



SPONSOR: Sen. Delcollo

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 2
TO
HOUSE BILL NO. 35

1 AMEND House Bill No. 35 on lines 117 through 118 by deleting "A licensed massage and bodywork therapist or
2 certified massage technician shall be on the premises at all times the massage establishment is open." as it appears therein.

3 FURTHER AMEND House Bill No. 35 on lines 121 through 125, as amended by House Amendment No. 1 to
4 House Bill No. 35, by deleting "a Division Investigator or law enforcement officer." after the word "by" on lines 15 and 16
5 of House Amendment No. 1 and inserting "any agent of the Division." in lieu thereof.

6 FURTHER AMEND House Bill No. 35 between lines 125 and 126, as amended by House Amendment No. 1 to
7 House Bill No. 35, by deleting lines 17 through 22 of House Amendment No. 1 in their entirety and inserting in lieu thereof
8 the following and redesignating the remaining subsections accordingly:

9 "(f)(1) All internal and external doors shall be kept unlocked during operating hours except as follows:

10 a. Restroom doors may be locked.

11 b. External doors may be locked if the massage establishment is a business entity owned by 1
12 individual and has no more than 1 employee or independent contractor.

13 c. Internal doors may be locked to protect confidential patient or business information.

14 (2) If the inspecting official requests access to doors locked under this subsection during an inspection,
15 the doors must be opened immediately. A person who refuses to immediately open a locked door during an
16 inspection is unlawfully operating or managing the massage establishment under § 5317(b) of this chapter."

17 FURTHER AMEND House Bill No. 35 between lines 157 and 158 by inserting the following therein:

18 "(c) If a massage establishment is located within a therapist's residence, an out call location, or is located within an
19 office space shared with other businesses, an agent of the Division must have independent and sufficient legal justification
20 before inspecting areas not used as a place of business for massage and bodywork by the establishment."

SYNOPSIS

This Amendment removes the requirement that a licensed massage and bodywork therapist or certified massage technician be on the premises at all time the establishment is open, allowing receptionists and other office staff to continue working any time the establishment is open.

This Amendment amends the language added by House Amendment No. 1 so that § 5319 of Title 24 is consistent § 5321 of Title 24.

This Amendment also allows the following doors to be locked: restrooms, external doors when there is only one owner or employee; and internal doors that protect confidential patient or business information. These locked doors must be opened upon request during an inspection.

This Amendment also requires an independent and sufficient basis before inspecting areas of a residence or shared office space.

Author: Senator Delcollo