



SPONSOR: Rep. Matthews & Rep. Griffith & Rep. Heffernan &
Rep. Longhurst & Rep. K. Williams & Sen. Hansen &
Sen. S. McBride & Sen. Poore
Reps. Baumbach, Bennett, K. Johnson, Lambert; Sen.
Walsh

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 38

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:

Section 1. Amend Chapter 53, Title 24 of the Delaware Code by making deletions as shown by strike through
and insertions as shown by underline as follows:

§ 5317 Penalties.

(a) A person not currently licensed as a massage or bodywork therapist or certified as a massage technician
under this chapter, when guilty of engaging in the practice of massage or bodywork therapy or of practicing as a
massage technician, or using in connection with the practitioner's own name, or otherwise assuming or using any title or
description conveying, or tending to convey the impression that the practitioner is qualified to practice massage or
bodywork therapy, or to act as a massage technician, such offender shall be guilty of a misdemeanor. Upon the first
offense, the practitioner shall be fined not less than \$100, nor more than \$500 for each offense. For a second or
subsequent conviction, the fine shall be not less than \$500, nor no more than \$1,000 for each offense. ~~Superior Court~~
~~shall have jurisdiction over all violations of this chapter.~~

(b) Where a person unlawfully operates, manages, owns, or advertises for any massage establishment or place
where massage and bodywork services are rendered, the person shall be guilty of a class A misdemeanor, and be
imprisoned not more than 1 year or fined not more than \$2300, or both. ~~Superior Court shall have jurisdiction over all~~
~~violations of this chapter.~~

(c) A person who unlawfully removes a placard pursuant to § 5320 shall be guilty of a class A misdemeanor,
and be imprisoned not more than 1 year or fined not more than \$2300, or both.

(d) Superior Court shall have jurisdiction over all violations under this section.

§ 5320 Unlicensed practice violations; penalties.

(a) A placard, as provided by the Attorney General, shall be prominently displayed at all entrances of
establishments that have failed to obtain a valid license or have a license that is suspended, revoked, or expired. Such

22 placard may not be removed unless the establishment is validly licensed pursuant to this chapter, and such removal of
23 the placard is approved by the Division.

24 (b) Whenever, in the judgment of the Division, any person has engaged in or is about to engage in any acts or
25 practices which constitute or will constitute a violation of any provision of this chapter or any rule, regulation or order
26 issued thereunder, the Division may request the Attorney General to make application to the Court of Chancery for an
27 order enjoining such acts or practices or for an order directing compliance and, upon a showing by the Division that
28 such person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction,
29 restraining order or other order may be granted.

30 (c) The unlawful operation, management, ownership, or advertisement of any massage establishment or place
31 where massage and bodywork services are rendered is hereby deemed a public nuisance.

SYNOPSIS

A placard must be prominently displayed at all entrances of massage and bodywork establishments that have failed to obtain a valid license or have a license that is suspended, revoked, or expired. This bill provides that no placard can be removed unless the establishment is validly licensed and the removal of the placard is approved by the Division of Professional Regulation. This bill makes the unlawful removal of the placard a Class A misdemeanor, punishable of up to 1 year in jail and up to a \$2300 fine.