

1                   **MESSAGE THERAPY PRACTICE ACT AMENDMENTS**

2                                   2021 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Wayne A. Harper**

5                           House Sponsor: Joel Ferry

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies exemptions from licensure provisions in the Massage Therapy  
10 Practices Act.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ exempts a licensed occupational therapy assistant from being licensed as a massage
- 14 therapist;
- 15           ▶ exempts a brain integration practitioner from being licensed as a massage therapist;
- 16 and
- 17           ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19           None

20 **Other Special Clauses:**

21           None

22 **Utah Code Sections Affected:**

23 AMENDS:

24           **58-47b-304**, as last amended by Laws of Utah 2019, Chapters 98 and 349

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26 *Be it enacted by the Legislature of the state of Utah:*

27           Section 1. Section **58-47b-304** is amended to read:

28           **58-47b-304. Exemptions from licensure.**

29           (1) In addition to the exemptions from licensure in Section **58-1-307**, the following

30 individuals may engage in the practice of massage therapy as defined under this chapter,  
31 subject to the stated circumstances and limitations, without being licensed, but may not  
32 represent themselves as a massage therapist or massage apprentice:

33 (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;

34 (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;

35 (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a,  
36 Nurse Midwife Practice Act;

37 (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;

38 (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice  
39 Act, while under the general supervision of a physical therapist;

40 (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic  
41 Medical Practice Act;

42 (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice  
43 Act;

44 (h) a hospital staff member employed by a hospital, who practices massage as part of  
45 the staff member's responsibilities;

46 (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;

47 (j) a student in training enrolled in a massage therapy school approved by the division;

48 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician  
49 Practice Act;

50 (l) (i) an occupational therapist licensed under Chapter 42a, Occupational Therapy  
51 Practice Act; and

52 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational  
53 Therapy Practice Act, while under the general supervision of an occupational therapist;

54 (m) an individual performing gratuitous massage; and

55 (n) an individual:

56 (i) certified by or through, and in good standing with, an industry organization that is  
57 recognized by the division and that represents a profession with established standards and

58 ethics:

59 (A) who is certified to practice reflexology and whose practice is limited to the scope  
60 of practice of reflexology;

61 (B) who is certified to practice a type of zone therapy, including foot zone therapy, and  
62 whose practice is limited to the scope of practice for which the individual is certified;

63 (C) who is certified to practice ortho-bionomy and whose practice is limited to the  
64 scope of practice of ortho-bionomy; [or]

65 (D) who is certified to practice bowerwork and whose practice is limited to the scope  
66 of practice of bowerwork; or

67 (E) who is certified to practice a type of brain integration and whose practice is limited  
68 to the scope of practice for which the individual is certified;

69 (ii) whose clients remain fully clothed from the shoulders to the knees; and

70 (iii) whose clients do not receive gratuitous massage from the individual.

71 (2) This chapter may not be construed to authorize any individual licensed under this  
72 chapter to engage in any manner in the practice of medicine as defined by the laws of this state.

73 (3) This chapter may not be construed to:

74 (a) require insurance coverage or reimbursement for massage therapy from third party  
75 payors; or

76 (b) prevent an insurance carrier from offering coverage for massage therapy.