



SPONSOR: Rep. Minor-Brown & Rep. Osienski & Rep. Longhurst &
Sen. Walsh
Reps. K. Johnson, Kowalko, Mitchell; Sens. Delcollo,
Poore, Townsend

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 7

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO MASSAGE AND BODYWORK.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 5308, Title 24 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 5308. Qualifications of applicant; report to Attorney General; judicial review.

4 (a) An applicant who is applying for licensure as a massage and bodywork therapist under this chapter ~~shall~~must
5 submit evidence, verified by oath and satisfactory to the Board, that such person:

6 (9) Has not been convicted of a crime that is substantially related to the practice of massage and bodywork. In
7 ~~determining whether a crime is substantially related to the practice of massage and bodywork, the Board may not~~
8 ~~consider a conviction where more than 10 years have elapsed since the date of conviction, if there have been no other~~
9 ~~criminal convictions in the intervening time. However, after~~After a hearing or review of documentation demonstrating
10 that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the
11 quorum, ~~or during the time period between Board meetings, the Board President or the President's designee,~~ may
12 waive this paragraph (a)(9), if it finds all of the following:

13 a. For waiver of a felony conviction, ~~where the crime was committed against a person~~, more than ~~35~~ years
14 ~~have elapsed~~passed since the date of the conviction ~~and for all other felonies, more than 2 years have elapsed since~~
15 ~~the date of conviction~~ and for all other felonies, more than 2 years have ~~elapsed~~passed since the date of
16 conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation ~~on~~
17 ~~or on parole at Level III Supervision or higher, or serving any part of a suspended sentence and must be in~~
18 substantial compliance with all court orders pertaining to fines, restitution and community service.

19 b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may
20 not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must
21 be in substantial compliance with all court orders pertaining to fines, restitution and community service.

22 c. The applicant is capable of practicing massage and bodyworks in a competent and professional manner.

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d. The granting of the waiver will not endanger the public health, safety or welfare;

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Section 2. This Bill takes effect 90 days after enactment.

SYNOPSIS

This Bill modifies the impact of criminal history on an applicant's eligibility for licensure and thereby removes certain barriers to employment. It gives the Board the discretion to grant a waiver of a felony conviction for a crime committed against a person where more than 3 years have elapsed since the date of conviction, and for all other felonies, more than 2 years have elapsed since the date of conviction. The Board will be precluded from considering a conviction where more than 10 years have elapsed since the date of conviction, if there have been no other criminal convictions in the intervening time. The statute already prohibits licensure to anyone that has a felony sexual offense conviction.