) the practice of massage therapy;

9                   (3) establish standards of professional competence and ethical conduct  
10 for massage therapists;

11                   (4) establish standards for continuing education for massage therapists;  
12 standards adopted by the board under this paragraph must allow for approval of  
13 Internet-based continuing education courses;

14                   (5) make available to the public a list of massage therapists licensed  
15 under this chapter;

16                   (6) determine which states have educational and licensing  
17 requirements equivalent to the requirements of this state;

18                   (7) enforce the provisions of this chapter and adopt and enforce  
19 regulations necessary to implement this chapter; and

20                   (8) approve one or more nationally recognized competency  
21 examinations and publish and periodically update the list of approved examinations.

22                   **Sec. 08.61.030. Qualifications for license.** The board shall issue a license to  
23 practice massage therapy to a person who

24                                 (1) applies on a form provided by the department;

25                                 (2) pays the fees established under AS 08.61.090;

26                   (3) furnishes evidence satisfactory to the board that the person has  
27 completed a

28   (A) course of study of at least 500 hours of in-class supervised  
29 instruction and clinical work from an approved massage school; or

30   (B) board-approved apprenticeship program;

31                                 (4) is 18 years of age or older;

1 (5) has been fingerprinted and has provided the fees required by the  
2 Department of Public Safety under AS 12.62.160 for criminal justice information and  
3 a national criminal history record check; the fingerprints and fees shall be forwarded  
4 to the Department of Public Safety to obtain a report of criminal justice information  
5 under AS 12.62 and a national criminal history record check under AS 12.62.400;

6 (6) has a current cardiopulmonary resuscitation certification;

7 (7) has received at least four hours of safety education covering  
8 bloodborne pathogens and universal precautions in the two years preceding the  
9 application for the license; in this paragraph, "bloodborne pathogens" has the meaning  
10 given in AS 18.15.450;

11 (8) has successfully completed a nationally recognized competency  
12 examination approved by the board; and

13 (9) has not been convicted of, or pled guilty or no contest to, a crime  
14 involving moral turpitude, or who has been convicted of, or pled guilty or no contest  
15 to, a crime involving moral turpitude if the board finds that the conviction does not  
16 affect the person's ability to practice competently and safely.

17 **Sec. 08.61.040. Licensure by credentials.** The board shall issue a license to  
18 practice massage therapy to a person who

19 (1) is 18 years of age or older;

20 (2) applies on a form provided by the department;

21 (3) pays the fees established under AS 08.61.090;

22 (4) has submitted the person's fingerprints and the fees required by the  
23 Department of Public Safety under AS 12.62.160 for criminal justice information and  
24 a national criminal history record check; the fingerprints and fees shall be forwarded  
25 to the Department of Public Safety to obtain a report of criminal justice information  
26 under AS 12.62 and a national criminal history record check under AS 12.62.400;

27 (5) is not the subject of an unresolved complaint or disciplinary action  
28 before a regulatory authority in this state or another jurisdiction;

29 (6) has not had a certificate or license to practice massage therapy  
30 revoked, suspended, or voluntarily surrendered in this state or another jurisdiction;

31 (7) has not been convicted of, or pled guilty or no contest to, a crime

1 involving moral turpitude, or has been convicted of, or pled guilty or no contest to, a  
2 crime involving moral turpitude if the board finds that the conviction does not affect  
3 the person's ability to practice competently and safely;

4 (8) has a current cardiopulmonary resuscitation certification; and

5 (9) is currently

6 (A) licensed to practice massage therapy in another state or  
7 country that has licensing requirements that are substantially equal to or greater  
8 than the requirements of this state; or

9 (B) certified by a certification entity approved by the board.

10 **Sec. 08.61.050. Standards for license renewal.** The board shall renew a  
11 license issued under this chapter to a licensee who

12 (1) pays the required fee;

13 (2) meets the continuing education requirements established by the  
14 board;

15 (3) has not been convicted of, or pled guilty or no contest to, a crime  
16 involving moral turpitude, or has been convicted of, or pled guilty to or no contest to,  
17 a crime involving moral turpitude if the board finds that the conviction does not affect  
18 the person's ability to practice competently and safely;

19 (4) has a current cardiopulmonary resuscitation certification; and

20 (5) has been fingerprinted and has provided the fees required by the  
21 Department of Public Safety under AS 12.62.160 for criminal justice information and  
22 a national criminal history record check; the fingerprints and fees shall be forwarded  
23 to the Department of Public Safety to obtain a report of criminal justice information  
24 under AS 12.62 and a national criminal history record check under AS 12.62.400.

25 **Sec. 08.61.060. Grounds for imposition of disciplinary sanctions.** After a  
26 hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person  
27 licensed under this chapter if the board finds that the person

28 (1) secured a license through deceit, fraud, or intentional  
29 misrepresentation;

30 (2) engaged in deceit, fraud, or intentional misrepresentation in the  
31 course of providing massage therapy services or engaging in massage therapy;

1 (3) advertised massage therapy services in a false or misleading  
2 manner;

3 (4) has been convicted of a felony or another crime that affects the  
4 licensee's ability to continue to practice competently and safely;

5 (5) intentionally or negligently engaged in, or permitted a person under  
6 the licensed massage therapist's supervision to engage in, client care that did not  
7 conform to minimum professional standards, whether or not actual injury to the client  
8 occurred;

9 (6) failed to comply with a provision of this chapter, a regulation  
10 adopted under this chapter, or an order of the board;

11 (7) continued to practice after becoming unfit because of

12 (A) professional incompetence; or

13 (B) addiction or severe dependency on alcohol or another drug  
14 that impairs the ability to practice safely; or

15 (8) engaged in unethical conduct or sexual misconduct in connection  
16 with the delivery of massage therapy services to a client.

17 **Sec. 08.61.070. Practice of massage therapy without license prohibited.** (a)

18 A person may not practice massage therapy or represent that the person is a massage  
19 therapist unless the person holds a valid license under this chapter. In this subsection,  
20 a person represents that the person is a massage therapist when the person adopts or  
21 uses a title or description of services that incorporates one or more of the following  
22 terms or designations: massage, massage practitioner, massage therapist, massage  
23 therapy, therapeutic massage, massage technician, massage technology, massagist,  
24 masseur, masseuse, myotherapist, myotherapy, or another term describing a traditional  
25 European or contemporary western massage method, or a derivation of a term that  
26 implies a massage technique or method.

27 (b) A person who knowingly violates (a) of this section is guilty of a class B  
28 misdemeanor.

29 **Sec. 08.61.080. Exceptions to application of chapter.** This chapter does not  
30 apply to a

31 (1) person licensed in the state under a statute outside this chapter who

1 performs massage therapy within the scope of practice for which the person's license  
2 was issued;

3 (2) person who, while acting in an official capacity as an employee of  
4 the United States government, performs massage therapy;

5 (3) person who is licensed, registered, or certified in another state,  
6 territory, the District of Columbia, or a foreign country while the person is temporarily

7 (A) practicing massage therapy in this state in connection with  
8 teaching a course related to massage therapy; or

9 (B) consulting with a person licensed under this chapter;

10 (4) student enrolled in an approved massage school or course of study  
11 who is completing a clinical requirement for graduation under the general supervision  
12 of a person licensed under this chapter if the student is clearly identified as a student  
13 while performing massage therapy services on members of the public and is not  
14 compensated for the massage therapy services;

15 (5) person only performing massage therapy on members of the  
16 person's family;

17 (6) person only performing techniques that do not involve contact with  
18 the body of another person;

19 (7) person only performing techniques that involve resting the hands  
20 on the surface of the body of another person without delivering pressure to or  
21 manipulating the person's soft tissues;

22 (8) person only performing services such as herbal body wraps, skin  
23 exfoliation treatments, or the topical application of products to the skin for  
24 beautification purposes when the services do not involve direct manipulation of the  
25 soft tissues of the body;

26 (9) person only performing massage therapy for the athletic  
27 department of an institution maintained by public funds of the state or a political  
28 subdivision of the state or only practicing massage therapy for the athletic department  
29 of a school or college approved by the board using recognized national professional  
30 standards;

31 (10) person engaged only in the practice of structural integration for

1 restoring postural balance and functional ease by integrating the body in gravity using  
2 a system of fascial manipulation and awareness who has graduated from a program or  
3 is a current member of an organization recognized by the International Association of  
4 Structural Integrators, including the Rolf Institute of Structural Integration;

5 (11) person using only light touch, words, and directed movement to  
6 deepen awareness of existing patterns of movement in the body as well as to suggest  
7 new possibilities of movement or to affect the energy systems;

8 (12) person performing only the traditional practices of Native  
9 American traditional healers;

10 (13) person practicing only the manipulation of the soft tissues of the  
11 hands, feet, or ears and not holding out to be a massage therapist.

12 **Sec. 08.61.090. Fees.** The department shall set fees under AS 08.01.065 for  
13 application, license issuance, license renewal, and investigation under this chapter.

14 **Sec. 08.61.100. Definitions.** In this chapter,

15 (1) "approved massage school" means a massage therapy school or  
16 program that

17 (A) has an authorization to operate from the Alaska  
18 Commission on Postsecondary Education or a similar entity in another state; or

19 (B) is accredited by a nationally recognized accrediting agency;

20 (2) "board" means the Board of Massage Therapists;

21 (3) "department" means the Department of Commerce, Community,  
22 and Economic Development;

23 (4) "massage therapist" means a person licensed under this chapter;

24 (5) "practice of massage therapy" means the provision, for  
25 compensation, of a service involving the systematic manipulation and treatment of the  
26 soft tissues, including the muscular and connective tissues of the human body, to  
27 enhance the functions of those tissues and promote relaxation and well-being; in this  
28 paragraph, "manipulation and treatment"

29 (A) includes manual techniques applied with the intent to  
30 physically affect local soft tissues, such as pressure, friction, stroking,  
31 percussion, kneading, vibration, muscular assessment by palpation, range of

1 motion for purposes of demonstrating muscle exertion for muscle flexibility,  
2 nonspecific stretching, and application of superficial heat, cold, water,  
3 lubricants, or salts;

4 (B) does not include diagnosis, the prescription of drugs or  
5 medicines, the practice of physical therapy, attempts to manipulate any  
6 articulation of the body or spine, or mobilization of these articulations by use  
7 of a thrusting force.

8 \* **Sec. 5.** AS 12.62.400(a) is amended by adding a new paragraph to read:

9 (16) licensure as a massage therapist under AS 08.61.

10 \* **Sec. 6.** AS 29.10.200 is amended by adding a new paragraph to read:

11 (63) AS 29.35.146 (licensing of massage therapists).

12 \* **Sec. 7.** AS 29.35 is amended by adding a new section to article 1 to read:

13 **Sec. 29.35.146. Licensing of massage therapists.** (a) The authority to license  
14 massage therapists is reserved to the state, and, except as specifically provided by  
15 statute, a municipality may not enact or enforce an ordinance requiring professional  
16 licensure of massage therapists.

17 (b) This section applies to home rule and general law municipalities.

18 \* **Sec. 8.** AS 44.62.330(a) is amended by adding a new paragraph to read:

19 (49) Board of Massage Therapists.

20 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
21 read:

22 **APPLICABILITY.** (a) AS 08.61.030 - 08.61.050, enacted by sec. 4 of this Act,

23 (1) apply on and after the effective date of sec. 4 of this Act to persons who

24 (A) have not practiced massage therapy, as defined in AS 08.61.100,  
25 enacted by sec. 4 of this Act, in the state, on or after the effective date of sec. 4 of this  
26 Act; or

27 (B) have practiced massage therapy in the state but do not meet the  
28 requirements of (2) of this section; and

29 (2) apply on and after the date that is two years after the effective date of sec.  
30 4 of this Act to a person who has been practicing massage therapy in the state and meets the  
31 requirements of AS 08.61.040, enacted by sec. 4 of this Act.

1 (b) In this section, "massage therapy" has the meaning given to "practice of massage  
2 therapy" in AS 08.61.100, enacted by sec. 4 of this Act.

3 \* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 TRANSITION. (a) Notwithstanding AS 08.61.030, enacted by sec. 4 of this Act, the  
6 Board of Massage Therapists shall waive the course of study and examination requirements  
7 and issue a license to practice massage therapy to a person who

8 (1) applies for the license before the date that is two years after the effective  
9 date of sec. 4 of this Act;

10 (2) proves that the person owned, operated, or worked for a massage therapy  
11 business and performed the practice of massage therapy before the effective date of sec. 4 of  
12 this Act by submitting

13 (A) copies of the person's signed federal income tax returns for one of  
14 the five years immediately preceding the effective date of sec. 4 of this Act, listing the  
15 person's occupation as massage therapy in this state;

16 (B) copies of the person's signed schedule C federal income tax returns  
17 for one of the five years immediately preceding the effective date of sec. 4 of this Act,  
18 demonstrating that the person has reported income from the practice of massage  
19 therapy in this state;

20 (C) a sworn statement from the person's employer in this state attesting  
21 that the person has practiced massage therapy within the five years immediately  
22 preceding the effective date of sec. 4 of this Act, a copy of the business license of the  
23 person's employer, and a copy of the person's Form W-2 or Form 1099-MISC from the  
24 same employer;

25 (D) a copy of a municipal occupational license that was current on the  
26 day before the effective date of sec. 4 of this Act from a municipality in this state,  
27 stating the person's occupation as massage therapist;

28 (E) documentation that the person has, for at least one year  
29 immediately preceding the effective date of sec. 4 of this Act, been an active member,  
30 as a massage therapist, in a national professional massage therapy association that was  
31 established before 2000, offers professional liability insurance as a benefit of



1 membership, and has an established code of professional ethics; or  
2 (F) other documentation satisfactory to the board; and  
3 (3) meets the requirements of AS 08.61.030(1), (2), (4) - (6), and (9), enacted  
4 by sec. 4 of this Act.

5 (b) A license issued under this section is considered to be a license issued under  
6 AS 08.61, enacted by sec. 4 of this Act.

7 (c) In this section, "board" and "practice of massage therapy" have the meanings  
8 given in AS 08.61.100, enacted by sec. 4 of this Act.

9 \* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to  
10 read:

11 BOARD OF MASSAGE THERAPISTS; TRANSITION; STAGGERED TERMS. (a)  
12 In making initial appointments to the Board of Massage Therapists, the governor shall  
13 consider a massage therapist to be licensed for the purpose of AS 08.61.010, enacted by sec. 4  
14 of this Act, if the massage therapist has practiced massage therapy in this state for the three  
15 years immediately preceding appointment.

16 (b) The governor shall appoint the initial members of the board to staggered terms as  
17 follows:

- 18 (1) two members shall be appointed to serve four years;  
19 (2) two members shall be appointed to serve three years; and  
20 (3) one member shall be appointed to serve two years.

21 (c) Notwithstanding AS 08.61.010, added by sec. 4 of this Act, a member appointed  
22 to the Board of Massage Therapists who is not a public member may be unlicensed under  
23 AS 08.61, added by sec. 4 of this Act, for the first year of the member's initial appointment or  
24 until 30 days after the Department of Commerce, Community, and Economic Development  
25 begins issuing licenses, whichever occurs first. A member of the board that does not obtain a  
26 license as required by this subsection shall be removed from the board, and the governor shall  
27 appoint a replacement to serve the unexpired term.

28 \* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to  
29 read:

30 TRANSITIONAL PROVISIONS: REGULATIONS. The Department of Commerce,  
31 Community, and Economic Development and the Board of Massage Therapists may adopt

1 regulations necessary to implement the changes made by this Act. The regulations take effect  
2 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law  
3 implemented by the regulation.

4 \* **Sec. 13.** AS 08.61.010 and 08.61.020, enacted by sec. 4 of this Act, and secs. 11 and 12 of  
5 this Act take effect immediately under AS 01.10.070(c).

6 \* **Sec. 14.** Except as provided in sec. 13 of this Act, this Act takes effect July 1, 2015.