

<b>Act Number:</b>	09-182	
<b>Bill Number:</b>	5883	
<b>Senate Pages:</b>	5668-5669, 5701-5703	<b>5</b>
<b>House Pages:</b>	2710-2715	<b>6</b>
<b>Committee:</b>	Judiciary: 4425-4429, 4486-4487, 4641-4642, 4681-4688, 4873-4877	<b>22</b>

**Page Total: 33**

**S - 593**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 17  
5352 - 5682**

mhr  
SENATE

264  
June 2, 2009

SENATOR LOONEY:

Yes. Thank you, Mr. President. Moving to Calendar Page 4, Calendar 455, House Bill 5018. Mr. President, I would move to place that item on the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place Calendar Number 455 on the Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. On Calendar Page 5, Calendar 458, House Bill 6447; Mr. President, that item is marked go.

And, Mr. President, moving to Calendar Page 7, Calendar 593, House Bill 5286. Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

Motion on the floor to place Calendar Number 593 on the Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar Page 8, Calendar 606, House Bill 5883; Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

mhr  
SENATE

265  
June 2, 2009

There is a motion on the floor to place Calendar Number 606 on the Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, on Calendar Page 9, Calendar 621, House Bill 6467 is marked go. Continuing on Calendar Page 9, Calendar 619, House Bill 6343. Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place Calendar Number 619 on the Consent Calendar. Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Continuing on Calendar Page 9, Calendar 626, House Bill 6476. Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

There is a motion on the floor to place Calendar Number 6 -- you got 626 here --

[HB6476]

SENATOR LOONEY:

Yeah, 626, Mr. President.

THE CHAIR:

-- on the Consent Calendar. Seeing no objection,

**S – 594**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2009**

**VOL. 52  
PART 18  
5683 – 5943**

mhr  
SENATE

297  
June 2, 2009

Mr. Clerk, please call Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

Mr. President, those items placed on the Second Consent Calendar --

THE CHAIR:

Mr. Clerk, please hold for a second.

I'm trying to hear the Clerk call the Consent Calendar and I'm sure you don't want to miss that vote either, so if I could have your attention and quiet, please.

Mr. Clerk.

THE CLERK:

The items placed on the Second Consent Calendar begin on Senate Agenda 1, substitute for House Bill 6486, substitute for House Bill 6649. Senate Agenda Number 3, House Bill 6394. Today's Calendar, Calendar Page 3, Calendar 317, Senate Bill 586; Calendar Page 4, Calendar 455, House Bill 5018; Calendar Page 7, Calendar Number 593, Substitute House Bill 5286; Calendar Page 8, Calendar 606, substitute

mhr  
SENATE

298  
June 2, 2009

for House Bill 5883; Calendar Page 9, Calendar 619,  
House Bill 6343; Calendar 626, House Bill 6476;  
Calendar 629, substitute for House Bill 6232; Calendar  
Page 10, Calendar 634, House Bill 6544; Calendar 636,  
substitute for House Bill 6483; Calendar Page 11,  
Calendar 649, substitute for House Bill 6466; Calendar  
Page 13, Calendar 663, substitute for House Bill 5254;  
Calendar Page 15, Calendar 680, substitute for House  
Bill 5821; Calendar Page 16, Calendar 684, House  
Bill 6231; Calendar Page 17, Calendar 689, substitute  
for House Bill 5421; Calendar Page 18, Calendar 695,  
substitute for House Bill 6419; Calendar Page 19,  
Calendar 699, substitute for House Bill 6284; Calendar  
Page 21, Calendar 711, House Bill 5099; Calendar 712,  
substitute for House Bill 6025; Calendar Page 22,  
Calendar 718, substitute for House Bill 5861; Calendar  
Page 23, Calendar 720, substitute for House Bill 5108;  
Calendar Page 32, Calendar 450, House Bill 6233;  
Calendar 467, substitute for Senate Bill 1031; and,  
Calendar Page 35, Calendar 205, substitute for Senate  
Bill 948. Mr. President, that completes the items  
placed on the Second Consent Calendar.

THE CHAIR:

Will you please call the Consent Calendar? The  
machine will be open.

mhr  
SENATE

299  
June 2, 2009

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar  
Number 2:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items voted on, on Consent Calendar Number 2, requiring additional action by the



**H – 1045**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2009**

**VOL.52  
PART 9  
2608 – 2924**

Has every -- have all the members voted? Have all the members voted?

Have all the members voted? Have all the members voted? If all the members have voted please check the board and make sure your votes were properly cast. If all the members have voted the machine will be locked and the Clerk will please take a tally.

Would the Clerk please announce the tally.

THE CLERK:

House Bill 6640

Total number voting 138

Necessary for passage 70

Those voting Yea 138

Those voting Nay 0

Those absent and not voting 13

SPEAKER DONOVAN:

Bill passes.

Clerk please call Calendar 409.

THE CLERK:

On page 14, Calendar 409, substitute for House Bill Number 5883, AN ACT CONCERNING THE UNLICENSED PRACTICE OF MASSAGE THERAPY, favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

Representative Fox.

REP. FOX: (146th):

Thank you, Mr. Speaker. I move for the acceptance of the Joint Committee's favorable report in passage of the bill.

SPEAKER DONOVAN:

Questions on the acceptance of the Joint Committee's favorable report in passage of bill.

Remarks sir.

REP. FOX (146th):

Thank you, Mr. Speaker. Several years ago we passed a law that dealt with massage parlors -- massage therapists and requiring them to be registered with the State of Connecticut before they can open their doors and perform their business. What that -- what has transpired since we've passed that law is certain town officials have come to us indicating that the ordinances that they adopt make it as a violations or not strong enough. So what this bill does is it makes a violation of the previous law a Class C Misdemeanor and that violation would be punishable by up to three months imprisonment and, or a fine of up to \$500 for any person who engages in the practice of massage therapy or uses certain titles implying that

they have the professional certification when they actually do not have that license. And I urge passage of the bill.

SPEAKER DONOVAN:

Thank you, Representative. Remark further.  
Remark further. Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker. This is another bill that seems to be a bit of a theme of the day. In addition to increasing the amounts of money that we're dealing with in terms of adjusting things for inflation it seems like we're recognizing that there are certain activities that people engage in that are essentially -- in some way or another regulated but apparently not sufficiently strongly.

And it appears that this penalty which is the smallest penalty in terms of a criminal conviction and a Class C Misdemeanor is an appropriate one for someone who violates the massage therapy prohibition. I was thinking in terms of this particular piece of legislation when we had our discussion about the ultrasound in that the legislation here provides for a penalty at least so that some action can be taken that's clear and obvious as to what the wrongdoing

would result in -- in terms of consequence.

And I'm -- as I said before when dealing with the other bill was a little surprised that there was no penalty associated with that. But -- but this is a reasonable change in the law and apparently seems to be necessary because the message was not received by the folks who wanted to continue in violation of the law that said you needed a license. So I would urge adoption. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Remark further.

Representative Orange.

REP. ORANGE (48th):

Thank you, Mr. Speaker. Mr. Speaker, I rise to support this bill and I would like to take the time to thank Representative Lawlor in class for raising this issue, raising the bill, and having a public hearing on this bill. This bill actually is the result of the massage therapy group coming to me, stating that they needed more security for people that are licensed in this state for massage therapy as opposed to people who aren't and the legislation comes as a result of a meeting with Deputy Commissioner Norma Gyle. So I would like to thank the Chairman and the Vice Chairman

as well as Commissioner Guile for her help and support this bill. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Representative Hennessy.

REP. HENNESSY (127th):

Thank you -- thank you, Mr. Speaker. Mr. Speaker as a licensed massage therapist I want to thank the Judicial Committee and Representative Orange for their work. Two years ago I helped to put in the bill that this works on. When I became a licensed massage therapist and saw how the -- that term and the profession was abused by illicit use. I thought to myself that there should be a law to prevent this and I'm so happy to be up here to see that this -- these laws are going into effect to protect licensed massage therapists throughout the state. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you Representative. Will you remark further? Remark further on the bill before us. Remark further? If not, staff and guests come to the well of the House. The members take their seats. The machine will be open.

THE CLERK:

The House of Representative is voting by roll  
call. Members to the chamber. The House is voting by  
roll call. Members to the chamber please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members  
voted? Members please check the board, make sure the  
votes were properly cast. If all the members have  
voted the machine will be locked and the Clerk will  
please take a tally. Will the Clerk please announce  
the tally.

THE CLERK:

House Bill 5883	
Total number voting	140
Necessary for passage	71
Those voting Yea	140
Those voting Nay	0
Those absent and not voting	12

SPEAKER DONOVAN:

Bill -- bill passes. Are there any Houseman  
interested in introductions? Representative Graziani.

REP. GRAZIANI (57th):

Thank you, Mr. Speaker. For the point of  
personal privilege.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 14  
4276 - 4597  
2009**



REP. LAWLOR: Okay. You'll be next, sir and then Barry Feldman from the University of Connecticut. You'll be following that, Mr. Feldman.

Good morning, Representative Orange.

REP. ORANGE: Good morning, Representative Lawlor. How are you? That's good. I appreciate the time that you've allotted me here, and that you considered raising the bill regarding massage therapy, An Act Concerning The Unlicensed Practice Of Massage Therapy.

HB 5883

And the reason that I brought this bill forward is that several massage therapists came to me with the problem of unlicensed massage therapy practices within the State of Connecticut, and I thought it best that we go over to the Department of Public Health, which we did, and we had a meeting with Norma Gyle, the Deputy Commissioner.

And she suggested that perhaps we try doing a bill whereas there would be a penalty for unlicensed massage therapy, because as you know, and as you kind of taught me to think out of the box, that this also solicits other activities that present themselves.

And so, I'm asking you to move this bill along and if we could have a penalty in there, and a steep enough penalty with and/or jail time, it would stop, and it would stop the practice of unlicensed massage therapy parlors that bring upon these other activities, and preserve the good work of the massage therapists that are licensed in our state.

REP. LAWLOR: Thank you, Representative. I thought I had taught you that when you're trying to figure out how people can abuse laws on the

books to think like a criminal, right? Isn't that right?

REP. ORANGE: That's what you said, sir.

REP. LAWLOR: And so you've got to figure out ways to get around the laws. But what you're concerned about is that, the problem you're trying to solve is to separate legitimate massage therapists from what sometimes people refer to as massage parlors and things like that, which obviously gets into prostitution and exploitation of people, oftentimes immigrants and things like that.

And I'm guessing that the legitimate massage therapists in the state would totally support this. Is that the case?

REP. ORANGE: Yes.

REP. LAWLOR: Are people generally supportive?

REP. ORANGE: And we have a Representative who is a massage therapist, and I believe he is on the speaking list, or has submitted testimony in favor of this as well.

And if I may, if you'd like, there are a couple of massage therapists here that were going to testify, and they can explain, perhaps, their viewpoint on this.

But in essence, so the way that this came about is that, you know, they came to me. We went over to the Commissioner, Deputy Commissioner Gyle, and she thought that this would be a good way to address the issue, and I wholeheartedly agree.

REP. LAWLOR: Well, normally I would invite them to come and testify with you, but we'd just like

to get through this first hour and then they're signed up to testify, and they could come up together as a panel if they wanted to when the first one is called.

REP. ORANGE: Okay. Okey dokey.

REP. LAWLOR: Are there further questions from the Committee? Senator Kissel.

SEN. KISSEL: Thank you very much, Chairman Lawlor. Representative Orange, always a pleasure to have you come and testify before us.

REP. ORANGE: Why, thank you.

SEN. KISSEL: Should do this more often. And I guess my only suggestion if you haven't already done it, is that quite often if the Connecticut Police Chief's Association is supporting a criminal measure, that's always helpful.

And I don't know if you've touched bases with them as far as, sometimes it ebbs and flows. Sometimes, for whatever reason the newspapers or television or radio will focus on these massage parlors. They're big news. And then all of a sudden they sort of, they're not headlines any more, and I don't know much of a problem this is in the State of Connecticut.

But if law enforcement is behind this proposal as well, that would be terrific.

REP. ORANGE: Well, thank you for the tip. I will touch base. I haven't touched base with the police chiefs, but I will, and if the people are fined, you know, as you're stating here, if they're fined and have a possible jail sentence it will send a message, a clear message to people that are coming into the state to do illegal activities such as that.

SEN. KISSEL: And I really appreciate your interest in it. And what people don't understand, they might even say like this is a victimless kind of crime and it's not. We've had things, I've been on task forces regarding human trafficking. Sometimes people are intimidated into doing these kinds of things. It definitely doesn't help neighborhood prosperity, and it can lead to other forms of criminal abuse, whether it's drugs, alcohol abuse, violent crime.

And so, I think that your proposal is very meritorious and I certainly will do whatever I can to help move it out of this Committee.

REP. ORANGE: Thank you, Senator Kissel.

REP. LAWLOR: Representative Gonzalez.

REP. GONZALEZ: Thank you, Mr. Chair. Can you clear something for me. Is not a law on the books that says that you can't, you know, run any kind of business without a license? And there are exceptions and you know (inaudible).

REP. ORANGE: Yes. Massage therapists have to be licensed in the state of Connecticut.

REP. GONZALEZ: In the books now. And what you're looking for?

REP. ORANGE: Well, this bill would take care of people that are opening massage parlors, who are practicing massage therapy without a license, which is currently happening, and if we have a fine and a possible jail sentence I think that we would be known as a state that doesn't tolerate this kind of behavior.

8

March 19, 2009

pat JUDICIARY COMMITTEE

10:00 A.M.

REP. LAWLOR: Further questions? If not, thanks again, Representative Orange.

REP. ORANGE: Thank you, Sir.

REP. LAWLOR: Next is James Neil. We have another bill pending called Blocking the Box, Representative Orange. Good afternoon, Mr. Neil.

JAMES NEIL: Good morning, Representative Lawlor, Senator McDonald, members of the Committee. I'm James Neil. I'm the Director of Operations at the State Marshal Commission. I've got three bills that I'm going to address very briefly this morning that are on your agenda.

(HB 5174)HB 6680

The first is House Bill Number 6681 An Act Concerning The Service Of Restraining Orders For Relief From Domestic Abuse. And to begin with, you should know that in my position as Director of Operations, I don't view any responsibility that the State Marshals have that is any greater than the successful service of a restraining order, so I am concerned with any legislation that touches that process.

The current system that we have in place now, we have, already have a State Marshal assigned to each and every civil courthouse in the State of Connecticut. Two times a day they're to be there, at the end of the morning session as well as the afternoon session to accept and serve restraining orders.

And between the resources of the State Marshal Commission and the Judicial Branch, I think we have tools in place now to address all the proposals in this bill that are in fact, workable. And quite honestly, I would suggest that there isn't really any legislation necessary at all at this time in this area.

SEN. MCDONALD: Next is Representative Hennessy, followed by Peter Wolfgang, and then Thomas Burke. Good afternoon.

REP. HENNESSY: Hi, Chairman McDonald, members of the Judiciary Committee. My name is State Representative Jack Hennessy of the 127th District and thank you for the opportunity to testify today.

I support Committee bill, House Bill Number 5883 An Act Concerning The Unlicensed Practice Of Massage Therapy.

Before I address this, I would just like to, you know, recognize the previous speakers and I fully support that bill also.

But back to the massage therapy bill. Two years ago, oh, first of all, I'm a massage therapist. I got licensed in 1997, went to the Connecticut Center of Massage Therapy School over 500 hours of classroom teaching, and requires being a member of the American Association, American Massage Association, and to be certified. So there's many steps to becoming a licensed massage therapist, of which I went through it and got licensed and was a practicing massage therapist for many years. You have testimony that I presented.

Two years ago I helped pass legislation that protected the term massage therapy because it's being used vaguely and criminally, and so we put into law disallowing that to be used.

Unfortunately, there is no teeth to the bill, and so the bill before you puts a fine, I believe it's \$300 and imprisonment of 30 days.

So municipalities that are seeking to make sure that what's going on in their municipality is

above board, basically are interested in having some kind of a fine associated with this.

There's a lot to being a massage therapist. You have to do, you have to maintain your license by doing training continued, ethics training every two years and for me it was really quite disconcerting to go through everything that I went through to get licensed, and then find that there are people in the field that aren't licensed.

I spent two years and several thousand dollars to become a healthcare professional and I'm appreciative that the State of Connecticut is moving forward, the profession, and you know, there's still work to be done, and I'd really appreciate it if you could move this out of Committee. Thank you.

SEN. MCDONALD: Thank you very much. Actually, reading the bill, you always learn something in the Judiciary Committee. I've never heard of the term of massagist. That's one of the massage therapists, a massage practitioner, a massagist.

REP. HENNESSY: I never heard of that.

SEN. MCDONALD: No, okay? I know about misogyny, right, but not massagist. And this would criminalize anybody who represented themselves to be a massage therapist without a license?

REP. HENNESSY: Yes. That's correct. To be practicing with it. We're also interested in expanding it to advertising as such, but that's not in this language as written.

SEN. MCDONALD: Okay. Well, thanks very much.

REP. HENNESSY: Sure.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 15  
4598 - 4928**

**2009**



SEN. MCDONALD: Anything further? Thanks very much for your testimony.

DON ARSENAULT: Thank you.

SEN. MCDONALD: Shirley Cooper. And after Miss Cooper, is Joe Corlis here? Joe Corlis. How about Michael Alexander? How about Wayne Chagnot? Brianna Johnston. Please proceed, madam.

SHIRLEY COOPER: Good afternoon, or is it good evening?

SEN. MCDONALD: Whatever you need it to be.

SHIRLEY COOPER: Senator McDonald and Representative Lawlor and members of the Judiciary Committee, my name is Shirley Cooper. I'm a licensed massage therapist from East Granby and I have been in practice for almost 25 years now, which I can't believe, and have been involved with the legislative process relating to massage since the initial work began on our licensing law, which was passed in 1992 and implemented in 1993.

I am pleased to support the additions to the law that House Bill Number 5883 will bring as it is one more step taken to protect the public from untrained individuals performing massage and illegal activity happening under the disguise of massage therapy.

Part of the concerns that towns have are, the businesses that are opening under the guise of massage. The quiet town of Cheshire is a prime example. The activity that was operating out of a "spa", there was deplorable activity as it was advertised also as massage.

Currently, there is no penalty for a business owner that knowingly hires an unlicensed person to perform massage. It will help in holding accountable those business owners that knowingly hire unlicensed personnel in their practices, so I encourage you to support House Bill Number 5883. Thanks for your time.

SEN. MCDONALD: Thank you. Senator Kissel.

SEN. KISSEL: I just want to thank you for being so patient today. I don't know if you live in my part of Granby or in Senator Witkos' part of Granby.

SHIRLEY COOPER: I'm in East Granby.

SEN. KISSEL: Oh, East Granby. Then I am, I work for you, ma'am, and thank you so much.

SHIRLEY COOPER: Yes, I know you do. Thank you, kind sir. Thank you.

SEN. MCDONALD: He'd like you to punch the card later and let everybody know he was here. Brianna Johnston is next and then is Michelle Hanson here? Michelle Hanson? I'm going to mispronounce this. Norman Chouinard. Good afternoon.

BRIANNA JOHNSTON: Good afternoon, Senator McDonald and Representative Lawlor and Committee members, and thank you for your long hours.

My name is Brianna Johnston. I'm a resident of Bloomfield, and I am currently studying at Hartford Seminary to become an ordained minister. I appreciate this time to testify in favor of House Bill Number 6452 An Act Concerning Discrimination.

260  
pat JUDICIARY COMMITTEE

March 19, 2009  
10:00 A.M.

But again, I think, I'm not sure how much has changed in the sense of how many people have come up behind me and how much more established this decision seems to be, but having it in the statute would just make it a lot clearer, and would clue in employers around the state that this is something that's a protected aspect of a person's identity, just like your race or your color, your national origin, your sex, your sexual orientation are protected.

Everybody has a gender identity. Everybody has a way of expressing their gender, and that would be protected as well.

REP. LAWLOR: Thank you. Are there other questions? If not, thanks again.

ANTONIA LOCONTE: You're welcome.

REP. LAWLOR: I apologize for this, but your name is Antonia Lo Conte, right?

ANTONIA LOCONTE: Antonia LoConte.

REP. LAWLOR: Right, because I just lost where the list was that Representative McDonald had, okay. So next is Robin Kramer. He's not here? What's your name?

LEE STANG: Lee Stang.

REP. LAWLOR: Okay, come on up, Miss Stang, and is Cherrri Brag still here? Scott Raymond still here?

SCOTT RAYMOND: I'm Scott Raymond.

REP. LAWLOR: You'll be next, Sir.

LEE STANG: Good evening, Representative Lawlor,  
Representative holder-Winfield and

HB5883

Representative Conway. I'm Lee Stang, a licensed massage therapist from Plainville, Connecticut, and I'm here to speak in support of Committee House Bill Number 5883 concerning unlicensed practice of massage therapy.

As a licensed massage therapist for over 14 years, I work with a number of clients that suffer from various medical conditions, including, but certainly not limited to MS, fibromyalgia, diabetes, congestive heart failure and various forms of cancer.

Massage therapy is an integral part of the healthcare of these individuals. It has become a valuable component of our overall healthcare system now often working hand in hand, so to speak, with physical therapists, occupational therapists, physicians, osteopaths, naturopaths, chiropractors and other healthcare professionals.

It is important to ensure that licensed massage professionals are performing these services for the health and safety of the public.

Currently in the State of Connecticut, there is a growing problem with businesses opening their doors, calling themselves massage businesses, but having little to nothing to do with legitimate massage profession.

At the very least, they are untrained, thus unlicensed, and at the most, they are involved in prostitution and even human trafficking as we saw in Cheshire.

They are operating under the guise of being legitimate massage therapy business, and this is dangerous to the public and also to legitimate massage therapy professionals.

In discussions with local health departments and detectives in various towns, we find that there continue to be grey areas in the enforcement of current state law governing massage.

Local public health directors have told us that having a criminal penalty associated with the licensing law will give them more leverage with local law enforcement to assist in shutting down illegal businesses.

The addition of criminal penalties will also help communities as local ordinances are updated. Currently, many of the town ordinances regulating local massage establishments are outdated, and as written, actually have the potential to promote illegal activities.

With the passing of this bill, these ordinances can be changed to reflect the state law as they regulate massage business, and give towns an easier avenue with which to both evaluate and address illegal establishments.

The criminal penalty will put some meat behind the law and allow more definitive action plans to be established on the local level.

An issue that the massage community has been monitoring is the crackdown in our neighboring state of New York on unlicensed nail salons and massage. It seems that many of these people are moving into Connecticut to set up shop.

This legislation will allow local towns to better monitor and combat more forcefully, illegal activity that we see associated with some of these establishments. The towns of Waterbury, Cheshire, Milford, Bristol and

Stamford to name a few, have already dealt with or are dealing with these issues.

Detectives working cases in these towns have informed us that a criminal penalty associated with our licensing law would make it easier for them to identify, fine, and shut down illegal businesses.

Massage therapy is a valuable healthcare profession. In this age of increased stress, it becomes even more important. We have an obligation to protect this profession, thus protect the public from both unlicensed individuals performing massage and businesses offering illegal services under the guise of massage.

So for these reasons I encourage you to support House Bill Number 5883 and I thank you for your patience in staying with us this evening.

REP. LAWLOR: Thank you very much for hanging in there yourself. Appreciate it, and there's a fair amount of testimony on this bill tonight, and all of it has been supportive, so that's a good sign, I think.

LEE STANG: Great.

REP. LAWLOR: Are there any further questions? If not, thank you. Next is Mr. Raymond, and is Tom Callahan still here? How about Dave Heughins?

DAVID HEUGHINS: Here.

REP. LAWLOR: Okay, you'll be next, Sir. And then Jill Maisano. How about Mike Riley and Priscilla Dickman? Is there anybody else that has signed up to testify? Okay, you'll be after

that, then. Okay, no problem. Please go ahead. I'm sorry.

SCOTT RAYMOND: Oh, no problem. Good evening. Senator McDonald has left already. Representative Lawlor, Representative Holder-Winfield and Representative Conway, my name is Scott Raymond. I'm a licensed massage therapist. I am currently the President of the Connecticut Chapter of the American Massage Therapy Association, the owner of Market Square Wellness Center in Newington, Connecticut, and an instructor at the Connecticut Center for Massage Therapy.

It is my honor to write this testimony on behalf of the over 2000 licensed massage therapists here in Connecticut that are members of the American Massage Therapy Association.

We speak in support of House Bill Number 5883 An Act Concerning The Unlicensed Practice Of Massage Therapy. We have been working closely with the Department of Public Health, and we've also been working with the Attorney General's office.

The purpose of this bill is to establish criminal penalties for the unlicensed practice of massage therapy or the use of a title that implies licensure as a massage therapist.

After attending meetings and hearings in Connecticut towns, it seems as if there's confusion in regards to how to approach the prosecution of individuals and businesses that violate Public Act 07-35. This is a bill that will help clarify that and empower local law officials to prosecute offenders of Public Act 07-35.

I have been informed of issues around public health, public safety, and even worse, human trafficking. Some individuals have been using our healthcare profession of therapeutic massage to hide sexually oriented businesses.

Others may have lost their license due to unethical behavior, but may still be practicing illegally. Both of these scenarios put our profession at risk and the general public at a greater risk.

If House Bill Number 5883 is passed, it will protect the public by making it easier for law enforcement officials to identify and confront illegal individuals that are practicing therapeutic massage and body work in the State of Connecticut.

On behalf of the members of the American Massage Therapy Association, I encourage you to support this bill. Thank you.

REP. LAWLOR: Thanks very much for your testimony. Are there any questions? If not, the good news is it's unanimous from you guys so far, so we--

SCOTT RAYMOND: We stick together, I guess. Thank you very much.

REP. LAWLOR: I just want to mention one thing.

SCOTT RAYMOND: Sure.

REP. LAWLOR: The penalty that's provided for in the bill we're trying to make an effort to conform our penalties to an existing scheme sort of like A,B, and C misdemeanors, things like that, so I think if we take the bill up, it will probably be, the penalty might be a little bit different, but it would still carry like the lowest form of misdemeanors, I think 90 days in



jail and like a \$500 fine or something along those lines.

So we've been trying to conform our--

SCOTT RAYMOND: That would be the lowest?

REP. LAWLOR: Yeah, that's the lowest at the moment, yeah.

SCOTT RAYMOND: Excellent.

REP. LAWLOR: The reason I say that is for police and prosecutors. They understand that a little better than having each crime having these odd, you know, 45 days, 50 days, that kind of thing.

SCOTT RAYMOND: I understand.

REP. LAWLOR: So we may do that.

SCOTT RAYMOND: That's fine. And we're looking to also probably looking at the law was passed January 1, 2008 and advertising as well, and not only the act of performing the massage but also the advertisement of such, so that it closes a loophole of sorts so that you don't have to catch somebody in the act of doing actual massage, but the advertising of such, to be able to stop it there.

REP. LAWLOR: I don't know if we can make that a crime, actually. That would be an interesting question.

SCOTT RAYMOND: Okay.

REP. LAWLOR: A combination of free speech issues and things like that.

UNIDENTIFIED SPEAKER: (Inaudible)

267  
pat JUDICIARY COMMITTEE

March 19, 2009  
10:00 A.M.

REP. LAWLOR: What's that?

UNIDENTIFIED SPEAKER: We have protection in our bill currently that protects--

REP. LAWLOR: Actually, here's the problem if we have this dialogue outside of the microphones, we're avoid the transcript. But there's some free speech issues about making crimes that say something--

SCOTT RAYMOND: I'll be aware of those.

REP. LAWLOR: But in terms of conduct that's not a big problem.

SCOTT RAYMOND: Got you.

REP. LAWLOR: So we'll try and work our way through the--

SCOTT RAYMOND: Excellent. Thank you, Sir.

REP. LAWLOR: --technical details later on.

SCOTT RAYMOND: Perfect. Thank you very, very much. Thanks for your time.

REP. LAWLOR: Sure. Mr. Heughins, I think you were next, right? Did I pronounce it correctly, or how close did I come?

DAVID HEUGHINS: Let's say it's a great privilege to be here, and I thank you for affording me this. Honorable Chairman, honorable Committee members. My name is David Heughins. I'm representing a portion of the general public.

My primary identity is not my gender or my job, but my Christian faith. As a result, I believe every human being is made in the image of God

HB 6452

March 19, 2009  
Committee on Judiciary

Committee Bill No. 5883: An Act Concerning The Unlicensed Practice of Massage Therapy

Submitted by: Shirley Cooper, Granby

I am Shirley Cooper, licensed massage therapist from Granby. I have been in practice for over 24 years and have been involved with the legislative process relating to massage since the initial work began on our licensing law.

I am pleased to support the additions to the law that Bill No. 5883 will bring as it is one more step taken to protect the public from untrained individuals performing massage and illegal activity happening under the disguise of massage therapy

I would offer a suggestion to this language. As written it addresses subsection (a) and (e) of Section ~~2~~ Section 20-206b of the general statute. It should also be applicable to Section 3 subsection (b) of Public Act 07-35 regarding the advertising of massage.

Part of the concern that towns have are the businesses that are opening under the guise of massage. The quiet town of Cheshire is a prime example. The activity that was operating out of a 'Spa' there was deplorable. It was advertised as massage. As well currently there is no penalty for a business owner that knowingly hires an unlicensed person to perform massage. This penalty and fine should be applicable to the advertisement of massage as well as to the licensing of massage therapists. It will help in holding accountable those business owners that knowingly hire unlicensed personnel in their practices

I encourage you to support this Bill No. 5883 and would like to see the language include Section 3 of Public Act 07-35(b). Thank you for your time

March 19, 2009  
Committee on Judiciary

Committee Bill No. 5883 An Act Concerning The Unlicensed Practice of Massage Therapy

Submitted by: Lee Stang, LMT Plainville, CT

Hello, I am Lee Stang, LMT from Bridges To Health Therapeutic Massage Center in Plainville. I am speaking today in support of Committee Bill No. 5883 concerning the unlicensed practice of massage therapy

As a LMT for over 14 years I work with clients that suffer from various medical conditions including but not limited to: MS, fibromyalgia, diabetes, congested heart failure, and various forms of cancer. Massage therapy is an integral part of the healthcare of these individuals. It is a valuable component of our overall healthcare system, now often working hand in hand, so to speak with PTs, OTs, Physicians, Osteopaths, Naturalpaths, Chiropractors and other health care professionals. It is important to ensure that licensed massage professionals are performing this service for the health and safety of the public. For this reason I encourage you to support this legislation.

Currently in the State of CT there is a growing problem with businesses opening their doors, calling themselves massage businesses but having little to nothing to do with the legitimate massage profession. At the very least they are untrained and thus unlicensed and at the most they are involved in prostitution and even human trafficking as we saw in Cheshire. They are operating under the guise of being a legitimate massage therapy business. This is dangerous to the public and to legitimate massage therapy professionals

In discussions with local health departments and detectives in area towns we find that there continue to be gray areas in the enforcement of the current state law governing massage. Public Health Directors have told us that having a criminal penalty associated with the licensing law will give them more leverage with local law enforcement to assist in shutting down illegal businesses. The addition of criminal penalties will also help communities as local ordinances are updated. Currently many of the town ordinances regulating local massage establishments are outdated and as written actually have the potential to promote illegal activities. With the passing of this bill these ordinances can be changed to reflect the state law as they regulate the massage business and give towns an easier avenue with which to both evaluate and address illegal establishments. The criminal penalty will put some "meat" behind the law and allow for more definitive action plans be established on the local level

An issue that the massage community has been monitoring is the crack down of neighboring NY State on unlicensed nail salons and massage. It seems that many of these people are moving into CT to set up shop. This legislation will allow local towns to monitor and combat more forcefully illegal activity that we see associated with these establishments. Towns of Waterbury, Cheshire, Milford, Bristol and Stamford have already dealt with or are dealing with these issues. Detectives working cases in these towns have informed us that a criminal penalty associated with our licensing law would make it easier for them to identify, fine and shut down illegal business

Massage therapy is a valuable health care profession. In this age of increased stress it becomes even more important. We have an obligation to protect this profession, thus protect the public from both unlicensed individuals performing massage and businesses offering illegal services under the guise of massage. For this reason I encourage you to support Bill No. 5883. Thank You

TO: Members of the Judiciary Committee

FROM: Scott Raymond LMT  
American Massage Therapy Association  
Connecticut Chapter  
100 Market Square, Suite 2  
Newington CT 06111

RE: Bill No. 5883 An Act Concerning the Unlicensed Practice of Massage Therapy

Good Morning Ladies and Gentleman of the Judiciary Committee, my name is Scott Raymond. I am the President of the Connecticut Chapter of the American Massage Therapy Association, the owner of the Market Square Wellness Center in Newington, and an instructor with the Connecticut Center for Massage Therapy.

It is my honor to write this on behalf of over 2000 Licensed Massage Therapists in Connecticut that are members of the American Massage Therapy Association. We speak in support of Bill No. 5883 ~ An Act Concerning the Unlicensed Practice of Massage Therapy.

The purpose of this bill is to establish criminal penalties for the unlicensed practice of massage therapy or the use of a title that implies licensure as a massage therapist.

After attending meetings and hearings in Connecticut towns, it seems as if there is confusion in regards in how to approach the prosecution of individuals and businesses that violate Public Act 07-35. This is the bill that will help clarify that and empower local law officials to prosecute offenders of Public Act 07-35. I have been informed of issues around public health, public safety, and even worse, human trafficking. Some individuals have been using the Healthcare Profession of Therapeutic Massage to hide sexually orientated businesses. Others may have lost their license due to unethical behavior but they are still practicing illegally. Both of these scenarios put our profession at risk and the general public at a greater risk.

If Bill 5883 is passed, it will protect the public by making it easier for law enforcement to identify and confront illegal individuals that are practicing Therapeutic Massage and Bodywork in the State of CT. On behalf of the members of the American Massage Therapy Association I encourage you to support this bill.



**State of Connecticut**  
**HOUSE OF REPRESENTATIVES**  
 STATE CAPITOL  
 HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE LINDA A. ORANGE**  
 FORTY-EIGHTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING  
 ROOM 4109  
 HARTFORD, CT 06106-1591  
 HOME (860) 537-3936  
 CAPITOL (860) 240-8378  
 TOLL FREE (800) 842-8267  
 FAX (860) 240-0206  
 E-MAIL: Linda.Orange@cga.ct.gov

**DEPUTY SPEAKER OF THE HOUSE**

**MEMBER**  
 APPROPRIATIONS COMMITTEE  
 HUMAN SERVICES COMMITTEE  
 LEGISLATIVE MANAGEMENT COMMITTEE  
 PUBLIC SAFETY AND SECURITY COMMITTEE

Committee on Judiciary  
 Testimony concerning the *Unlicensed Practice of Massage Therapy*

To the Esteemed Co-Chairs and Members of the Judiciary Committee,

Thank you for raising HB-5883 and considering this important issue.

I proposed this bill after deliberation with Department of Public Health Deputy Commissioner Norma Gyle. The primary concern regarding massage parlors is sex trafficking – if heftier fines were levied upon those violators who use the term “massage parlor” as a front for less legal activities, other potential violators may think twice before engaging in such practice.

Please consider this legislation, and the potential positive results it may bring in curbing the trafficking of persons in these unlicensed parlors.

Linda Orange



**State of Connecticut**  
**HOUSE OF REPRESENTATIVES**  
 STATE CAPITOL  
 HARTFORD, CONNECTICUT 06106-1591

**REPRESENTATIVE JACK F. HENNESSY**  
**ASSISTANT MAJORITY LEADER**  
 ONE HUNDRED TWENTY-SEVENTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING  
 ROOM 4068  
 HARTFORD, CT 06106-1591  
 CAPITOL (860) 240-8585  
 TOLL FREE 1-800-842-8267  
 FAX (860) 240-0206  
 E-MAIL Jack.Hennessy@cga.ct.gov

**MEMBER**  
 PLANNING AND DEVELOPMENT COMMITTEE  
 ENVIRONMENT COMMITTEE  
 FINANCE, REVENUE AND BONDING COMMITTEE

Good morning, Senator McDonald, Representative Lawlor, and members of the Judiciary Committee. My name is State Representative Jack Hennessy, of the 127 District. Thank you for the opportunity to testify today.

**I support Committee Bill No. 5883, An Act Concerning the unlicensed practice of Massage Therapy.** I speak regarding this proposed legislation as one who is a licensed massage therapist. I graduated from the Connecticut Center for Massage Therapy in 1997, which is an accredited massage therapy school. I received 550 hours of classroom training. I am a member of the American Massage Therapy Association, and I passed the National Certification Examination for Therapeutic Massage and Bodywork. Although I am not currently practicing as a massage therapist, I maintain the license.

Two years ago I was instrumental in getting a bill passed that protects the name massage therapy and makes it illegal to use the term unless the practitioners are licensed with the State Board of Health. The bill before you today establishes criminal penalties for the unlicensed practice of massage therapy or the use of a title that implies licensure as a massage therapist.

As one who has practiced in the field many years, I know this bill is necessary to protect the public from those that don't have the training and the intensive background that the certification requirements demand. Besides the physiological training, there is extensive ethic's training, and we operate with insurance coverage.

I know there are many people who practice massage therapy without a license and day spa owners who hire them may not really care. The passage of this bill will bring this requirement to there attention. I spent many thousands of dollars and over two years going to school to become a licensed massage therapist. Once in the field, I was amazed to be working along side people with absolutely no training. This is unfair to the hardworking, dedicated healthcare professionals who work to move the massage therapy profession forward and the public are put at risk.

This bill puts teeth into previous legislation that prevents the misuse of the term massage therapy and protects the public, insuring that they get the care and treatment that is of the highest standard.