

Chapter 47b Massage Therapy Practice Act

Part 1 General Provisions

58-47b-101 Title.

This chapter is known as the "Massage Therapy Practice Act."

Amended by Chapter 159, 1998 General Session

Superseded 10/1/2025

58-47b-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Board of Massage Therapy and Acupuncture created in Section 58-47b-201.
- (2) "Breast" means the female mammary gland and does not include the muscles, connective tissue, or other soft tissue of the upper chest.
- (3) "Homeostasis" means maintaining, stabilizing, or returning to equilibrium the muscular system.
- (4) "Massage apprentice" means an individual licensed under this chapter as a massage apprentice.
- (5) "Massage assistant" means an individual licensed under this chapter as a massage assistant.
- (6) "Massage assistant in-training" means an individual licensed under this chapter as a massage assistant in-training.
- (7) "Massage therapist" means an individual licensed under this chapter as a massage therapist.
- (8) "Massage therapy supervisor" means:
 - (a) a massage therapist who has at least three years of experience as a massage therapist and has engaged in the lawful practice of massage therapy for at least 3,000 hours;
 - (b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
 - (c) a physician licensed under Chapter 67, Utah Medical Practice Act;
 - (d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
 - (e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
 - (f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.
- (9)
 - (a) "Practice of limited massage therapy" means:
 - (i) the systematic manual manipulation of the soft tissue of the body for the purpose of promoting the therapeutic health and well-being of a client, enhancing the circulation of the blood and lymph, relaxing and lengthening muscles, relieving pain, restoring metabolic balance, relaxation, or achieving homeostasis;
 - (ii) seated chair massage;
 - (iii) the use of body wraps;
 - (iv) aromatherapy;
 - (v) reflexology; or
 - (vi) in connection with an activity described in this Subsection (9), the use of:
 - (A) the hands;
 - (B) a towel;
 - (C) a stone;

- (D) a shell;
 - (E) a bamboo stick; or
 - (F) an herbal ball compress.
- (b) "Practice of limited massage therapy" does not include work on an acute or subacute injury.
- (10) "Practice of massage therapy" means:
- (a) the examination, assessment, and evaluation of the soft tissue structures of the body for the purpose of devising a treatment plan to promote homeostasis;
 - (b) the systematic manual or mechanical manipulation of the soft tissue of the body for the purpose of promoting the therapeutic health and well-being of a client, enhancing the circulation of the blood and lymph, relaxing and lengthening muscles, relieving pain, restoring metabolic balance, or achieving homeostasis, or for any other purpose;
 - (c) the use of the hands or a mechanical or electrical apparatus in connection with this Subsection (10);
 - (d) the use of rehabilitative procedures involving the soft tissue of the body;
 - (e) range of motion or movements without spinal adjustment as set forth in Section 58-73-102;
 - (f) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet baths;
 - (g) manual traction and stretching exercise;
 - (h) correction of muscular distortion by treatment of the soft tissues of the body;
 - (i) counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain;
 - (j) activities and modality techniques similar or related to the activities and techniques described in this Subsection (10);
 - (k) a practice described in this Subsection (10) on an animal to the extent permitted by:
 - (i) Subsection 58-28-307(12);
 - (ii) the provisions of this chapter; and
 - (iii) division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (l) providing, offering, or advertising a paid service using the term massage or a derivative of the word massage, regardless of whether the service includes physical contact.
- (11) "Soft tissue" means the muscles and related connective tissue.
- (12) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-47b-501.
- (13) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-47b-502 and as may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 507, 2024 General Session

Effective 10/1/2025

58-47b-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Board of Massage Therapy and Acupuncture created in Section 58-47b-201.
- (2) "Bodywork" means:
 - (a) the systematic manual or mechanical manipulation of the soft tissue of the body;
 - (b) the use of the hands or a mechanical or electrical apparatus in connection with an activity described in this Subsection (2);

- (c) range of motion movements or movements without adjustment or articulation of the spinal column as defined in Section 58-73-102;
 - (d) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet baths;
 - (e) manual traction and stretching exercise;
 - (f) activities and modality techniques similar or related to the activities and techniques described in this Subsection (2); or
 - (g) providing, offering, or advertising a paid service using the term "massage" or a derivative of the word "massage" regardless of whether the service includes physical contact.
- (3)
- (a) "Breast" means the female mammary gland.
 - (b) "Breast" does not include the muscles, connective tissue, or other soft tissue of the upper chest.
- (4) "Homeostasis" means the maintenance, the stabilization, or the return of the muscular system to equilibrium.
- (5) "Licensed individual" means an individual who is a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist.
- (6) "Licensed massage therapist" means an individual licensed under this chapter to perform massage services without supervision.
- (7) "Limited massage therapy" means:
- (a) bodywork that is not intended to be billed to an insurance company; or
 - (b) bodywork that is not supervised by:
 - (i) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
 - (ii) a physician licensed under Chapter 67, Utah Medical Practice Act;
 - (iii) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act;
 - (iv) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
 - (v) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
 - (vi) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.
- (8) "Massage apprentice" means an individual licensed under this chapter as a massage apprentice.
- (9) "Massage assistant" means an individual licensed under this chapter as a massage assistant.
- (10) "Massage assistant-in-training" means an individual licensed under this chapter as a massage assistant-in-training.
- (11)
- (a) "Massage establishment" means a place where massage services are performed by an individual.
 - (b) "Massage establishment" includes a location an owner rents or leases to multiple sole practitioners to perform massage services.
 - (c) "Massage establishment" does not include:
 - (i) a location owned, rented, or leased by a single sole practitioner to perform massage services;
 - (ii) an out-call location; or
 - (iii) a massage school where massage services are only performed for an educational purpose.
- (12) "Massage services" means massage therapy or limited massage therapy.
- (13) "Massage therapy" means:
- (a) bodywork that is intended to be billed to an insurance company;
 - (b) bodywork that is supervised by:

- (i) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
 - (ii) a physician licensed under Chapter 67, Utah Medical Practice Act;
 - (iii) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act;
 - (iv) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
 - (v) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
 - (vi) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
- (c) the examination, assessment, and evaluation of the soft tissue structures of the body for the purpose of devising a treatment plan to promote homeostasis;
- (d) counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain;
- (e) the use of rehabilitative procedures involving the soft tissue of the body;
- (f) correction of muscular distortion by treatment of the soft tissues of the body; or
- (g) work on an acute or subacute injury.
- (14) "Massage therapy supervisor" means a licensed massage therapist in good standing who has lawfully engaged in massage services for at least 3,000 hours.
- (15) "Out-call location" means a location:
- (a) where massage services are provided; and
 - (b) that a sole practitioner or a massage establishment does not own, lease, or rent.
- (16)
- (a) "Owner" means an individual who controls the operation of a massage establishment.
 - (b) "Owner" includes:
 - (i) a shareholder, as defined in Section 16-10a-102, who owns, directly or indirectly through an entity controlled by the individual, any of the outstanding shares of an entity that owns, leases, or otherwise operates a massage establishment that:
 - (A) is a corporation; or
 - (B) is not publicly listed or traded;
 - (ii) an individual who owns, directly or indirectly through an entity controlled by the individual, any part of an entity that is not a corporation and that owns, leases, or otherwise operates a massage establishment;
 - (iii) an individual:
 - (A) in whose name a certificate of occupancy has been issued for a massage establishment; or
 - (B) that operates a massage establishment under a lease, operating agreement, franchise, or other arrangement; and
 - (iv) a sublessee or other legal possessor.
- (17) "Registered massage establishment" means a massage establishment that is registered with the division to lawfully provide massage services at a fixed massage establishment location in this state.
- (18) "Soft tissue" means the muscles and related connective tissue.
- (19) "Sole practitioner" means a licensed massage therapist who:
- (a) does not employ or contract with a licensed individual to offer massage services; and
 - (b) does not employ an individual who works at the sole practitioner's location on a regular basis.
- (20) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501, 58-47b-501, and 58-47b-501.1.
- (21) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501, 58-47b-502, and 58-47b-502.1 and as may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 236, 2025 General Session

Part 2 Board

58-47b-201 Board.

- (1) There is created the Board of Massage Therapy and Acupuncture consisting of:
 - (a) four massage therapists;
 - (b) two licensed acupuncturists as defined in Section 58-72-102; and
 - (c) one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3)
 - (a) The board shall perform the duties and responsibilities described in Sections 58-1-202 and 58-1-203 with respect to this chapter and Chapter 72, Acupuncture Licensing Act.
 - (b) In addition, the board shall designate one of its members on a permanent or rotating basis to:
 - (i) assist the division in reviewing complaints concerning the conduct of an individual licensed under this chapter or Chapter 72, Acupuncture Licensing Act; and
 - (ii) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 507, 2024 General Session

Part 3 Licensing

Superseded 10/1/2025

58-47b-301 Licensure required.

- (1) An individual shall hold a license issued under this chapter in order to engage in the practice of massage therapy or the practice of limited massage therapy, except as specifically provided in Section 58-1-307 or 58-47b-304.
- (2) An individual shall have a license in order to:
 - (a) represent oneself as a massage therapist, massage apprentice, massage assistant, or massage assistant in-training;
 - (b) represent oneself as providing a service that is within the practice of massage therapy or the practice of limited massage therapy or use the word massage or any other word to describe the services; or
 - (c) charge or receive a fee or any consideration for providing a service that is within the practice of massage therapy or the practice of limited massage therapy.

Amended by Chapter 225, 2023 General Session

Effective 10/1/2025

58-47b-301 Licensure required -- Registration required -- Scope of practice -- Individuals.

- (1) An individual shall hold a license to perform massage services.
- (2) Only a licensed individual may:
 - (a) represent oneself as a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist;
 - (b)
 - (i) represent oneself as providing massage services; or
 - (ii) use the word "massage" or any similar wording to describe the service; or
 - (c) charge or receive a fee or any consideration for providing massage services.
- (3) A licensed individual, other than a sole practitioner, may perform massage services only in:
 - (a) a registered massage establishment;
 - (b) an out-call location; or
 - (c) a location exempt from registration under Section 58-47b-304.1.
- (4) A sole practitioner may offer massage services from:
 - (a) an out-call location;
 - (b) the licensed individual's residence, if the licensed individual does not employ or contract with another licensed individual; or
 - (c) a location, other than the licensed individual's residence, that the licensed individual owns, rents, or leases.
- (5)
 - (a) Subject to Subsection 58-47b-502(9):
 - (i) except as provided in Subsection (5)(b), a massage assistant-in-training may perform limited massage therapy under the direct supervision of a massage therapy supervisor;
 - (ii) a massage assistant may perform limited massage therapy without supervision after completing 300 hours under the indirect supervision of a massage therapy supervisor;
 - (iii) a massage apprentice may perform massage services under the supervision of a massage therapy supervisor as the division requires by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (iv) a licensed massage therapist may perform massage services without supervision.
 - (b) A massage assistant-in-training is permitted to complete 150 hours under the indirect supervision of a massage therapy supervisor.
- (6) A massage therapy supervisor may supervise at one time up to six individuals of which no more than four may be massage apprentices or massage assistants-in-training.

Amended by Chapter 236, 2025 General Session

Effective 10/1/2025

58-47b-301.1 Massage establishment registration required -- Maintenance of registration.

- (1) An owner shall register a massage establishment with the division.
- (2)
 - (a) Each place of business shall register separately.
 - (b) If multiple massage establishments exist at the same address, each massage establishment shall register separately.
- (3) A massage establishment shall provide the physical address where the massage establishment operates to the division.
- (4) A massage establishment may not allow massage services on the massage establishment's premises unless the massage establishment is registered in accordance with this section.
- (5)

- (a) A registered massage establishment shall ensure only a licensed individual or an exempt individual performs massage services.
- (b) A registered massage establishment shall maintain documentation of the employment or contract relationship and make the documentation available during an inspection or investigation by the division.
- (6) An owner may not assign or transfer a massage establishment registration.
- (7) Upon the sale, sublease, or change of legal possession of a registered massage establishment, the owner, lessee, or legal possessor of the massage establishment shall notify the division in a form the division approves within 30 days after the day on which the ownership, lessee, or legal possession changes.
- (8) Whenever statute or rule requires or prohibits action by a registered massage establishment, any owner of the registered massage establishment is responsible for all activities of the registered massage establishment, regardless of the form of the business organization.

Enacted by Chapter 236, 2025 General Session

Superseded 10/1/2025

58-47b-302 License classifications -- Qualifications for licensure.

- (1) The division shall issue licenses under this chapter in the classifications of:
 - (a) massage therapist;
 - (b) massage apprentice;
 - (c) massage assistant; and
 - (d) massage assistant in-training.
- (2) An applicant for licensure as a massage therapist shall:
 - (a) submit an application in a form the division approves;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be 18 years old or older;
 - (d) have either:
 - (i)
 - (A) graduated from a school of massage having a curriculum that meets standards established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (B) completed equivalent education and training in compliance with division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (ii) completed a massage apprenticeship program consisting of a minimum of 1,000 hours of supervised training and in accordance with standards established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (e) pass:
 - (i) the Federation of State Massage Therapy Boards Massage and Bodywork Licensing Examination; or
 - (ii) any other examination established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) An applicant for licensure as a massage apprentice shall:
 - (a) submit an application in a form the division approves;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be 18 years old or older;

- (d) provide satisfactory evidence to the division that the applicant will practice as a massage apprentice only under the direct supervision of a licensed massage therapist in good standing who, for at least 6,000 hours, has engaged in the lawful practice of massage therapy as a licensed massage therapist; and
 - (e) pass an examination as required by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4)
- (a) An applicant for licensure as a massage assistant shall:
 - (i) submit an application in a form the division approves;
 - (ii) pay a fee determined by the department in accordance with Section 63J-1-504;
 - (iii) be 18 years old or older;
 - (iv) subject to Subsection (4)(b), complete at least 300 hours of education and training approved by division rule made accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (v) provide satisfactory evidence to the division that the applicant will practice as a massage assistant only under the indirect supervision of a massage therapy supervisor; and
 - (vi) pass an examination as required by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The 300-hour education and training requirement described in Subsection (4)(a) shall include:
 - (i) at least 150 hours of education and training while the applicant is:
 - (A) enrolled in massage school; or
 - (B) licensed as a massage assistant in-training and under the direct supervision of a massage therapist in good standing who, for at least 6,000 hours, has engaged in the lawful practice of massage therapy; and
 - (ii) at least 150 hours of education and training while the applicant is:
 - (A) enrolled in massage school; or
 - (B) licensed as a massage assistant in-training and under the indirect supervision of a massage therapist in good standing who, for at least 6,000 hours, has engaged in the lawful practice of massage therapy.
- (5) An applicant for licensure as a massage assistant in-training shall:
- (a) submit an application in a form the division approves;
 - (b) pay a fee determined by the department in accordance with Section 63J-1-504;
 - (c) be 18 years old or older; and
 - (d) provide satisfactory evidence to the division that the applicant will practice as a massage assistant in-training under the supervision of a massage therapist for a period of no more than six months for the purpose of satisfying the requirements described in Subsections (4)(a)(iv) and (4)(b) for licensure as a massage assistant.
- (6)
- (a) A massage therapist may supervise at one time up to six individuals licensed as a massage apprentice or massage assistant in-training.
 - (b) A massage therapy supervisor may supervise at one time up to six individuals licensed as a massage assistant.
- (7) A new massage therapist, massage apprentice, massage assistant, or massage assistant in-training applicant shall:
- (a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
 - (b) meet any other standard related to the criminal background check described in Subsection (7)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(c) disclose any criminal history the division requests on a form the division approves.

Amended by Chapter 443, 2025 General Session

Effective 10/1/2025

58-47b-302 Qualifications for registration and licensure -- Individuals.

- (1) An applicant for a massage assistant-in-training license shall provide satisfactory evidence to the division that the applicant will practice as a massage assistant-in-training only under the supervision of a massage therapy supervisor.
- (2) An applicant for a massage assistant license shall:
 - (a)
 - (i) complete 300 hours of education that meets the standards the division requires by rule;
 - (ii) complete training on the activities described in Subsection (5)(d) while the applicant is enrolled in massage school; and
 - (iii) pass an examination as the division requires by rule;
 - (b)
 - (i) while the applicant is licensed as a massage assistant-in-training:
 - (A) complete at least 150 hours of education that meets the standards the division requires by rule under the direct supervision of a massage therapy supervisor; and
 - (B) complete 150 hours of education that meets the standards the division requires by rule under the indirect supervision of a massage therapy supervisor;
 - (ii) complete training on the activities described in Subsection (5)(d); and
 - (iii) pass an examination as the division requires by rule; or
 - (c)
 - (i) have a massage safety permit; and
 - (ii) pass an examination as the division requires by rule that contains questions that demonstrate the applicant's understanding of:
 - (A) the basics of anatomy;
 - (B) the basics of contraindications relating to massage;
 - (C) the basics of kinesiology;
 - (D) the basics of pathology;
 - (E) the basics of physiology; and
 - (F) the laws and rules relating to massage therapy.
- (3) An applicant for a massage apprentice license shall provide satisfactory evidence to the division that the applicant will practice as a massage apprentice only under the supervision of a massage therapy supervisor as the division requires by rule.
- (4) An applicant for a massage therapist license shall:
 - (a)
 - (i)
 - (A) have graduated from a school of massage having a curriculum that meets the standards the division requires by rule; and
 - (B) complete training on the activities described in Subsection (5)(d) while the applicant is enrolled in massage school;
 - (ii)
 - (A) have completed equivalent education in compliance with standards the division requires by rule; and
 - (B) complete training on the activities described in Subsection (5)(d); or
 - (iii)

- (A) have completed a massage apprenticeship program consisting of a minimum of 1,000 hours of supervised training in accordance with standards the division requires by rule; and
 - (B) complete training on the activities described in Subsection (5)(d) while the applicant is a massage apprentice; and
 - (b) pass an examination as the division requires by rule.
- (5) An applicant for a massage safety permit shall:
- (a) submit an application in a form the division approves;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be 18 years old or older; and
 - (d) complete an educational module the division requires by rule that includes:
 - (i) practicing physical boundaries;
 - (ii) draping;
 - (iii) gaining consent; and
 - (iv) taking a medical history.
- (6) An applicant for licensure under this chapter shall:
- (a) submit an application in a form the division approves;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be 18 years old or older;
 - (d) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
 - (e) meet any standard related to the criminal background check described in Subsection (6)(d) as the division requires by rule; and
 - (f) disclose any criminal history the division requests on a form the division approves.
- (7) Under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:
- (a) the examinations required by this chapter;
 - (b) the standards of a massage assistant-in-training program;
 - (c) the standards for a massage school curriculum;
 - (d) the equivalent education and training for a licensed massage therapist;
 - (e) the standards of a massage apprenticeship program including supervision requirements;
 - (f) the educational module described in Subsection (5)(d); and
 - (g) the standards for the criminal background check described in Subsection (6)(e).

Repealed and Re-enacted by Chapter 236, 2025 General Session

Effective 10/1/2025

58-47b-302.2 Qualifications for registration -- Massage establishments.

- (1)
 - (a) The owner of a massage establishment shall register the massage establishment.
 - (b) If the massage establishment has multiple owners, the owners of the massage establishment shall choose one owner to register the massage establishment.
- (2) To register a massage establishment, the owner shall:
 - (a) submit an application in a form the division approves;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) provide satisfactory documentation:
 - (i) of registration with the Division of Corporations and Commercial Code;
 - (ii) of business licensure if the municipality or county in which the massage establishment is located requires a business license;

- (iii) that the massage establishment's physical facilities comply with the requirements the division requires by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (iv) of each owner's ownership or right to possession of the premises where the massage establishment will be operated;
 - (d)
 - (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
 - (ii) meet any standard related to the criminal background check described in Subsection (2)(d)(i), that the division requires by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (iii) disclose any criminal history the division requests on a form the division approves;
 - (e) submit the following information for each individual for whom a criminal background check is required under Subsection (3):
 - (i) full name;
 - (ii) any name used;
 - (iii) date of birth;
 - (iv) social security number or other satisfactory evidence of the applicant's identity permitted by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (v) address;
 - (vi) phone number;
 - (vii) email address;
 - (viii) license number, if licensed under this chapter;
 - (ix) registration number, if registered under this chapter;
 - (x) a recent color photograph of each owner; and
 - (xi) fingerprints in a form the division approves;
 - (f) allow the division to verify that the applicant and each individual listed in Subsection (3) is legally present in the United States;
 - (g) submit a signed attestation in a form the division approves by rule attesting that the massage establishment does not engage in illegal activities including human trafficking, sex advertising, or unlicensed practice; and
 - (h) meet with the division or board if requested by the division or board.
- (3) An individual shall consent to and complete a criminal background check in accordance with Subsection (2)(d) if the individual:
- (a) personally or constructively holds, including as the beneficiary of a trust:
 - (i) at least 10% of the entity's outstanding stock; or
 - (ii) more than \$25,000 of the fair market value of the entity;
 - (b) has a direct or indirect participating interest through shares, stock, or otherwise, regardless of whether voting rights are included, of more than 10% of the profits, proceeds, or capital gains of the entity;
 - (c) is a member of the board of directors or other governing body of the entity; or
 - (d) serves as:
 - (i) an elected officer of the entity; or
 - (ii) a general manager of the entity.
- (4) A minor who is an owner of the massage establishment as the beneficiary of a trust is exempt from Subsections (2)(d) and (2)(e).
- (5) The division may require an owner to prove continuing right of possession at any time during the registration period.

Enacted by Chapter 236, 2025 General Session

Superseded 10/1/2025

58-47b-303 Term of license -- Expiration -- Renewal.

- (1)
 - (a) Except as provided in Subsection (3), the division shall issue a license under this chapter in accordance with a two-year renewal cycle established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) Subject to Subsection (3), a license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.
- (3) A massage assistant in-training license expires six months after the day on which the division issues the massage assistant in-training license.

Amended by Chapter 225, 2023 General Session

Effective 10/1/2025

58-47b-303 Term of license and registration -- Expiration -- Renewal -- Individuals.

- (1)
 - (a) Except as provided in Subsection (3), the division shall provide licensing under this chapter in accordance with a two-year renewal cycle established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The division may extend or shorten a license renewal period by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) Subject to Subsection (3), a license automatically expires on the expiration date shown on the license unless renewed by the licensed individual in accordance with Section 58-1-308.
- (3)
 - (a) A massage apprentice license expires 24 months after the day on which the division issues the massage apprentice license.
 - (b) A massage assistant-in-training license expires six months after the day on which the division issues the massage assistant-in-training license.
 - (c) The division may not renew or extend a massage apprentice or massage assistant-in-training license unless:
 - (i) a circumstance or hardship arose beyond the individual's control that prevented the individual from completing the process;
 - (ii) the division grants the renewal or extension for a period proportionate to the circumstance or hardship; and
 - (iii) the individual's massage therapy supervisor consents in writing to the renewal or extension.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing the evidence an applicant shall present to renew a license.

Amended by Chapter 236, 2025 General Session

Effective 10/1/2025

58-47b-303.1 Term of registration -- Expiration -- Renewal -- Massage establishments.

- (1)

- (a) Except as provided in Subsection (3), the division shall issue a registration under this chapter in accordance with a two-year renewal cycle.
- (b) The division may extend or shorten a renewal period by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) A registration automatically expires on the expiration date shown on the registration unless the registered massage establishment renews.
- (3) At the time of renewal, a registered massage establishment shall:
 - (a) complete and submit an application for renewal in the form the division approves; and
 - (b) pay a renewal fee established by the department under Section 63J-1-504.

Enacted by Chapter 236, 2025 General Session

Superseded 10/1/2025

58-47b-304 Exemptions from licensure.

- (1) In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the practice of massage therapy or the practice of limited massage therapy, subject to the stated circumstances and limitations, without being licensed under this chapter:
 - (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;
 - (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;
 - (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a, Nurse Midwife Practice Act;
 - (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
 - (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice Act, while under the general supervision of a physical therapist;
 - (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
 - (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
 - (h) a hospital staff member employed by a hospital, who practices massage as part of the staff member's responsibilities;
 - (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
 - (j) a student in training enrolled in a massage therapy school approved by the division;
 - (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act;
 - (l)
 - (i) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act; and
 - (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational Therapy Practice Act, while under the general supervision of an occupational therapist;
 - (m) an individual performing animal massage therapy under the rules made by the division in accordance with Subsection 58-28-307(12);
 - (n) an individual performing gratuitous massage; and
 - (o) an individual:
 - (i) certified by or through, and in good standing with, an industry organization that is recognized by the division and that represents a profession with established standards and ethics:
 - (A) who is certified to practice reflexology and whose practice is limited to the scope of practice of reflexology;
 - (B) who is certified to practice a type of zone therapy, including foot zone therapy, and whose practice is limited to the scope of practice for which the individual is certified;

- (C) who is certified to practice ortho-bionomy and whose practice is limited to the scope of practice of ortho-bionomy;
 - (D) who is certified to practice bowenwork and whose practice is limited to the scope of practice of bowenwork; or
 - (E) who is certified to practice a type of brain integration and whose practice is limited to the scope of practice for which the individual is certified;
 - (ii) whose clients remain fully clothed from the shoulders to the knees; and
 - (iii) whose clients do not receive gratuitous massage from the individual.
- (2) An individual described in Subsection (1) may not represent oneself as a massage therapist, massage apprentice, massage assistant, or massage assistant in-training.
- (3) This chapter may not be construed to:
- (a) authorize any individual licensed under this chapter to engage in any manner in the practice of medicine as defined by the laws of this state;
 - (b) require insurance coverage or reimbursement for massage therapy or limited massage therapy from third party payors; or
 - (c) prevent an insurance carrier from offering coverage for massage therapy or limited massage therapy.

Amended by Chapter 455, 2024 General Session

Effective 10/1/2025

58-47b-304 Exemptions from licensure -- Individuals.

- (1) In addition to the exemptions from licensure in Section 58-1-307, the following individuals may perform massage services, subject to the stated circumstances and limitations, without being a licensed individual:
- (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;
 - (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;
 - (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a, Nurse Midwife Practice Act;
 - (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
 - (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice Act, while under the general supervision of a physical therapist;
 - (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
 - (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
 - (h) a hospital staff member employed by a hospital, who practices massage as part of the staff member's responsibilities;
 - (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
 - (j) a student in training enrolled in a massage therapy school approved by the division;
 - (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act;
 - (l)
 - (i) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act; and
 - (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational Therapy Practice Act, while under the general supervision of an occupational therapist;
 - (m) an individual performing animal massage therapy under the rules made by the division in accordance with Subsection 58-28-307(12);
 - (n) an individual performing gratuitous massage;

- (o) an individual:
 - (i) certified by or through, and in good standing with, an industry organization that is recognized by the division and that represents a profession with established standards and ethics:
 - (A) who is certified to practice reflexology and whose practice is limited to the scope of practice of reflexology;
 - (B) who is certified to practice a type of zone therapy, including foot zone therapy, and whose practice is limited to the scope of practice for which the individual is certified;
 - (C) who is certified to practice ortho-bionomy and whose practice is limited to the scope of practice of ortho-bionomy;
 - (D) who is certified to practice bowenwork and whose practice is limited to the scope of practice of bowenwork; or
 - (E) who is certified to practice a type of brain integration and whose practice is limited to the scope of practice for which the individual is certified;
 - (ii) whose clients remain fully clothed from the shoulders to the knees; and
 - (iii) whose clients do not receive gratuitous massage from the individual; and
- (p)
 - (i) an individual performing massage services who:
 - (A) holds a valid license, permit, certificate, or registration, for massage services issued by any other jurisdiction of the United States or by a foreign country; or
 - (B) holds a certification from a nationally recognized massage therapy organization if the nonresident individual is from a jurisdiction of the United States that does not regulate massage therapy; and
 - (ii) is temporarily performing massage services in this state for a period that does not exceed 30 days for the purpose of:
 - (A) presenting educational or clinical programs, lectures, seminars, or workshops;
 - (B) providing massage services during an emergency as part of a disaster response team; or
 - (C) consulting with a licensed individual regarding massage services.
- (2) An individual described in Subsection (1) may not represent oneself as a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist.
- (3) This chapter may not be construed to:
 - (a) authorize any individual licensed under this chapter to engage in any manner in the practice of medicine as defined by the laws of this state;
 - (b) require insurance coverage or reimbursement for massage services from third party payors; or
 - (c) prevent an insurance carrier from offering coverage for massage services.

Amended by Chapter 236, 2025 General Session

Effective 10/1/2025

58-47b-304.1 Exemptions from registration -- Massage establishments.

The following establishments or facilities are exempt from registering as massage establishments:

- (1) hospitals or medical clinics;
- (2) physician offices;
- (3) physical therapy facilities;
- (4) chiropractic offices;
- (5) athletic training facilities or institutions of secondary or higher education when massage services are performed in connection with employment related to athletic teams;

- (6) a sole practitioner who only rents or leases to a sole practitioner if the sole practitioner meets the requirements described in Section 58-47b-504; and
- (7) other facilities as defined by rule.

Enacted by Chapter 236, 2025 General Session

Superseded 10/1/2025

58-47b-305 State and local jurisdiction.

- (1)
 - (a) The division is the only agency authorized to license individuals to engage in the practice of massage therapy or the practice of limited massage therapy within the state or any of the state's political subdivisions.
 - (b) This chapter does not prevent any political subdivision of the state from enacting:
 - (i) ordinances governing the operation of establishments offering massages; or
 - (ii) ordinances regulating the practice of massage therapy or the practice of limited massage therapy, if the ordinances are not less stringent than this chapter.
- (2) This chapter does not prohibit any political subdivision of the state from prosecuting:
 - (a) an unlicensed individual who is engaged in the practice of massage therapy or the practice of limited massage therapy; or
 - (b) a licensed individual who is engaged in unlawful conduct.

Amended by Chapter 225, 2023 General Session

Effective 10/1/2025

58-47b-305 State and local jurisdiction.

- (1)
 - (a) The division is the only agency authorized to license and register individuals to perform massage services within the state or any of the state's political subdivisions.
 - (b) This chapter does not prevent any political subdivision of the state from enacting:
 - (i) subject to Subsection (1)(b)(ii), ordinances governing the operation of establishments offering massage services; or
 - (ii) ordinances regulating the practice of massage therapy or the practice of limited massage therapy, if:
 - (A) except as provided in Subsection (1)(b)(ii)(B), the ordinances are at least as stringent as this chapter; and
 - (B) the ordinances do not require a background check.
- (2) This chapter does not prohibit any political subdivision of the state from prosecuting:
 - (a) an individual who is engaged in massage services without the required license; or
 - (b) an individual or a massage establishment that is engaged in unlawful conduct.

Amended by Chapter 236, 2025 General Session

Superseded 10/1/2025

58-47b-306 Required signage and disclosures.

- (1) As used in this section, "massage establishment" means an establishment in which an individual lawfully engages in the practice of massage therapy or the practice of limited massage therapy.

- (2) If a massage assistant or massage assistant in-training engages in the practice of limited massage therapy at a massage establishment, the massage establishment shall prominently display to the public a sign that indicates certain massage services offered at the massage establishment are performed by a massage assistant or a massage assistant in-training.
- (3) If an individual requests a massage service that is performed by a massage assistant or a massage assistant in-training, the licensee performing or the massage therapy supervisor supervising the massage service shall ensure that the individual is notified before scheduling or agreeing to the massage service that the massage service is performed by a massage assistant or massage assistant in-training.

Enacted by Chapter 225, 2023 General Session

Effective 10/1/2025

58-47b-306 Required identification and disclosures -- Individuals.

- (1)
 - (a) Before a licensed individual first provides massage services to a client, the licensed individual shall obtain from the client a completed and signed intake form.
 - (b) The division may further define the intake form by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) While performing massage services, a licensed individual:
 - (a) except as required in Subsection (2)(b), shall wear or display the licensed individual's first and last name and license type;
 - (b) shall wear or display the licensed individual's first name and last initial and license type if the licensed individual requests redaction as described in Subsection 58-47b-306.1(2); and
 - (c) may not identify to any person in connection with massage services other than as the individual's license.
- (3) Before scheduling or agreeing to a massage service, the client shall receive notice of the first name and last initial of the licensed individual performing the massage services and the licensed individual's license type.

Amended by Chapter 236, 2025 General Session

Effective 10/1/2025

58-47b-306.1 Required signage and disclosures -- Massage establishments.

- (1) A massage establishment shall display prominently:
 - (a) the massage establishment registration;
 - (b) a copy of the state issued license for each licensed individual contracted with or employed by the establishment;
 - (c) division resources required by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (d) a sign that states some massage services offered at the registered massage establishment is performed by a massage assistant-in-training, a massage assistant, or a massage apprentice if the massage establishment employs or contracts with a massage assistant-in-training, a massage assistant, or a massage apprentice.
- (2) If a licensed individual has a reasonable belief that the licensed individual's safety may be compromised, the licensed individual may request that the provider redact the displayed license to provide only the first name and last initial and the license type for the licensed individual.
- (3) The massage establishment shall display signage that:

- (a) states the massage establishment has verified that all providers are licensed individuals under Section 58-47b-302; and
- (b) informs clients of:
 - (i) the right to request the provider's first name and last initial and license type; and
 - (ii) methods for reporting complaints to the division.

Enacted by Chapter 236, 2025 General Session

Part 4 License Denial and Discipline

Superseded 10/1/2025

58-47b-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for the following actions regarding a license under this chapter are in accordance with Section 58-1-401:

- (1) refusal to issue a license to an applicant;
- (2) refusal to renew the license of a licensee;
- (3) revocation, suspension, restriction, or placement on probation of a license;
- (4) issuance of a public or private reprimand to a licensee; and
- (5) issuance of a cease and desist order.

Enacted by Chapter 76, 1996 General Session

Effective 10/1/2025

58-47b-401 Grounds for denial of license -- Individuals.

If there are grounds in accordance with Section 58-1-401, the division may take the following actions regarding a licensed individual:

- (1) refusal to issue a license to an applicant;
- (2) refusal to renew the license of a licensee;
- (3) revocation, suspension, restriction, or placement on probation of a license;
- (4) issuance of a public or private reprimand to a licensee; and
- (5) issuance of a cease and desist order.

Amended by Chapter 236, 2025 General Session

Effective 10/1/2025

58-47b-401.1 Grounds for denial of registration -- Massage establishments.

The division shall deny an application for registration of a massage establishment under this chapter if:

- (1) the location in the registration application had a registration revoked or surrendered for cause within the last two years;
- (2) the application is for a location or a business that has advertised in a manner that reasonably implies sexual services are offered at the location;
- (3) within two years before the date of the application, an owner had a previous license or registration issued under this chapter suspended or revoked; or
- (4) an owner has a criminal conviction or pending criminal charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any crime listed by rule made by the division in

collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 236, 2025 General Session

Part 5 Unlawful and Unprofessional Conduct - Penalties

Superseded 10/1/2025

58-47b-501 Unlawful conduct.

(1) "Unlawful conduct" includes:

- (a) practicing, engaging in, or attempting to practice or engage in the practice of massage therapy without holding a current license as a massage therapist or a massage apprentice under this chapter;
- (b) advertising or representing oneself as engaging in the practice of massage therapy when not licensed to do so;
- (c) practicing, engaging in, or attempting to practice or engage in the practice of limited massage therapy without holding a current license as a massage therapist, massage apprentice, massage assistant, or massage assistant in-training under this chapter;
- (d) advertising or representing oneself as engaging in the practice of limited massage therapy when not licensed to do so; and
- (e) massaging, touching, or applying any instrument or device by a licensee in the course of engaging in the practice of massage therapy or the practice of limited massage therapy to the:
 - (i) genitals;
 - (ii) anus; or
 - (iii) except as provided in Subsection (2), breasts of a female patron.

(2)

- (a) Subsection (1)(e)(iii) does not apply if a female patron:
 - (i) requests breast massage, as may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) subject to Subsection (2)(b), signs a written consent form before each time the procedure is performed.
- (b) If the female patron is a minor, the female patron's parent or legal guardian shall sign the written consent form described in Subsection (2)(a).

Amended by Chapter 225, 2023 General Session

Effective 10/1/2025

58-47b-501 Unlawful conduct -- Individuals.

(1) "Unlawful conduct" for an individual includes:

- (a) performance of massage services without being a licensed individual or an exempt individual;
- (b) advertisement of or representation of oneself as able to perform massage services when not a licensed individual or an exempt individual;
- (c) performance of massage services outside the scope of what the licensed individual is licensed or registered to perform; or

- (d) while performing massage services, massage, touch, or application of any instrument or device to the:
 - (i) genitals;
 - (ii) anus; or
 - (iii) except as provided in Subsection (2), breasts of a female client.

- (2)
 - (a) Subsection (1)(d)(iii) does not apply if a female client:
 - (i) requests breast massage, as may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) subject to Subsection (2)(b), signs a written consent form before each time the procedure is performed.
 - (b) If the female client is a minor, the female client's parent or legal guardian shall sign the written consent form described in Subsection (2)(a).

Amended by Chapter 236, 2025 General Session

Effective 10/1/2025

58-47b-501.1 Unlawful conduct -- Massage establishments.

"Unlawful conduct" for a massage establishment includes:

- (1) operation without a valid registration;
- (2) use of a registered massage establishment as housing, sheltering, or for harboring any individual;
- (3) performance of massage services by an individual who is not licensed or exempt;
- (4) performance of:
 - (a) massage services without the individual performing the massage being fully clothed; or
 - (b) a sexual act;
- (5) arrangement for a sexual act;
- (6) use or the possession of adult-oriented merchandise while at the registered massage establishment;
- (7) advertisement on a sexually oriented website;
- (8) advertisement of services in a manner that may be reasonably construed as sexual in nature;
- (9) refusal of inspection by the division as authorized under Section 58-47b-601;
- (10) arrangement or allowance of any of the unlawful acts described in Section 58-47b-501;
- (11) failure to immediately report to a local police department any disorderly conduct, sexual acts, or other criminal activity occurring on or within the registered massage establishment's premises;
- (12) concealment of an individual in the massage establishment;
- (13) refusal to provide identification to inspectors or law enforcement; or
- (14) attempt to elude an inspector by leaving the massage establishment or remaining behind locked doors in the massage establishment during an inspection.

Enacted by Chapter 236, 2025 General Session

Superseded 10/1/2025

58-47b-502 Unprofessional conduct.

"Unprofessional conduct" includes the following and may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

- (1) maintaining, operating, or assisting in the establishment or operation of any place of business for the purpose of performing the practice of massage therapy or the practice of limited massage therapy without first obtaining a business license, if a license is required;
- (2) failing to comply with any applicable ordinances relating to the regulation of massage establishment;
- (3) failing to comply with all applicable state and local health or sanitation codes;
- (4) failing to properly supervise a massage apprentice, massage assistant, or massage assistant in-training;
- (5) failing to maintain mechanical or electrical equipment in a safe operating condition;
- (6) failing to adequately monitor patrons utilizing steam rooms, dry heat cabinets, or water baths;
- (7) prescribing or administering medicine or drugs;
- (8) engaging in any act or practice in a professional capacity that is outside of the practice of massage therapy or the practice of limited massage therapy; and
- (9) engaging in any act or practice in a professional capacity for which the licensee is not competent to perform through training or experience.

Amended by Chapter 225, 2023 General Session

Effective 10/1/2025

58-47b-502 Unprofessional conduct -- Individuals.

"Unprofessional conduct" for an individual includes the following and may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

- (1) the maintenance, operation, or assistance in the establishment or operation of any place of business for the purpose of performing massage services without first obtaining a business license, if a license is required;
- (2) failure to comply with any applicable ordinances relating to the regulation of massage establishment;
- (3) failure to comply with all applicable state and local health or sanitation codes;
- (4) failure of a massage therapy supervisor to properly supervise a massage apprentice, massage assistant, or a massage assistant-in-training;
- (5) failure to maintain mechanical or electrical equipment in a safe operating condition;
- (6) failure to adequately monitor clients utilizing steam rooms, dry heat cabinets, or water baths;
- (7) prescription or administration of medicine or drugs;
- (8) engagement in any act or practice in a professional capacity that is outside of the scope of massage services; and
- (9) engagement in any act or practice in a professional capacity for which the licensed individual is not competent to perform through training or experience.

Amended by Chapter 236, 2025 General Session

Effective 10/1/2025

58-47b-502.1 Unprofessional conduct -- Massage establishments.

"Unprofessional conduct" for a massage establishment includes the following and may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

- (1) failure to comply with employee or client recordkeeping requirements as established in rule;
- (2) failure to comply with all applicable state and local health or sanitation codes and requirements as established by rule;

- (3) failure to comply with facility requirements as established by rule;
- (4) maintenance, operation, or assistance in an establishment or operation of any place of business for the purpose of performing massage services without first obtaining a business registration, if a license is required;
- (5) failure to comply with any applicable ordinances relating to the regulation of massage establishment;
- (6) failure to maintain mechanical or electrical equipment in a safe operating condition; and
- (7) failure to adequately monitor a client utilizing steam rooms, dry heat cabinets, or water baths.

Enacted by Chapter 236, 2025 General Session

Superseded 10/1/2025

58-47b-503 Penalties.

- (1) Except as provided in Subsection (2), any individual who commits an act of unlawful conduct under Section 58-47b-501 is guilty of a class A misdemeanor.
- (2) Sexual conduct that violates Section 58-47b-501 and Title 76, Utah Criminal Code, shall be subject to the applicable penalties in Title 76, Utah Criminal Code.

Amended by Chapter 309, 2000 General Session

Effective 10/1/2025

58-47b-503 Penalties -- Individuals.

- (1) Except as provided in Subsection (2), an individual who commits an act of unlawful conduct under Section 58-47b-501 is guilty of a class A misdemeanor.
- (2) Sexual conduct that violates Section 58-47b-501 and Title 76, Utah Criminal Code, shall be subject to the applicable penalties in Title 76, Utah Criminal Code.
- (3) For acts of unprofessional conduct or unlawful conduct by an individual, the division may:
 - (a) assess an administrative fine in accordance with Subsection 58-1-502(1); and
 - (b) take any appropriate administrative action, which may include sending letters of concern to the municipality and the police department for the municipality in which the individual violates this chapter.
- (4) The division shall deposit an administrative fine imposed in accordance with this section into the Commerce Service Account.
- (5) If an individual has been convicted of violating Section 58-47b-501, before an administrative finding of a violation of the same section, the individual may not be assessed an administrative fine under this chapter for the same incident for which the conviction was obtained.
- (6)
 - (a) If, upon an inspection described in Section 58-47b-601 or an investigation under this section, the division concludes that an individual has violated the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these provisions, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:
 - (i) notify the individual to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act;
 - (ii) attempt to negotiate a stipulated settlement; or
 - (iii) promptly issue a citation to the individual according to this chapter and any pertinent rules.
 - (b) The division shall suspend, revoke, place on probation, or refuse to issue or renew the license of a licensed individual that fails to comply with the citation after the citation becomes final.

- (c) Failure of an individual to comply with a citation after the citation becomes final is a ground for denial of license or renewal.
- (d) The division may not issue a citation under this section after one year from the date on which the violation that is the subject of the citation is reported to the division.
- (e)
 - (i) In addition to or in lieu of an administrative fine authorized in Subsection (3), the division may assess a penalty to any person that is in violation of the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these provisions, as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding.
 - (ii) The penalty may be in an amount that is the greater of up to \$10,000 per single violation or up to \$2,000 per day of an ongoing violation in accordance with a penalty schedule established by rule.
 - (iii) The division shall deposit a penalty imposed in accordance with this section into the Commerce Service Account.
 - (iv) The director may collect a penalty that is not paid by:
 - (A) referring the matter to a collection agency; or
 - (B) bringing an action in the district court of the county where the individual against whom the penalty is imposed resides or in the county where the office of the director is located.
 - (v) The division may consult with the county attorney or the attorney general of the state for legal assistance and advice in an action to collect a penalty.
 - (vi) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.
 - (vii) In addition to or in lieu of a penalty, the division may order the individual to cease and desist from violating the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these provisions.
- (7)
 - (a) A citation under Subsection (6) shall:
 - (i) be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
 - (ii) state that the individual to whom the division issues the citation shall notify the division in writing within 20 calendar days of service of the citation to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
 - (iii) explain the consequences of failure to timely contest the citation or to make payment of any penalties assessed by the citation within the time specified in the citation.
 - (b) The division may serve a citation issued under this section, or a copy of each citation, upon any individual upon which a summons may be served:
 - (i) in accordance with the Utah Rules of Civil Procedure;
 - (ii) personally or upon the individual's agent by a division investigator or by any person specially designated by the director; or
 - (iii) by mail.
 - (c) If, within 20 calendar days after the day of service of a citation, the individual to whom the division issues the citation fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
 - (d) The division may extend the period to contest the citation for cause.
- (8)
 - (a) The division may suspend the license of a licensed individual without notice if:

- (i) there is a pattern of credible facts that the individual is attempting to operate a prostitution enterprise; or
 - (ii) the individual is engaged in any form of human trafficking whether there is a violation of any other specific law, rule, or code.
- (b) If the division suspends the license of a licensed individual without notice, the division shall hold a hearing within 15 days.

Amended by Chapter 236, 2025 General Session

Effective 10/1/2025

58-47b-503.1 Penalties -- Massage establishments.

- (1) For acts of unprofessional conduct or unlawful conduct by a massage establishment, the division may:
- (a) assess an administrative fine in accordance with Subsection 58-1-502(1); and
 - (b) take any appropriate administrative action, which may include sending letters of concern to:
 - (i) the municipality and the police department for the municipality in which the massage establishment is located; or
 - (ii) the property owner or manager from which the massage establishment is leasing space.
- (2) The division shall deposit an administrative fine imposed in accordance with this section into the Commerce Service Account.
- (3) If a massage establishment owner has been convicted of violating Section 58-47b-501.1, before an administrative finding of a violation of the same section, the massage establishment owner may not be assessed an administrative fine under this chapter for the same incident for which the conviction was obtained.
- (4)
- (a) If, upon an inspection described in Section 58-47b-601 or an investigation under this section, the division concludes that a massage establishment has violated the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:
 - (i) notify the massage establishment to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act;
 - (ii) attempt to negotiate a stipulated settlement; or
 - (iii) promptly issue a citation to the massage establishment according to this chapter and any pertinent rules.
 - (b) The division shall suspend, revoke, place on probation, or refuse to issue or renew the registration of a registered massage establishment that fails to comply with the citation after the citation becomes final.
 - (c) Failure of a massage establishment to comply with a citation after the citation becomes final is a ground for denial of license, registration, or renewal.
 - (d) The division may not issue a citation under this section after one year from the date on which the violation that is the subject of the citation is reported to the division.
 - (e)
 - (i) In addition to or in lieu of an administrative fine authorized in Subsection (1), the division may assess a penalty to any massage establishment that is in violation of the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions, as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding.

- (ii) The penalty may be in an amount that is the greater of up to \$10,000 per single violation or up to \$2,000 per day of an ongoing violation in accordance with a penalty schedule established by rule.
 - (iii) The division shall deposit a penalty imposed in accordance with this section into the Commerce Service Account.
 - (iv) The director may collect a penalty that is not paid by:
 - (A) referring the matter to a collection agency; or
 - (B) bringing an action in the district court of the county where the massage establishment against which the penalty is imposed resides or in the county where the office of the director is located.
 - (v) The division may consult with the county attorney or the attorney general of the state for legal assistance and advice in an action to collect a penalty.
 - (vi) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.
 - (vii) In addition to or in lieu of a penalty, the division may order the massage establishment to cease and desist from violating the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions.
- (5)
- (a) A citation under Subsection (4) shall:
 - (i) be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
 - (ii) state that the massage establishment to which the division issues the citation shall notify the division in writing within 20 calendar days of service of the citation to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
 - (iii) explain the consequences of failure to timely contest the citation or to make payment of any penalties assessed by the citation within the time specified in the citation.
 - (b) The division may serve a citation issued under this section, or a copy of each citation, upon any massage establishment upon which a summons may be served:
 - (i) in accordance with the Utah Rules of Civil Procedure;
 - (ii) personally or upon the massage establishment's agent by a division investigator or by any person specially designated by the director; or
 - (iii) by mail.
 - (c) If, within 20 calendar days after the day of service of a citation, the massage establishment to which the division issues the citation fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
 - (d) The division may extend the period to contest the citation for cause.
- (6)
- (a) The division may suspend a registered massage establishment's registration without notice if:
 - (i) there is a pattern of credible facts that the registered massage establishment is attempting to operate a prostitution enterprise; or
 - (ii) the registered massage establishment is engaged in any form of human trafficking whether there is a violation of any other specific law, rule, or code.
 - (b) If the division suspends the registration without notice, the division shall hold a hearing within 15 days.

Enacted by Chapter 236, 2025 General Session

Effective 10/1/2025

58-47b-504 Renting or leasing to a sole practitioner.

A sole practitioner renting or leasing to a sole practitioner is not liable for the actions of the sole practitioner to which the sole practitioner rents or leases so long as the sole practitioner:

- (1) verifies that the sole practitioner who is renting or leasing is a licensed massage therapist and in good standing in the state of Utah at the time of the rental or lease;
- (2) obtains a signed attestation from the sole practitioner who is renting or leasing that the sole practitioner has no business arrangement with the licensed individual other than a rental or lease; and
- (3) produces copies of the following if requested by the division:
 - (a) the sole practitioner's state massage license;
 - (b) the sole practitioner's signed attestation described in Subsection (2); and
 - (c) the rental agreement.

Enacted by Chapter 236, 2025 General Session

Effective 10/1/2025

**Part 6
Enforcement**

Effective 10/1/2025

58-47b-601 Inspection.

- (1) For the purpose of verifying compliance with this chapter, the division may enter and inspect the premises of any massage establishment.
- (2) Before conducting an inspection under Subsection (1), the division shall:
 - (a) give proper identification;
 - (b) request the registration for the massage establishment;
 - (c) describe the nature and purpose of the inspection; and
 - (d) provide upon request, the authority of the division to conduct the inspection and the penalty for refusing to permit the inspection as provided in Section 58-47b-503.1.
- (3) If during the inspection, the inspector has reasonable expectation that an occupant of a room is not fully clothed, the inspector shall allow the occupant a reasonable amount of time to dress before the inspector enters the room.
- (4) In conducting an inspection under Subsection (1), the division may, after meeting the requirements of Subsection (2):
 - (a) examine any record, device, equipment, machine, electronic device or media, or area related to the practice of massage therapy for the purpose of verifying compliance with the applicable provisions of this chapter;
 - (b) reproduce any record or media at the division's own cost; and
 - (c) take a device for further analysis if considered necessary.
- (5) The owner or manager of the massage establishment shall assist the inspector by providing access to:
 - (a) all areas of the massage establishment;
 - (b) all personnel; and
 - (c) all records requested by the inspector.

- (6) If upon inspection the division concludes that a person has violated the provisions of this chapter, or a rule or order issued with respect to this chapter, and that disciplinary action is appropriate, the director or the director's designee shall issue a penalty or citation to the registrant.

Enacted by Chapter 236, 2025 General Session