

26 (5) "Minor" means a person under the age of 18 who:

27 (a) is not married; and

28 (b) has not been declared emancipated by a court of law.

29 [~~(5)~~] (6) "Practice of massage therapy" means:

30 (a) the examination, assessment, and evaluation of the soft tissue structures of the body
31 for the purpose of devising a treatment plan to promote homeostasis;

32 (b) the systematic manual or mechanical manipulation of the soft tissue of the body for the
33 therapeutic purpose of:

34 (i) promoting the health and well-being of a client;

35 (ii) enhancing the circulation of the blood and lymph;

36 (iii) relaxing and lengthening muscles;

37 (iv) relieving pain;

38 (v) restoring metabolic balance; and

39 (vi) achieving homeostasis;

40 (c) the use of the hands or a mechanical or electrical apparatus pursuant to Subsection

41 (6)(b);

42 (d) the use of rehabilitative procedures involving the soft tissue of the body;

43 (e) range of motion or movements without spinal adjustment as set forth in Section

44 58-73-102;

45 (f) oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet
46 baths;

47 (g) manual traction and stretching exercise;

48 (h) correction of muscular distortion by treatment of the soft tissues of the body;

49 (i) counseling, education, and other advisory services to reduce the incidence and severity
50 of physical disability, movement dysfunction, and pain; and

51 (j) similar or related activities and modality techniques.

52 [~~(6)~~] (7) "Soft tissue" means the muscles and related connective tissue.

53 [~~(7)~~] (8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-47b-501.

54 [~~(8)~~] (9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-47b-502 and
55 as may be further defined by division rule.

56 Section 2. Section **58-47b-501** is amended to read:

57 **58-47b-501. Unlawful conduct.**

58 "Unlawful conduct" includes:

59 (1) practicing, engaging in, or attempting to practice or engage in massage therapy without
60 holding a current license as a massage therapist or a massage apprentice under this chapter;

61 (2) advertising or representing himself as practicing massage therapy when not licensed
62 to do so; and

63 (3) massaging, touching, or applying any instrument or device ~~[to the following areas of~~
64 ~~the body]~~ by a licensee in the course of practicing or engaging in massage therapy to:

65 (a) the genitals or anus of a patron; [and]

66 (b) the breasts of a female patron[, ~~except in cases in which the female patron states to a~~
67 ~~licensee that the patron requests breast massage and signs a written consent form authorizing the~~
68 ~~licensee to perform breast massage before the procedure.]; and~~

69 (c) a patron who is a minor unless the licensee secured the written consent of the minor's
70 parent, legal guardian, or other adult who is responsible for the minor.

71 Section 3. Section **58-47b-503** is amended to read:

72 **58-47b-503. Penalties.**

73 (1) Each violation of this chapter, other than a violation of Section 58-47b-501, is a class
74 B misdemeanor.

75 (2) ~~[Any]~~ Unless Subsection (3) applies, an individual who commits an act of unlawful
76 conduct under Section 58-47b-501 is guilty of a class A misdemeanor.

77 (3) Sexual conduct that violates Section 58-47b-501 and Title 76, Criminal Code, shall be
78 subject to the applicable penalties in Title 76.