

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE
Room 450, State Capitol
February 6, 2012**

Members Present: Rep. Jim Dunnigan, Chair
Rep. Dixon Pitcher, Vice Chair
Rep. Jim Bird
Rep. Derek Brown
Rep. Brian Doughty
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Don Ipson
Rep. Todd Kiser
Rep. Brad Last
Rep. Michael Morley
Rep. Curt Webb
Rep. Larry Wiley
Rep. Brad Wilson

Staff Present: Mr. Bryant Howe, Assistant Director
Ms. Rosemary Young, Committee Secretary

Note: List of visitors and a copy of handouts are filed with committee minutes.

Chair Dunnigan called the meeting to order at 2:05 p.m.

MOTION: Rep. Pitcher moved to approve the minutes of the February 2, 2012 meeting. The motion passed unanimously with Rep. Froerer and Rep. Morley absent for the vote.

H.B. 104 Local Highway Authority Regulatory Powers (*Rep. W. Harper*)

Rep. Harper explained the bill to the committee.

Spoke for the bill: Marlin Baer, A Limousine Connection
Don Barron, Yellow Cab
Mark Hatch, Yellow Cab
Robert O'Brien, Ace Transportation

Spoke to the bill: Howard Headlee, Utah Bankers Association

Spoke against the bill: Ralph Becker, Mayor Salt Lake City
Carlton Christensen, Salt Lake City Council (handout)
Ingrid Griffey, parent
Vicki Bennett, Salt Lake City (handout)

Terry Morasco, citizen (handout)
Lincoln Shurtz, Utah League of Cities and Towns
Soren Simonsen, Salt Lake City Council
Cherise Udell, Utah Moms for Clean Air (handout)
Melanie Steiner-Sherwood, Utah Moms for Clean Air
Karen Hevel-Mingo, Breathe Utah
Russell Weeks, Salt Lake City

MOTION: Rep. Brown moved to continue to the next item on the agenda. The motion passed unanimously.

Chair Dunnigan relinquished the chair to Vice Chair Pitcher.

H.B. 113 High Risk Insurance Pool Amendments (Rep. J. Dunnigan)

Rep. Dunnigan explained the bill to the committee.

MOTION: Rep. Duckworth moved to transmit H.B. 113 with a favorable recommendation. The motion passed unanimously with Rep. Bird, Rep. Froerer, Rep. Kiser, and Rep. Morley absent for the vote.

MOTION: Rep. Wiley moved to place H.B. 113 on the Consent Calendar. The motion passed unanimously with Rep. Bird, Rep. Froerer, Rep. Kiser, and Rep. Morley absent for the vote.

Chair Dunnigan resumed the chair.

H.B. 229 Constables Amendments (Rep. L. Perry)

MOTION: Rep. Pitcher moved to replace H.B. 229 with 1st Substitute H.B. 229 and to amend it as follows:

1. Page 2, Lines 41 through 45:

- 41 (1) While performing a duty described in Section 17-25-1, a constable shall
42 prominently display a badge or other visible form of credentials and identification
 identifying:
43 [~~(1)~~] (a) a person as a constable;
44 [~~(2)~~] (b) the person's name; and
45 [~~(3)~~] (c) the county or municipality for which the constable is

~~{-employed-}~~ appointed .

The motion passed unanimously with Rep. Froerer, Rep. Kiser, and Rep. Morley absent for the vote.

Rep. Perry explained the bill to the committee assisted by Adam Trupp, Utah Association of Counties.

Spoke to the bill: Kelly Ann Booth, Wasatch Constables Ogden, Utah
John Sindt, Salt Lake County Constables Association

MOTION: Rep. Ipson moved to transmit 1st Substitute H.B. 229 with a favorable recommendation. The motion passed with Rep. Kiser voting in opposition, and Rep. Doughty, Rep. Froerer, and Rep. Morley absent for the vote.

H.B. 114 **Massage Therapy Act Amendments** (*Rep. T. Cosgrove*)

MOTION: Rep. Duckworth moved to amend H.B. 114 as follows:

1. *Page 1, Lines 7 through 16:*

7 LONG TITLE

8 General Description:

9 This bill ~~{-adds a definition and-}~~ modifies a definition in the Massage
Therapy Practice

10 Act.

11 Highlighted Provisions:

12 This bill:

13 ~~{-→ defines "manipulation" as used in the Massage Therapy Practice Act;
and-}~~

14 ▶ modifies the definition of "practice of massage therapy" to include providing,
15 offering, or advertising a paid service using the term massage, regardless of whether
16 the service includes physical contact ~~{-}~~ ;and

= **makes technical changes.**

2. *Page 2, Line 34 through Page 3, Line 74:*

34 ~~{-(4) "Manipulation" means physical contact, with movement, on the clothed
or~~

35 ~~unclothed body.-}~~

36 ~~{+}~~ (4) ~~{+}~~ ~~{-(5)}~~ "Massage apprentice" means an individual licensed

under this chapter as a
37 massage apprentice to work under the direct supervision of a licensed massage therapist.
38 {+} (5) {+} {~~6~~} "Massage therapist" means an individual licensed
under this chapter as a
39 massage therapist.
40 {+} (6) {+} {~~7~~} "Practice of massage therapy" means:
41 (a) the examination, assessment, and evaluation of the soft tissue structures of the
body
42 for the purpose of devising a treatment plan to promote homeostasis;
43 (b) the systematic manual or mechanical manipulation of the soft tissue of the body
for
44 the purpose of:
45 (i) promoting the therapeutic health and well-being of a client;
46 (ii) enhancing the circulation of the blood and lymph;
47 (iii) relaxing and lengthening muscles;
48 (iv) relieving pain;
49 (v) restoring metabolic balance;
50 (vi) achieving homeostasis; {~~and~~} or
51 (vii) {~~recreational or~~} other purposes;
52 (c) the use of the hands or a mechanical or electrical apparatus in connection with
this
53 Subsection {+} (6) {+} {~~7~~} ;
54 (d) the use of rehabilitative procedures involving the soft tissue of the body;
55 (e) range of motion or movements without spinal adjustment as set forth in Section
56 58-73-102;
57 (f) oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and
58 cabinet baths;
59 (g) manual traction and stretching exercise;
60 (h) correction of muscular distortion by treatment of the soft tissues of the body;
61 (i) counseling, education, and other advisory services to reduce the incidence and
62 severity of physical disability, movement dysfunction, and pain;
63 (j) similar or related activities and modality techniques; [~~and~~]
64 (k) the practice described in this Subsection {+} (6) {+} {~~7~~} on an
animal to the extent
65 permitted by:

- 66 (i) Subsection 58-28-307(12);
67 (ii) the provisions of this chapter; and
68 (iii) division rule~~[-]; or~~
69 (l) providing, offering, or advertising a paid service using the term massage or a
70 derivative of the word massage, regardless of whether the service includes physical
71 contact.
72 {+} (7) {+} ~~{(8)}~~ "Soft tissue" means the muscles and related
connective tissue.
73 {+} (8) {+} ~~{(9)}~~ "Unlawful conduct" is as defined in Sections
58-1-501 and 58-47b-501.
74 {+} (9) {+} ~~{(10)}~~ "Unprofessional conduct" is as defined in Sections
58-1-501 and 58-47b-502
and as may be further defined by division rule.

The motion passed unanimously with Rep. Doughty, Rep. Froerer, and Rep. Morley absent for the vote.

Rep. Cosgrove explained the bill to the committee assisted by Zachery Fountain, Murray City Mayor's Office.

Spoke for the bill: Mark Steinagel, Division of occupational and Professional Licensing
Lincoln Shurtz, Utah League of Cities and Towns
Candace Daly, Utah Chiropractic Physicians Association
Ron Findlay, American Massage Therapy Association

MOTION: Rep. Brown moved to transmit H.B. 114 with a favorable recommendation. The motion passed unanimously with Rep. Froerer and Rep. Morley absent for the vote.

MOTION: Rep. Ipson moved to place H.B. 114 on the Consent Calendar. The motion passed unanimously with Rep. Froerer and Rep. Morley absent for the vote.

MOTION: Rep. Webb moved to adjourn. The motion passed unanimously with Rep. Froerer and Rep. Morley absent for the vote.

Chair Dunnigan adjourned the meeting at 4:05 p.m.

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Rep. James Dunnigan, Chair