

**SENATE, No. 2536**

**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

INTRODUCED FEBRUARY 8, 2007

**Sponsored by:**  
**Senator NIA H. GILL**  
**District 34 (Essex and Passaic)**

**SYNOPSIS**

Revises laws for the regulation of massage, bodywork and somatic therapists.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT providing for the licensing of massage, bodywork and  
2 somatic therapists, amending the title of P.L.1999, c.19,  
3 amending and supplementing P.L.1999, c.19, and repealing  
4 section 13 of P.L.1999, c.19.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. The title of P.L.1999, c.19 is amended to read as follows:

10 AN ACT providing for the **[certification]** licensing of massage,  
11 bodywork and somatic therapists and supplementing P.L.1947,  
12 c.262 (C.45:11-23 et seq.).  
13 (cf: P.L.1999, c.19, title)

14  
15 2. Section 1 of P.L.1999, c.19 (C.45:11-53) is amended to read  
16 as follows:

17 1. This act shall be known and may be cited as the "Massage,  
18 Bodywork and Somatic Therapist **[Certification]** Licensing Act."  
19 (cf: P.L.1999, c.19, s.1)

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21 3. Section 2 of P.L.1999, c.19 (C.45:11-54) is amended to read  
22 as follows:

23 2. The Legislature finds and declares that:

24 a. the public interest requires the regulation of the practice of  
25 massage, bodywork and somatic therapies and the establishment of  
26 clear **[certification]** licensure standards for massage, bodywork and  
27 somatic therapists;

28 b. the health and welfare of the citizens of this State will be  
29 protected by identifying to the public those individuals who are  
30 qualified to **[call themselves]** practice massage, bodywork and  
31 somatic **[therapists]** therapies; and

32 c. the regulation of massage, bodywork and somatic therapists  
33 will benefit the public by encouraging it to take advantage of  
34 massage, bodywork and somatic therapies as a viable complement  
35 to traditional medicine.

36 (cf: P.L.1999, c.19, s.2)

37  
38 4. Section 3 of P.L.1999, c.19 (C.45:11-55) is amended to read  
39 as follows:

40 3. As used in this act:

41 "Board" means the New Jersey Board of Nursing.

42 "Committee" means the Massage, Bodywork and Somatic  
43 Therapy Examining Committee established pursuant to section 4 of  
44 this act.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Licensee" means any person who holds a **[certification]** license  
2 to practice massage, bodywork and somatic therapies pursuant to  
3 the provisions of this act.

4 "Massage, bodywork and somatic therapist" means a person  
5 **[certified]** licensed to practice massage, bodywork and somatic  
6 therapies pursuant to the provisions of this act.

7 "Massage, bodywork and somatic therapies" or "massage,  
8 bodywork and somatic" means systems of activity of structured  
9 touch which include, but are not limited to, holding, applying  
10 pressure, positioning and mobilizing soft tissue of the body by  
11 manual technique and use of visual, kinesthetic, auditory and  
12 palpating skills to assess the body for purposes of applying  
13 therapeutic massage, bodywork or somatic principles. Such  
14 application may include, but is not limited to, the use of therapies  
15 such as heliotherapy or hydrotherapy, the use of moist hot and cold  
16 external applications, external application of herbal or topical  
17 preparations not classified as prescription drugs, explaining and  
18 describing myofascial movement, self-care and stress management  
19 as it relates to massage, bodywork and somatic therapies. Massage,  
20 bodywork and somatic therapy practices are designed to affect the  
21 energetic system of the body for the purpose of promoting and  
22 maintaining the health and well-being of the client. Massage,  
23 bodywork and somatic therapies do not include the diagnosis **[or**  
24 **treatment]** of illness, disease, impairment or disability.

25 (cf: P.L.1999, c.19, s.3)

26

27 5. Section 4 of P.L.1999, c.19 (C.45:11-56) is amended to read  
28 as follows:

29 4. a. There is created within the Division of Consumer Affairs  
30 in the Department of Law and Public Safety, under the New Jersey  
31 Board of Nursing, a Massage, Bodywork and Somatic Therapy  
32 Examining Committee. The committee shall consist of six  
33 members who are residents of the State and are certified massage,  
34 bodywork and somatic therapists who have been actively engaged  
35 in the practice of massage, bodywork and somatic therapies in this  
36 State for at least five years immediately preceding their  
37 appointment, except that the committee shall not have at any one  
38 time more than two members who practice a particular method and  
39 manner of treatment of massage, bodywork and somatic therapies.

40 b. For a period of one year after the effective date of **[this act]**  
41 P.L.1999, c.19 (C.45:11-53 et seq.), providing for the certification  
42 of message, bodywork and somatic therapists, and notwithstanding  
43 any other provisions of this act to the contrary, the first six  
44 massage, bodywork and somatic therapists appointed as members of  
45 the committee shall not be required, at the time of their first  
46 appointment, to be certified to practice massage, bodywork and  
47 somatic therapies. Starting on, and after, the date of enactment of  
48 P.L. , c. (C. )(pending before the licensure as this bill),

1 and pursuant to section 15 of this amendatory and supplementary  
2 act, every member of the committee who was a certified message,  
3 bodywork and somatic therapist at the time of their appointment  
4 shall be a licensed member of the committee.

5 c. The Governor shall appoint each committee member with the  
6 advice and consent of the Senate. The Governor shall appoint each  
7 member for a term of three years, except that of the members first  
8 appointed, two shall serve for terms of three years, two shall serve  
9 for terms of two years and two shall serve for a term of one year.  
10 Each member shall hold office until his successor has been  
11 qualified. Any vacancy in the membership of the committee shall  
12 be filled for the unexpired term in the manner provided for the  
13 original appointment. No member of the committee may serve  
14 more than two successive terms in addition to any unexpired term to  
15 which he has been appointed.

16 (cf: P.L.1999, c.19, s.4)

17

18 6. Section 7 of P.L.1999, c.19 (C.45:11-59) is amended to read  
19 as follows:

20 7. The committee shall:

21 a. Review the qualifications of applicants for **[certification]**  
22 licensure;

23 b. Insure the proper conduct and standards of examinations;

24 c. Issue and renew **[certificates of certification]** licenses to  
25 massage, bodywork and somatic therapists pursuant to this act;

26 d. Suspend, revoke or fail to renew the **[certificate of**  
27 **certification]** license of a massage, bodywork and somatic therapist  
28 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

29 e. Establish any standards for the continuing education of  
30 licensees as it deems necessary;

31 f. Prescribe or change the charges for examinations,  
32 **[certifications]** licensures, renewals and other services performed  
33 pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.); and

34 g. Maintain a record of every massage, bodywork and somatic  
35 therapist **[certified]** licensed in this State, and the date and number  
36 of his **[certificate of certification]** license, and publish a list of the  
37 names and addresses of all licensees annually.

38 (cf: P.L.1999, c.19, s.7)

39

40 7. Section 8 of P.L.1999, c.19 (C.45:11-60) is amended to read  
41 as follows:

42 8. To be eligible for **[certification]** licensure as a massage,  
43 bodywork and somatic therapist, an applicant shall be of good  
44 moral character and submit to the committee satisfactory evidence  
45 of:

46 a. Successful completion of a minimum of 500 hours in class  
47 study in the field of massage, bodywork and somatic therapies  
48 approved by the committee; or

1        b. Successful completion of the written examination offered by  
2 **【The】** the National Certification Board for Therapeutic Massage  
3 and Bodywork or a substantially equivalent examination approved  
4 by the committee to determine the applicant's competence to **【call**  
5 **himself a】** practice massage, bodywork and somatic **【therapist】**  
6 therapies. The successful completion of any such examination may  
7 have been accomplished before the effective date of this act.  
8 (cf: P.L.1999, c.19, s.8)

9  
10        8. Section 10 of P.L.1999, c.19 (C.45:11-62) is amended to read  
11 as follows:

12        10. A fee to be determined by the committee shall accompany  
13 each application for **【certification】** licensure. **【Certificates of**  
14 **certification】** Licenses shall expire biennially and may be renewed  
15 upon submission of a renewal application provided by the board and  
16 payment of a fee. If the renewal fee is not paid by that date, the  
17 **【certificate of certification】** license shall automatically expire, but  
18 may be renewed within two years of its expiration date on payment  
19 to the board of a sum determined by the committee for each year or  
20 part thereof during which the **【certificate of certification】** license  
21 was expired and an additional restoration fee. After a two-year  
22 period, a **【certificate of certification】** license may only be renewed  
23 by complying with the provisions of this act regarding initial  
24 **【certification】** licensure.  
25 (cf: P.L.1999, c.19, s.10)

26  
27        9. Section 11 of P.L.1999, c.19 (C.45:11-63) is amended to read  
28 as follows:

29        11. The committee shall issue a **【certificate of certification】**  
30 license to each applicant for **【certification】** licensure as a massage,  
31 bodywork and somatic therapist who qualifies pursuant to this act  
32 and any rules and regulations promulgated by the board and who is  
33 not disqualified for **【certification】** licensure pursuant to the  
34 provisions of P.L.1978, c.73 (C.45:1-14 et seq.).  
35 (cf: P.L.1999, c.19, s.11)

36  
37        10. Section 12 of P.L.1999, c.19 (C.45:11-64) is amended to  
38 read as follows:

39        12. Upon payment to the board of a fee and the submission of a  
40 written application on forms provided by it, the committee shall  
41 issue without examination a **【certificate of certification】** license to  
42 a massage, bodywork and somatic therapist who holds a valid  
43 license or certification issued by another state or possession of the  
44 United States or the District of Columbia which has education and  
45 experience requirements substantially equivalent to the  
46 requirements of this act; provided, however, that the applicant has  
47 not previously failed any examination referred to in section 8 of this

1 act that is approved by the committee, in which case the granting of  
2 **【certification】** licensure shall be at the discretion of the committee.  
3 (cf: P.L.1999, c.19, s.12)

4

5 11. Section 14 of P.L.1999, c.19 (C45:11-66) is amended to read  
6 as follows;

7 14. Any person who holds a **【certificate of certification】** license  
8 as a massage, bodywork and somatic therapist pursuant to this act  
9 may use the title "massage, bodywork and somatic **【therapist" or】**  
10 therapist," "certified massage, bodywork and somatic **【therapist"】**  
11 therapist," or "licensed massage, bodywork and somatic therapist"  
12 or the abbreviations "MBT," "CMBT," "COBT," **【or "CMT"】**  
13 "CMT," "LMBT," "LOBT," or "LMT". Every holder of a  
14 **【certificate of certification】** license shall display it in a conspicuous  
15 place in his principal office, place of business or employment.  
16 (cf: P.L.1999, c.19, s.14)

17

18 12. (New section) Nothing in this amendatory and  
19 supplementary act shall be construed to prohibit any person licensed  
20 to practice in this State under any other law from engaging in the  
21 practice for which he is licensed or to prohibit any student enrolled  
22 in a program of massage, bodywork and somatic therapies  
23 recognized by the committee from performing massage, bodywork  
24 and somatic therapies which are necessary to his course of study.

25

26 13. (New section) Upon payment to the committee of a  
27 prescribed fee and the submission of a written application on forms  
28 prescribed by the committee, the committee shall issue a temporary  
29 permit to an applicant who has completed a program of massage,  
30 bodywork and somatic therapies recognized by the committee,  
31 which permit shall allow the applicant to engage in the practice of  
32 massage, bodywork and somatic therapies. The permit shall remain  
33 valid for a period of no more than 120 days or upon receipt of a  
34 newly issued license as a massage, bodywork and somatic therapist,  
35 whichever occurs first. Only one temporary permit shall be issued  
36 to an applicant.

37

38 14. (New section) No person shall engage in the practice of  
39 massage, bodywork and somatic therapies as a licensed massage,  
40 bodywork and somatic therapist or present, call or represent himself  
41 as a licensed massage, bodywork and somatic therapist unless  
42 licensed pursuant to this amendatory and supplementary act.

43

44 15. (New section) Any person who is a certified massage,  
45 bodywork and somatic therapist pursuant to sections 8 or 9 of  
46 P.L.1999, c.19 (C.45:11-60 or 45:11-61) on the effective date of  
47 this amendatory and supplementary act shall be a licensed massage,  
48 bodywork and somatic therapist under and subject to the provisions

1 of P.L.1999, c.19 (C.45:11-53 et seq.) and this amendatory and  
2 supplementary act.

3  
4 16. (New section) This act shall supersede any municipal  
5 ordinance or regulation that provides for the licensing, certification  
6 or registration of massage, bodywork and somatic therapists.

7  
8 17. Section 13 of P.L.1999, c.19 (C.45:11-65) is repealed.

9  
10 18. This act shall take effect on the 180th day following  
11 enactment.

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13  
14 STATEMENT

15  
16 This bill amends and supplements the "Massage, Bodywork and  
17 Somatic Therapist Certification Act," P.L.1999, c.19 (C.45:11-53 et  
18 seq.), to become the "Massage, Bodywork and Somatic Therapist  
19 Licensing Act." The bill provides for the use of the title "licensed  
20 massage, bodywork and somatic therapist" instead of the title  
21 "certified massage bodywork and somatic therapist," as currently  
22 established by law, for individuals so authorized by the Massage  
23 Bodywork and Somatic Therapy Examining Committee under the  
24 New Jersey Board of Nursing in the Department of Law and Public  
25 Safety.

26 In addition, the bill stipulates that no person shall engage in the  
27 practice of massage, bodywork and somatic therapies as a licensed  
28 massage, bodywork and somatic therapist or present, call or  
29 represent himself as a licensed massage, bodywork and somatic  
30 therapist unless licensed pursuant to the provisions of this bill.

31 The bill specifies that nothing shall be construed to prohibit any  
32 person licensed to practice in this State under any other law from  
33 engaging in the practice for which he is licensed or to prohibit any  
34 student enrolled in a program of massage, bodywork and somatic  
35 therapies recognized by the committee from performing massage,  
36 bodywork and somatic therapies which are necessary to his course  
37 of study. In addition, the bill permits the Massage, Bodywork and  
38 Somatic Therapy Examining Committee to issue a temporary permit  
39 to an applicant who has completed a program of massage,  
40 bodywork and somatic therapies recognized by the committee,  
41 which permit shall allow the applicant to engage in the practice of  
42 massage, bodywork and somatic therapies. The permit shall remain  
43 valid for a period of no more than 120 days.

44 The bill also removes the statutory provision that currently  
45 prohibits massage, bodywork and somatic therapists from treating  
46 illness, disease, impairment or disability.

47 Furthermore, the bill states that the "Massage, Bodywork, and  
48 Somatic Therapist Licensing Act" shall supersede any municipal

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8

- 1 ordinance or regulation that provides for the licensing, certification
- 2 or registration of massage, bodywork and somatic therapists.