

HB 3819 -5 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Abby Shearer, LPRO Analyst

Meeting Dates: 3/26, 4/2

WHAT THE MEASURE DOES:

The measure authorizes the State Board of Massage Therapists to issue a temporary practice permit to individuals authorized to practice massage in another U.S. state, territory, or foreign country. Permits the holder of a temporary permit to practice in Oregon for up to 180 days in a calendar year for purposes including educational or clinical presentations, disaster response, or consultation with an Oregon-licensed massage therapist. Modifies definitions and exemptions under ORS chapter 687 related to massage therapy. Increases the maximum civil penalty for violations from \$1,000 to \$5,000. Allows the Board to post a notice on massage facilities that violate licensure requirements and to impose penalties for unauthorized removal of such notice. Increases the criminal classification for operating a massage facility without a license or violating related administrative rules from a Class A misdemeanor to a Class C felony. Adds licensed massage therapists to the list of mandatory reporters under ORS 419B.005. Takes effect on the 91st day after adjournment sine die, with operative provisions beginning January 1, 2026.

ISSUES DISCUSSED:

- State Board of Massage Therapy's current authority to regulate massage facilities
- Placards to communicate to the public that the facility is not in compliance
- Increased fines to deter facilities from operating unlicensed

EFFECT OF AMENDMENT:

-5 The amendment replaces the measure. Authorizes the State Board of Massage Therapists to issue a temporary practice permit to individuals authorized to practice massage in another U.S. state, territory, or foreign country. Permits the holder of a temporary permit to practice in Oregon for up to 180 days in a calendar year for purposes including educational or clinical presentations, disaster response, or consultation with an Oregon-licensed massage therapist. Modifies definitions and exemptions under ORS chapter 687 related to massage therapy. Increases the maximum civil penalty for violations from \$1,000 to \$5,000. Allows the Board to post a notice on massage facilities that violate licensure requirements and to impose penalties for unauthorized removal of such notice. Increases the criminal classification for operating a massage facility without a license or violating related administrative rules from a Class A misdemeanor to a Class C felony. Adds licensed massage therapists to the list of mandatory reporters under ORS 419B.005. Takes effect on the 91st day after adjournment sine die, with operative provisions beginning January 1, 2026.

BACKGROUND:

Oregon law regulates the practice of massage therapy through licensing requirements overseen by the State Board of Massage Therapists. To obtain a license, individuals must meet specified education and examination standards. Current law does not explicitly authorize the Board to issue temporary practice permits to individuals licensed in other states, territories, or countries. Existing statute classifies the unlicensed practice of massage as a Class A misdemeanor and limits penalties to \$1,000 per violation. The Board does not have explicit authority to post notices at massage facilities that are not in compliance with licensure laws, nor to impose penalties for unauthorized removal of such notices. Additionally, although Oregon law designates certain professions as mandatory reporters of child abuse, licensed massage therapists are not currently included. House Bill 3819-5 establishes a temporary practice permit process, increases the maximum civil penalty, expands the Board's

enforcement authority, and adds licensed massage therapists to the list of mandatory reporters.

PRELIMINARY