

# HB0278S02 compared with HB0278

~~{Omitted text}~~ shows text that was in HB0278 but was omitted in HB0278S02

inserted text shows text that was not in HB0278 but was inserted into HB0278S02

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**Massage Therapy Amendments**  
2025 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Norman K Thurston**  
Senate Sponsor: Evan J. Vickers



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3 **LONG TITLE**

4 **General Description:**

5 This bill modifies licensing requirements for ~~{practicing}~~ performing massage therapy, including creating a registration requirement for massage therapy establishments.

7 **Highlighted Provisions:**

8 This bill:

8 ▶ defines terms;

10 ▶ amends the licensure requirements for massage therapy;

9 ▶ ~~{adds a licensure requirement}~~ specifies requirements for a criminal background check for an individual ~~{who provides hands-on training for massage therapy or limited}~~ performing massage therapy;

13 ▶ specifies requirements for a massage establishment to register;

11 ▶ provides the circumstances under which an individual must ~~{practice}~~ perform massage therapy in a registered massage establishment;

13 ▶ ~~{requires all the education hours necessary for licensure come from either a massage school or a massage apprenticeship;}~~

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- 15       ▶ provides for the expiration and renewal of {~~massage apprentice and massage assistant-in-training~~  
16       licenses} registration and licensure;
- 17       ▶ specifies identification, signage, and disclosure requirements;
- 18       ▶ creates standards for unlawful and unprofessional conduct by a massage establishment;
- 19       ▶ establishes penalties for a massage establishment that engages in unlawful or unprofessional  
20       conduct;
- 21       ▶ {~~creates a registration requirement for certain establishments where massage therapy is~~  
22       provided;}
- 23       ▶ specifies when {an} a massage establishment can be denied registration;
- 24       ▶ specifies requirements for a criminal background check for massage establishment owners;
- 25       ▶ {~~specifies standards for the expiration and renewal of a massage establishment~~  
26       registration;}
- 27       ▶ creates a safe harbor provision for a credentialed individual renting or leasing to a sole  
28       practitioner;
- 29       ▶ allows the Division of Professional Licensing to inspect a massage establishment;
- 30       ▶ establishes standards for the inspection of a registered massage establishment;
- 31       ▶ provides exemptions from licensure and registration requirements;
- 32       ▶ schedules the repeal of provisions related to a massage assistant and massage assistant-in-  
33       training; {and}
- 34       ▶ includes a coordination clause to coordinate enactment of provisions with S.B. 44,  
35       Professional Licensure Amendments; and
- 36       ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

This bill provides coordination clauses.

### AMENDS:

58-1-301.5 , as last amended by Laws of Utah 2024, Chapter 420 , as last amended by Laws  
of Utah 2024, Chapter 420

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42 **58-47b-102** , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of  
Utah 2024, Chapter 507

43 **58-47b-301** , as last amended by Laws of Utah 2023, Chapter 225 , as last amended by Laws of  
Utah 2023, Chapter 225

41 ~~**58-47b-302** , as last amended by Laws of Utah 2024, Chapter 137 , as last amended by Laws  
of Utah 2024, Chapter 137~~

44 **58-47b-302.1** , as enacted by Laws of Utah 2023, Chapter 225 , as enacted by Laws of Utah  
2023, Chapter 225

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45 **58-47b-303** , as last amended by Laws of Utah 2023, Chapter 225 , as last amended by Laws  
of Utah 2023, Chapter 225

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46 **58-47b-304** , as last amended by Laws of Utah 2024, Chapter 455 , as last amended by Laws  
of Utah 2024, Chapter 455

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47 **58-47b-305** , as last amended by Laws of Utah 2023, Chapter 225 , as last amended by Laws  
of Utah 2023, Chapter 225

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48 **58-47b-306** , as enacted by Laws of Utah 2023, Chapter 225 , as enacted by Laws of Utah  
2023, Chapter 225

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49 **58-47b-401** , as enacted by Laws of Utah 1996, Chapter 76 , as enacted by Laws of Utah  
1996, Chapter 76

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50 **58-47b-501** , as last amended by Laws of Utah 2023, Chapter 225 , as last amended by Laws  
of Utah 2023, Chapter 225

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51 **58-47b-502** , as last amended by Laws of Utah 2023, Chapter 225 , as last amended by Laws of  
Utah 2023, Chapter 225

52 **58-47b-503** , as last amended by Laws of Utah 2000, Chapter 309 , as last amended by Laws  
of Utah 2000, Chapter 309

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53 **63I-1-258** , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last  
amended by Laws of Utah 2024, Third Special Session, Chapter 5

54 ENACTS:

55 **58-47b-301.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

56 **58-47b-302.2** , Utah Code Annotated 1953 , Utah Code Annotated 1953

57 **58-47b-303.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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58 **58-47b-304.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

59 **58-47b-306.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

57 ~~{58-47b-307.1 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

60 **58-47b-401.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

61 **58-47b-501.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

62 **58-47b-502.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

63 **58-47b-503.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

64 **58-47b-504** , Utah Code Annotated 1953 , Utah Code Annotated 1953

65 **58-47b-601** , Utah Code Annotated 1953 , Utah Code Annotated 1953

66 REPEALS AND REENACTS:

67 **58-47b-302 , as last amended by Laws of Utah 2024, Chapter 137 , as last amended by Laws  
of Utah 2024, Chapter 137**

68 **Utah Code Sections affected by Coordination Clause:**

69 **58-1-301.5** , as last amended by Laws of Utah 2024, Chapter 420 , as last amended by Laws of Utah  
2024, Chapter 420

70 **58-47b-302** , as last amended by Laws of Utah 2024, Chapter 137 , as last amended by Laws of  
Utah 2024, Chapter 137

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

73 **Section 1. Section 58-1-301.5 is amended to read:**

74 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

75 (1) The division shall have direct access to local files maintained by the Bureau of Criminal  
Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background  
screening of individuals who are applying for licensure~~[or certification]~~ , certification, or  
registration, or with respect to a license or certification, renewal, reinstatement, or relicensure or  
recertification, as required in:

80 (a) Sections 58-17b-306 and 58-17b-307;

81 (b) Sections 58-24b-302 and 58-24b-302.1;

82 (c) Section 58-31b-302;

83 (d) Sections 58-42a-302 and 58-42a-302.1, of Chapter 42a, Occupational Therapy Practice Act;

85 (e) Section 58-44a-302.1;

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- 86 (f) Sections 58-47b-302~~[and 58-47b-302.1]~~ and 58-47b-302.2;
- 87 (g) Section 58-55-302, as Section 58-55-302 applies to alarm companies and alarm company agents,  
and Section 58-55-302.1;
- 89 (h) Sections 58-60-103.1, 58-60-205, 58-60-305, 58-60-405, and 58-60-506~~[of Chapter 60, Mental  
Health Professional Practice Act]~~;
- 91 (i) Sections 58-61-304 and 58-61-304.1;
- 92 (j) Sections 58-63-302 and 58-63-302.1;
- 93 (k) Sections 58-64-302 and 58-64-302.1;
- 94 (l) Sections 58-67-302 and 58-67-302.1;
- 95 (m) Sections 58-68-302 and 58-68-302.1; and
- 96 (n) Sections 58-70a-301.1 and 58-70a-302~~[, of Chapter 70a, Utah Physician Assistant Act]~~.
- 98 (2) The division's access to criminal background information under this section:
- 99 (a) shall meet the requirements of Section 53-10-108; and
- 100 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance,  
dismissed charges, and charges without a known disposition.
- 102 (3) The division may not disseminate outside of the division any criminal history record information  
that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of  
Investigation under the criminal background check requirements of this section.

106 Section 2. Section **58-47b-102** is amended to read:

107 **58-47b-102. Definitions.** ~~(Compare Error)~~

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

- 69 (1) "Board" means the Board of Massage Therapy and Acupuncture created in Section 58-47b-201.
- 71 (2)
- (a) "Breast" means the female mammary gland~~[and]~~ .
- 72 (b) "Breast" does not include the muscles, connective tissue, or other soft tissue of the upper chest.
- 74 (3) "Homeostasis" means ~~[maintaining, stabilizing, or returning]~~ the maintenance, the stabilization, or  
the return of the muscular system to equilibrium~~[the muscular system]~~.
- 76 (4) "Massage apprentice" means an individual licensed under this chapter as a massage apprentice  
to engage in the practice of massage therapy under the direct supervision of a massage therapy  
supervisor.

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(5) "Massage assistant" means an individual licensed under this chapter as a massage assistant~~[-]~~ to engage in the practice of limited massage therapy under the indirect supervision of:

- 82 (a) before June 1, 2027, a massage therapist; or  
83 (b) beginning June 1, 2027, a massage therapy supervisor.

84 (6)~~[-]~~ "Massage assistant-in-training" means an individual licensed under this chapter as a [massage assistant-in-training] massage assistant-in-training to engage in the practice of limited massage therapy under the direct supervision of a massage therapy supervisor.

88 (7)

(a) "Massage establishment" means a place where services within the practice of massage therapy or the practice of limited massage therapy are provided by one or more individuals required to be licensed under this chapter.

91 (b) "Massage establishment" does not include:

- 92 (i) all locations used by a sole practitioner to practice massage therapy;  
93 (ii) an out-call location; or  
94 (iii) a massage school.

95 [~~(7)~~] (8) "Massage therapist" means an individual licensed under this chapter as a massage therapist to engage in the practice of massage therapy.

97 [~~(8)~~] (9) therapist" means an individual licensed under this chapter as a massage therapist.[:]

98 [~~(a)~~] a licensed massage therapist in good standing 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[:]; .

101 [~~(b)~~] a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;]

102 [~~(c)~~] a physician licensed under Chapter 67, Utah Medical Practice Act;]

103 [~~(d)~~] an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;]

105 [~~(e)~~] an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or]

106 [~~(f)~~] a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.]

107 (10) "Out-call location" means a location:

108 (a) where massage therapy services are provided; and

109 (b) that a sole practitioner or a massage establishment does not own, lease, or rent.

110 (11)

(a) "Owner" means an individual who controls the operation of a massage establishment.

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- 112 (b) "Owner" includes:
- 113 (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:
- 116 (A) is a corporation; or
- 117 (B) is not publicly listed or traded;
- 118 (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;
- 121 (iii) an individual:
- 122 (A) in whose name a certificate of occupancy has been issued for a massage establishment; or
- 124 (B) that operates a massage establishment under a lease, operating agreement, franchise, or other  
arrangement; and
- 126 (iv) a sublessee or other legal possessor.
- 127 [~~9~~] (12)
- (a) "Practice of limited massage therapy" means:
- 128 (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;
- 132 (ii) seated chair massage;
- 133 (iii) the use of body wraps;
- 134 (iv) aromatherapy;
- 135 (v) reflexology; or
- 136 (vi) in connection with an activity described in this Subsection [~~9~~] (12), the use of:
- 137 (A) the hands;
- 138 (B) a towel;
- 139 (C) a stone;
- 140 (D) a shell;
- 141 (E) a bamboo stick; or
- 142 (F) an herbal ball compress.

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- 143 (b) "Practice of limited massage therapy" does not include:  
144 (i) work on an acute or subacute injury; or  
145 (ii) a practice described in this section to the extent the practice:  
146 (A) treats a medically diagnosed condition; or  
147 (B) results from a referral or prescription from a licensed health care practitioner, including a physician,  
osteopathic physician, advanced practice registered nurse, chiropractic physician, or physician's  
assistant.
- 150 [~~(b)~~ "Practice of limited massage therapy" does not include work on an acute or subacute injury.]  
152 [~~(10)~~] (13)
- (a) "Practice of massage therapy" means:
- 153 [~~(a)~~] (i) the examination, assessment, and evaluation of the soft tissue structures of the body for the  
purpose of devising a treatment plan to promote homeostasis;
- 155 [~~(b)~~] (ii) 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;
- 160 [~~(c)~~] (iii) the use of the hands or a mechanical or electrical apparatus in connection with this  
Subsection [~~(10)~~] (13);
- 162 [~~(d)~~] (iv) the use of rehabilitative procedures involving the soft tissue of the body;
- 163 [~~(e)~~] (v) range of motion or movements without spinal adjustment as set forth in Section 58-73-102;
- 165 [~~(f)~~] (vi) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and  
cabinet baths;
- 167 [~~(g)~~] (vii) manual traction and stretching exercise;
- 168 [~~(h)~~] (viii) correction of muscular distortion by treatment of the soft tissues of the body;
- 170 [~~(i)~~] (ix) counseling, education, and other advisory services to reduce the incidence and severity of  
physical disability, movement dysfunction, and pain;
- 172 [~~(j)~~] (x) activities and modality techniques similar or related to the activities and techniques  
described in this Subsection [~~(10)~~] (13);
- 174 [~~(k)~~] (xi) a practice described in this Subsection [~~(10)~~] (13) on an animal to the extent permitted by:  
176 [~~(i)~~] (A) Subsection 58-28-307(12);  
177 [~~(ii)~~] (B) the provisions of this chapter; and

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- 178 [(iii)] (C) division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
Act; or
- 180 [(H)] (xii) 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.
- 183 (b) "Practice of massage therapy" includes the practice of limited massage therapy.
- 184 (14) "Registered massage establishment" means a massage establishment that is registered with the  
division to lawfully provide services within the practice of massage therapy or the practice of  
limited massage therapy at a single, fixed massage establishment location in this state.
- 188 [(H)] (15) "Soft tissue" means the muscles and related connective tissue.
- 189 (16) "Sole practitioner" means a licensed massage therapist who offers the services of massage therapy  
from:
- 191 (a) an out-call location;
- 192 (b) the licensee's residence, if the licensee does not employ or contract with another individual licensed  
under this chapter; or
- 194 (c) a location, other than the licensee's residence, that the licensee owns, rents, or leases, if the licensee  
does not employ or contract with any other individual regardless of licensure.
- 197 [(12)] (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501[-and] ,  
58-1-501.1, 58-47b-501, and 58-47b-501.1.
- 199 [(13)] (18) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501[  
and] , 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.
- 311 Section 3. Section **58-47b-301** is amended to read:
- 312 **58-47b-301. Licensure required -- Registration required -- Scope of practice -- Individuals.**
- 314 [(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.]
- 317 [(2)] (1)
- (a) An individual shall hold a license to perform clinical massage therapy or limited massage therapy.
- 319 (b) An individual shall hold a registration to perform non-clinical massage therapy.
- 320 (c) An individual that holds a license to perform licensed massage therapy may perform non-clinical  
massage therapy.

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- 322 (2) ~~[An individual shall have a license in order to:]~~ Only a credentialed individual may:
- 323 (a) ~~represent oneself as a [massage therapist, massage apprentice, massage assistant, or massage~~  
~~assistant-in-training]~~ registered massage practitioner, a massage assistant-in-training, a massage  
assistant, a massage apprentice, or a licensed massage therapist;
- 327 (b)
- (i) ~~represent oneself as providing [a service that is within the practice of ]~~massage therapy~~[-or the~~  
~~practice of limited massage therapy] ; or~~
- 329 (ii) use the word "massage" or any other [word] similar wording to describe the [services] service; or
- 331 (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].~~
- 333 (3) A credentialed individual, other than a sole practitioner, may perform massage therapy only in:
- 335 (a) a registered massage establishment;
- 336 (b) an out-call location; or
- 337 (c) a location exempt from registration under Section 58-47b-304.1.
- 338 (4) Subject to Subsection 58-47b-502(9):
- 339 (a) a registered massage practitioner may perform non-clinical massage therapy without supervision  
after completing 300 hours under the indirect supervision of a massage therapy supervisor who is a  
licensed massage therapist;
- 342 (b) a massage assistant-in-training may perform limited massage therapy under the direct supervision  
of a massage therapy supervisor who is a licensed massage therapist and is permitted to complete  
150 hours under the indirect supervision of a massage therapy supervisor who is a licensed massage  
therapist;
- 346 (c) a massage assistant may perform limited massage therapy under the indirect supervision of a  
massage therapy supervisor;
- 348 (d) a massage apprentice may perform massage therapy under the indirect supervision of a massage  
therapy supervisor who is a licensed massage therapist; and
- 350 (e) a licensed massage therapist may perform massage therapy without supervision.
- 351 Section 4. Section 4 is enacted to read:
- 352 **58-47b-301.1. Massage establishment registration required -- Maintenance of registration.**
- 240 (1) An owner shall register a massage establishment with the division.
- 241 (2)

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- (a) Each place of business shall register separately.
- 242 (b) If multiple massage establishments exist at the same address, each massage establishment shall register separately.
- 244 (3) A massage establishment shall provide the physical address where the massage establishment operates to the division.
- 246 (4) ~~{ Unless exempted under Section 58-47b-304.1, a }~~ A massage establishment may not allow ~~{ for the practice of massage therapy or the practice of limited }~~ massage therapy on the massage establishment's premises unless the massage establishment is registered in accordance with this section.
- 250 (5)
- (a) A registered massage establishment shall { employ or contract with a licensee under this chapter, or an individual exempted under this chapter, to } ensure only credentialed individuals perform massage therapy { or other massage services } .
- 253 (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.
- 256 (6) An owner may not assign or transfer a massage establishment registration.
- 257 (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 apply for and obtain a new registration within 30 days after the day on which the ownership, lessee, or legal possession changes.
- 261 (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.
- 265 ~~{(9) { A registered massage establishment shall maintain a log of all massage therapy services provided at the registered massage establishment containing information as determined by the division in rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act. } }~~
- 378 Section 5. Section **58-47b-302** is repealed and re-enacted to read:
- 379 **58-47b-302. { License classifications -- } Qualifications for registration and licensure --**
- Individuals.**
- 271 ~~{(1) The division shall issue licenses under this chapter in the classifications of: }~~

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- 380 (1)
- 381 (a) An applicant for registration as a registered massage practitioner shall:
- 382 (i) have a massage safety permit in accordance with Subsection (6);
- 385 (ii) complete the initial 300 hours as a registered massage practitioner under the indirect supervision  
of a massage therapy supervisor who is a licensed massage therapist; and
- 387 (iii) pass an examination that covers contraindications of massage, as the division requires by rule.
- 389 (b) A massage therapy supervisor who is a licensed massage therapist may supervise up to six  
registered massage practitioners at one time.
- 389 (2)
- 390 (a) An applicant for a massage assistant-in-training license shall:
- 391 (i) have a massage safety permit in accordance with Subsection (6); and
- 391 (ii) 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 who is a  
licensed massage therapist.
- 394 (b) A massage therapy supervisor who is a licensed massage therapist may supervise up to four massage  
assistants-in-training at one time.
- 396 (3)
- 272 (a) An applicant for a massage {~~therapist;~~} assistant license shall:
- 397 (i) have a massage safety permit in accordance with Subsection (6);
- 398 (ii) 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;
- 401 (iii) subject to Subsection (3)(b), complete at least 300 hours of education and training the division  
approves by rule; and
- 403 (iv) pass an examination as the division requires by rule.
- 404 (b) The 300-hour education and training requirement described in Subsection (3)(a) shall include:
- 406 (i) at least 300 hours of education and training while the applicant is enrolled in massage school; or
- 408 (ii)
- (A) at least 150 hours of education and training while the applicant is licensed as a massage assistant-  
in-training under the direct supervision of a massage therapy supervisor who is a licensed massage  
therapist; and

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(B) at least 150 hours of education and training while the applicant is licensed as a massage assistant-in-training under the indirect supervision of a massage therapy supervisor who is a licensed massage therapist.

414 (c) A massage therapy supervisor may supervise up to six massage assistants at one time.

415 (4)

273 ~~{(b)}~~ (a) An applicant for a massage apprentice ~~{;}~~ license shall:

274 ~~{(e) massage assistant; and}~~

416 (i) have a massage safety permit in accordance with Subsection (6);

417 (ii) provide satisfactory evidence to the division that the applicant will practice as a massage apprentice only under the indirect supervision of a massage therapy supervisor who is a licensed massage therapist; and

420 (iii) pass an examination as the division requires by rule.

275 ~~{(d)}~~ (b) {[} A massage {assistant-in-training} therapy supervisor who is a licensed massage therapist may supervise up to four massage ~~{assistant-in-training}~~ apprentices at one time.

276 ~~{(2)}~~ (5) An applicant for ~~{license as}~~ a massage therapist license shall:

277 (a) submit an application in a form ~~{[prescribed by]}~~ the division approves;

278 (b) pay a fee determined by the department under Section 63J-1-504;

279 (c) be 18 years old or older;

280 ~~{(d) have[either]:}~~

281 ~~{(i)}~~ (d)

~~{(A)}~~ (i) have graduated from a school of massage having a curriculum that meets the standards ~~{established by division}~~ the division establishes by rule ~~{made in collaboration with}~~ and includes the ~~{board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or}~~ training on the activities described in Subsection (6)(d);

285 ~~{(B)}~~ (ii) have completed equivalent education and training in compliance with standards the division establishes by rule ~~{made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act}~~ ; or

288 ~~{(ii)}~~ (iii) have completed a massage apprenticeship program consisting of a minimum of 1,000 hours of directly supervised training and in accordance with standards ~~{established}~~ the division establishes by ~~{division}~~ rule ~~{made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act}~~ ; and

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- 292 {~~(e) pass:~~}
- 293 {~~(i) the Federation of State Massage Therapy Boards Massage and Bodywork Licensing Examination;~~  
or }
- 295 {~~(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.~~}
- 435 (e) pass an examination as the division requires by rule.
- 298 {~~(3)~~} (6) An applicant for {~~licensure as~~} a massage {~~apprentice~~} safety permit shall:
- 299 (a) submit an application in a form {~~[prescribed by]~~} the division approves;
- 300 (b) pay a fee determined by the department under Section 63J-1-504;
- 439 (c) be 18 years old or older; and
- 440 (d) complete an educational module the division establishes by rule that includes:
- 441 (i) practicing physical boundaries;
- 442 (ii) draping;
- 443 (iii) gaining consent; and
- 444 (iv) taking a medical history.
- 445 (7) An applicant for licensure or registration under this chapter shall:
- 446 (a) submit an application in a form the division approves;
- 447 (b) pay a fee determined by the department under Section 63J-1-504;
- 301 (c) be 18 years old or older;
- 302 {~~(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]massage therapy supervisor; and~~}
- 449 (d) consent to, and complete, a criminal background check described in Section 58-47b-302.1;
- 451 (e) meet any other standard related to the criminal background check described in Subsection (7)(d) as  
the division requires by rule; and
- 453 (f) disclose any criminal history the division requests on a form the division approves.
- 306 {~~(e)~~} (8) {~~pass an examination as required by division rule made in accordance with~~} Under Title 63G,  
Chapter 3, Utah Administrative Rulemaking Act{~~-~~} , the division shall make rules establishing:
- 308 {~~(4)~~ }
- 456 (a) the examination for a registered massage practitioner that covers contraindications of massage;

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- {(a)} ~~(b)~~ {An applicant} the education and training for {licensure as} a massage assistant {shall:} ;
- 309       {(i) submit an application in a form [prescribed by] the division approves;}
- 310       {(ii) pay a fee determined by the department in accordance with Section 63J-1-504;}
- 311       {(iii) be 18 years old or older;}
- 312       {(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;}
- 315       {(v)} ~~(c)~~ {provide satisfactory evidence to the division that} the {applicant will only practice as}  
examination for a massage assistant {[only] under the indirect supervision of a massage therapy  
supervisor; and} ;
- 318       {(vi) pass an examination as required by division rule made in accordance with Title 63G, Chapter  
3, Utah Administrative Rulemaking Act.}
- 320       {(b) The 300-hour education and training requirement described in Subsection (4)(a) shall include: }
- 460       (d) the examination for a massage apprentice;
- 461       (e) the standards for a licensed massage school curriculum;
- 322       {(i)} ~~(f)~~ {at least [150]300 hours of } the equivalent education and training {while the applicant is[:]  
enrolled in } for a licensed massage {school } therapist; {or }
- 324       {{(A)} ~~(g)~~ {enrolled in } the standards of a massage {school } apprenticeship program; or}}
- 325       {{(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}}
- 328       {(ii) at least [150]300 hours of education and training while the applicant is[:]  
assistant-in-training and under the direct supervision of a massage therapy supervisor. }
- 331       {{(A)} ~~(h)~~ {enrolled in } the examination for a licensed massage {school } therapist; or}}
- 332       {{(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.}}
- 335       {(5) An applicant for licensure as a [massage assistant in-training]massage assistant-in-training shall: }
- 337       {(a) submit an application in a form [prescribed by] the division approves;}
- 338       {(b) pay a fee determined by the department in accordance with Section 63J-1-504;}
- 339       {(c) be 18 years old or older; and }

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- 340     ~~{(d) }~~  
      ~~{(i) {before June 1, 2027, provide satisfactory evidence to the division that the applicant will practice as a [massage assistant in-training]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]Subsection (4)(a)(iv) [and (4)(b)] for licensure as a massage assistant[.]; or-}}~~
- 346     ~~{(ii) {beginning June 1, 2027, provide satisfactory evidence to the division that the applicant will practice as a massage assistant-in-training under the supervision of a massage therapy supervisor for the purpose of satisfying the requirements described in Subsection (4)(a)(iv) for licensure as a massage assistant.}}~~
- 350     ~~{(6) }~~  
      ~~{(a) }~~  
          ~~{(i) A massage therapist may supervise at one time up to six individuals licensed as a massage apprentice or [massage assistant in-training]a massage assistant-in-training.}~~
- 353     ~~{(ii) {-Beginning June 1, 2027:-}}~~
- 354     ~~{(A) {a massage therapy supervisor shall supervise a massage apprentice or a massage assistant-in-training; and-}}~~
- 356     ~~{(B) {a massage therapy supervisor may supervise at one time up to three individuals licensed as either a massage apprentice or a massage assistant-in-training.}}~~
- 359     ~~{(b) A massage therapy supervisor may supervise at one time up to six individuals licensed as a massage assistant.}~~
- 361     ~~{(7) A new massage therapist, massage apprentice, massage assistant, or massage assistant-in-training applicant shall submit to and pass a criminal background check in accordance with Section [58-47b-302.1]58-47b-307 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.}~~
- 465     (i) the educational module described in Subsection (6)(d); and  
466     (j) the standard related to the criminal background check.  
467     Section 6. Section 58-47b-302.1 is amended to read:  
468     58-47b-302.1. Criminal background check.  
469     (1) An applicant for individual licensure or registration and an owner of a registered massage establishment~~[under this chapter who requires a criminal background check-]~~ shall:

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- 472 (a) submit fingerprint cards in a form acceptable to the division at the time the license application is  
filed; and
- 474 (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and  
the Federal Bureau of Investigation regarding the application.
- 476 (2) The division shall:
- 477 (a) in addition to other fees authorized by this chapter, collect from each applicant submitting  
fingerprints in accordance with this section the fee that the Bureau of Criminal Identification is  
authorized to collect for the services provided under Section 53-10-108 and the fee charged by  
the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal  
criminal history record information;
- 483 (b) submit from each applicant the fingerprint card and the fees described in Subsection (2)(a) to the  
Bureau of Criminal Identification; and
- 485 (c) obtain and retain in division records a signed waiver approved by the Bureau of Criminal  
Identification in accordance with Section 53-10-108 for each applicant.
- 487 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of Section  
53-10-108:
- 489 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state and regional  
criminal records databases;
- 491 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history  
background check; and
- 493 (c) provide the results from the state, regional, and nationwide criminal history background checks to  
the division.
- 495 (4) For purposes of conducting a criminal background check required under this section, the division  
shall have direct access to criminal background information maintained under Title 53, Chapter 10,  
Part 2, Bureau of Criminal Identification.
- 498 (5) The division may not disseminate outside of the division any criminal history record information  
that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of  
Investigation under the criminal background check requirements of this section.
- 502 (6)
- (a) A new license issued under this chapter is conditional pending completion of the criminal  
background check.

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- 504 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background  
check required [~~in Subsection 58-47b-302(7)] by this section demonstrates the applicant has failed  
to accurately disclose a criminal history, the license is immediately and automatically revoked upon  
notice to the licensee by the division.~~
- 509 (c) A person whose conditional license is revoked under Subsection (6)(b) is entitled to a postrevocation  
hearing to challenge the revocation.
- 511 (d) The division shall conduct a postrevocation hearing in accordance with Title 63G, Chapter 4,  
Administrative Procedures Act.
- 513 [~~(7) An applicant who successfully completes a background check under this section may not be  
required by any other state or local government body to submit to a second background check as a  
condition of lawfully engaging in the practice of massage therapy or the practice of limited massage  
therapy in this state.~~]

517 Section 7. Section 7 is enacted to read:

518 **58-47b-302.2. Qualifications for registration -- Massage establishments.**

368 (1)

(a) The owner of {the} a massage establishment shall register the massage establishment.

369 (b) If the massage establishment has multiple owners, the owners of the massage establishment shall  
choose one owner to register the massage establishment.

371 (2) To register a massage establishment, the owner shall:

372 (a) submit an application in a form the division approves;

373 (b) pay a fee determined by the department under Section 63J-1-504; {and}

374 (c) provide satisfactory documentation:

375 (i) of registration with the Division of Corporations and Commercial Code;

376 (ii) of business licensure from the {city, town,} municipality or county in which the massage  
establishment is located;

378 (iii) that the massage establishment's physical facilities comply with the requirements {established  
} the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and

380 (iv) of each owner's ownership or right to possession of the premises where the massage establishment  
will be operated;

534 (d)

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- 382 (i) consent to, and complete, a criminal background check, described in Section 58-47b-302.1;  
{(d)} (ii) {unless a} meet any other standard related to the criminal background check {was previously  
completed by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation}  
described in Subsection (2)(d)(i). {submit fingerprint cards in a form acceptable to} that the  
division {when filing the application;} establishes by rule in accordance with Title 63G, Chapter 3,  
Utah Administrative Rulemaking Act; and
- 539 (iii) disclose any criminal history the division requests on a form the division approves;
- 385 (e) {consent to a fingerprint background check by the Utah Bureau of Criminal Identification and the  
Federal Bureau of Investigation, including the use of the FBI Rap Back System, for all individuals  
} submit the following information for each individual for whom a {fingerprint card} criminal  
background check is required {by} under Subsection {(2)(f);} (3):
- 543 (i) full name;
- 544 (ii) any other name used;
- 545 (iii) date of birth;
- 546 (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;
- 549 (v) address;
- 550 (vi) phone number;
- 551 (vii) email address;
- 552 (viii) license number, if licensed under this chapter;
- 553 (ix) registration number, if registered under this chapter;
- 554 (x) a recent color photograph of each owner; and
- 389 {(f)} (xi) {submit} fingerprints {for each individual who;} in a form the division approves;
- 556 (f) allow the division to verify that the applicant and each individual listed in Subsection (3) is legally  
present in the United States;
- 558 (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
- 561 (h) meet with the division or board if requested by the division or board.
- 562

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(3) An individual shall consent to and complete a criminal background check in accordance with Subsection (2)(d) if the individual:

- 390 ~~{(i)}~~ (a) personally or constructively holds, including as the beneficiary of a trust:
- 391 ~~{(A)}~~ (i) at least 10% of the entity's outstanding stock; or
- 392 ~~{(B)}~~ (ii) more than \$25,000 of the fair market value of the entity;
- 393 ~~{(ii)}~~ (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;
- 396 ~~{(iii)}~~ (c) is a member of the board of directors or other governing body of the entity; or
- 397 ~~{(iv)}~~ (d) serves as:
- 398 ~~{(A)}~~ (i) an elected officer of the entity; or
- 399 ~~{(B)}~~ (ii) a general manager of the entity~~{;}~~.
- 400 ~~{(g)}~~ (4) ~~{submit}~~ A minor who is an owner of the ~~{following information for each individual for whom fingerprints are required by}~~ massage establishment as the beneficiary of a trust is exempt from Subsection ~~{(2)(f);}~~ (2)(d).
- 402 ~~{(i)}~~ ~~{full name;}~~
- 403 ~~{(ii)}~~ ~~{any other name used;}~~
- 404 ~~{(iii)}~~ ~~{date of birth;}~~
- 405 ~~{(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;}~~
- 408 ~~{(v)}~~ ~~{address;}~~
- 409 ~~{(vi)}~~ ~~{phone number;}~~
- 410 ~~{(vii)}~~ ~~{email address;}~~
- 411 ~~{(viii)}~~ ~~{license number, if licensed under this chapter; and}~~
- 412 ~~{(ix)}~~ ~~{a recent color photograph of each owner;}~~
- 413 ~~{(h)}~~ ~~{allow the Department of Commerce to verify that the applicant and each individual listed in Subsection (2)(f), is legally present in the United States;}~~
- 415 ~~{(i)}~~ ~~{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}~~

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- 418 {~~(j)~~} {~~meet with the division or board if requested by the division or board.~~} }
- 419 {~~(3)~~} (5) The division may require an owner to prove continuing right of possession at any time during  
the registration period.
- 578 Section 8. Section **58-47b-303** is amended to read:
- 579 **58-47b-303. Term of license and registration -- Expiration -- Renewal -- Individuals.**
- 423 (1)
- (a) Except as provided in Subsection (3), the division shall ~~[issue a license]~~ provide credentialing  
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.
- 426 (b) ~~[A~~(j)~~ The division may extend or shorten a ]~~ The division may extend or shorten a license or  
registration 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.
- 429 (2) Subject to Subsection (3), a license or a registration automatically expires on the expiration date  
shown on the license or registration unless ~~{[renewed by the ] [licensee]}~~ {the licensee renews the  
license} credentialed individual in accordance with Section 58-1-308.
- 432 (3)
- (a) A massage apprentice license expires 24 months after the day on which the division issues the  
massage apprentice license.
- 434 (b) A massage [assistant-in-training] assistant-in-training license expires six months after the day on  
which the division issues the [massage assistant-in-training] massage assistant-in-training license.
- 437 (c) The division may not renew or extend a massage apprentice or massage assistant-in-training license  
unless:
- 439 (i) a circumstance or hardship arose beyond the {licensee's} individual's control that prevented the  
{licensee} individual from completing the {licensure} process;
- 441 {~~(ii)~~} ~~{the licensee presents satisfactory evidence to the division that the licensee is making reasonable~~  
~~progress toward obtaining licensure in the state;}~~ }
- 443 {~~(iii)~~} (ii) the division grants the renewal or extension for a period proportionate to the circumstance or  
hardship; and
- 445 {~~(iv)~~} (iii) the {licensee's} individual's massage therapy supervisor consents in writing to the renewal  
or extension.

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- (4) ~~{ At the time of renewal, the licensee shall show satisfactory evidence of renewal requirements established under this chapter and of renewal requirements that the division may establish by rule made in }~~ 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.

607 Section 9. Section 9 is enacted to read:

608 **58-47b-303.1. Term of registration -- Expiration -- Renewal -- Massage establishments.**

454 (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.

456 (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.

458 (2) A registration automatically expires on the expiration date shown on the registration unless the registrant renews.

460 (3) At the time of renewal, a registered massage therapy establishment shall:

461 (a) complete and submit an application for renewal in the form the division approves; **and**

462 (b) pay a renewal fee established by the department under Section 63J-1-504{ **and** }.

463 ~~{(c) {show satisfactory proof of compliance with the standards established by this chapter.} }~~

620 Section 10. Section **58-47b-304** is amended to read:

621 **58-47b-304. Exemptions from {licensure} **credentialing** -- Individuals.**

466 (1) In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the practice of **perform** massage therapy ~~or the practice of limited massage therapy~~, subject to the stated circumstances and limitations, without being ~~licensed under this chapter~~ **a credentialed individual:**

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

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

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

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

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

477

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- (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
- 479 (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
- 481 (h) a hospital staff member employed by a hospital, who practices massage as part of the staff member's responsibilities;
- 483 (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
- 484 (j) a student in training enrolled in a massage therapy school approved by the division;
- 485 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act;
- 487 (l)
- (i) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act; and
- 489 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational Therapy Practice Act, while under the general supervision of an occupational therapist;
- 492 (m) an individual performing animal massage therapy under the rules made by the division in accordance with Subsection 58-28-307(12);
- 494 (n) an individual performing gratuitous massage; ~~and~~
- 495 (o) an individual:
- 496 (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:
- 499 (A) who is certified to practice reflexology and whose practice is limited to the scope of practice of reflexology;
- 501 (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;
- 504 (C) who is certified to practice ortho-bionomy and whose practice is limited to the scope of practice of ortho-bionomy;
- 506 (D) who is certified to practice bowerwork and whose practice is limited to the scope of practice of bowerwork; or
- 508 (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;
- 510 (ii) whose clients remain fully clothed from the shoulders to the knees; and
- 511 (iii) whose clients do not receive gratuitous massage from the individual[-]; and
- 512 (p)

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- (i) ~~{ a nonresident }~~ an individual ~~{ engaging in the practice of }~~ performing massage therapy who:
- 513 (A) holds a valid license, permit, certificate, or registration, for massage therapy issued by any  
other jurisdiction of the United States or by a foreign country;~~or~~
- 515 (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; ~~{ or }~~ and
- 518 ~~{ (C) { meets another exemption under this section; and } }~~
- 519 (ii) is temporarily { engaging in the practice of } performing massage therapy in this state for a period  
that does not exceed 30 days for the purpose of:
- 521 (A) presenting educational or clinical programs, lectures, seminars, or workshops;
- 522 (B) providing massage { services } therapy during an emergency as part of a disaster response team; or
- 524 (C) consulting with a { massage therapist } credentialed individual regarding massage ~~{ practices or~~  
~~services }~~ therapy.
- 525 (2) An individual described in Subsection (1) may not represent oneself as a ~~[ massage therapist,~~  
~~massage apprentice, massage assistant, or { } massage assistant in-training ]~~ registered massage  
practitioner, a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed  
massage therapist.
- 528 (3) This chapter may not be construed to:
- 529 (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;
- 531 (b) require insurance coverage or reimbursement for massage therapy ~~[ or limited massage therapy ]~~ from  
third party payors; or
- 533 (c) prevent an insurance carrier from offering coverage for massage therapy ~~[ or limited massage~~  
~~therapy ]~~.
- 691 Section 11. Section **11** is enacted to read:
- 692 **58-47b-304.1. Exemptions from registration -- Massage establishments.**
- The following establishments or facilities are exempt from registering as massage  
establishments:
- 539 (1) hospitals or medical clinics;
- 540 (2) physician offices;
- 541 (3) physical therapy facilities;

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- 542 (4) chiropractic offices;
- 543 (5) athletic training facilities or institutions of secondary or higher education when massage therapy is  
{ ~~practiced~~ } performed in connection with employment related to athletic teams; and
- 545 (6) other facilities as defined by rule.

702 Section 12. Section **58-47b-305** is amended to read:

703 **58-47b-305. State and local jurisdiction.**

- 548 (1)
- (a) The division is the only agency authorized to license and register individuals to ~~engage in the practice of~~ perform massage therapy ~~[or the practice of limited massage therapy]~~ within the state or any of the state's political subdivisions.
- 551 (b) This chapter does not prevent any political subdivision of the state from enacting:
- 552 (i) ~~subject to Subsection (1)(b)(ii), ordinances governing the operation of establishments offering~~  
~~messages~~ massage therapy; or
- 554 (ii) ordinances regulating the practice of massage therapy ~~[or the practice of limited massage therapy]~~ { [ ] } if:
- 556 (A) ~~[-] except as provided in Subsection (1)(b)(ii)(B), the ordinances are [not less] at least as stringent~~  
~~[than] as this chapter[-] ; and~~
- 558 (B) ~~the ordinances do not require a background~~ { ~~checks prohibited by Section 58-47b-307~~ } check on a  
minor.
- 560 (2) This chapter does not prohibit any political subdivision of the state from prosecuting:
- 561 (a) an ~~unlicensed~~ individual who is engaged in ~~the practice of~~ massage therapy ~~[or the practice of~~  
~~limited massage therapy]~~ without the required credential; { [ or ] }
- 563 (b) ~~a licensed~~ an individual ~~[-who]~~ or a { ~~registered~~ } massage establishment that is engaged in  
unlawful conduct { [ , { } ] } ; or
- 565 { ~~(e) conduct by any person that is defined as unlawful under this chapter, including aiding or abetting~~  
~~any other person to violate any statute or rule regulating a profession under this chapter.~~ }

720 Section 13. Section **58-47b-306** is amended to read:

721 **58-47b-306. Required identification and disclosures -- Individuals.**

- 570 [(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.]

573

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[~~(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.~~]

577 [(3)] (1)

(a) ~~{ If the licensee is a licensed massage apprentice, a licensed massage assistant, or a licensed massage assistant in-training, the licensee }~~ A credentialed individual shall obtain from the client a completed and signed intake form before the ~~{ licensee }~~ individual provides ~~{ a service regulated by this chapter }~~ massage therapy to the client.

581 (b) ~~The division may further define the intake form by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

583 ~~{ (2) { A massage apprentice, a massage assistant, or a massage assistant in-training licensed under this chapter, while engaging in the practice of massage therapy: } }~~

734 (2) While performing massage therapy, a credentialed individual:

585 (a) ~~shall wear { an identification badge showing } or display the { licensee's name, license classification, }~~ credentialed individual's first name and last initial and { license number } credentialed individual's license or registration type; and

587 (b) ~~{ may not identify to any person in connection with activities allowed under this chapter other than as the individual's license classification.~~

589 ~~{ (3) [ If an individual requests a massage service that is performed by a { massage apprentice, } { a } massage assistant { ; } or a { f } massage assistant in-training { } 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 apprentice, a } massage assistant { ; } or { f } massage assistant in-training { } a massage assistant in-training }:] may not identify to any person in connection with massage therapy other than as the individual's license or registration.~~

744 (3) Before scheduling or agreeing to massage therapy, the client shall receive notice of the first name and last initial of the credentialed individual performing the massage therapy and the credentialed individual's license or registration type.

747 Section 14. Section 14 is enacted to read:

748 **58-47b-306.1. Required signage and disclosures -- Massage establishments.**

## HB0278 compared with HB0278S02

A massage establishment shall display prominently:

- 598 ~~{(1)}~~ (a) the massage establishment registration;
- 599 ~~{(2)}~~ (b) a copy of the state issued license or registration for each {~~licensee licensed under this chapter~~  
~~and~~} credentialed individual contracted with or employed by the establishment;
- 601 ~~{(3)}~~ (c) {~~Division of Professional Licensing~~} division resources required by rule made in accordance  
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 602 ~~{(4)}~~ (d) a sign that states some massage {~~services~~} therapy offered at the registered massage  
establishment {~~are~~} is performed by a registered massage {~~apprentice~~} practitioner, a massage  
assistant-in-training, a massage assistant, or a massage {~~assistant-in-training~~} apprentice if the  
massage establishment employs or contracts with a registered massage {~~apprentice~~} practitioner, a  
massage assistant-in-training, a massage assistant, or a massage {~~assistant-in-training~~} apprentice.
- 760 (2) If the provider has a reasonable belief a credentialed individual's safety may be compromised, the  
provider may redact the displayed license or registration to only provide the first name and last  
initial for the credentialed individual.
- 763 (3) The massage establishment shall display signage that:
- 764 (a) states the massage establishment has verified that all providers are credentialed individuals under  
Section 58-47b-302; and
- 766 (b) informs consumers of:
- 767 (i) the right to request the provider's first name and last initial and license or registration type; and
- 769 (ii) methods for reporting complaints to the division.

606 Section 13. Section 13 is enacted to read:

### **58-47b-307.1. Criminal background checks -- Massage establishments.**

- 608 (1) Each applicant for registration in accordance with Section 58-47b-301.1:
- 609 (a) shall submit an application in a form the division approves;
- 610 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 611 (c) may not have been convicted of a crime under Section 76-5-4;
- 612 (d) shall submit to and pass a background check in accordance with this section and requirements the  
division establishes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 615 (e) shall meet with the division if requested.
- 616

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- (2) Each applicant shall submit, for all individuals described in Subsection 58-47b-302.2(2)(f), the information described in Section 58-47b-302.2.
- 618 (3) The division shall:
- 619 (a) in addition to other fees authorized by this chapter, collect from each applicant submitting  
fingerprints in accordance with this section:
- 621 (i) the fee, for each set of fingerprints, that the Bureau of Criminal Identification is authorized to collect  
for the services provided under Section 53-10-108; and
- 623 (ii) the fee, for each set of fingerprints, charged by the Federal Bureau of Investigation for fingerprint  
processing for the purpose of obtaining federal criminal history record information;
- 626 (b) submit, from each individual who requires a background check under Subsection 58-47b-302.2(2)  
(f), the fingerprint card and the fees described in Subsection (3)(a) to the Bureau of Criminal  
Identification; and
- 629 (c) obtain and retain in division records, from each individual who requires a background check under  
Subsection 58-47b-302.2(2)(f), a signed waiver approved by the Bureau of Criminal Identification  
in accordance with Section 53-10-108.
- 632 (4) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal Identification  
shall:
- 634 (a) check the fingerprints submitted under this section against the applicable state and regional criminal  
records databases;
- 636 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history  
background check; and
- 638 (c) provide the results from the state, regional, and nationwide criminal history background checks to  
the division.
- 640 (5) For purposes of conducting the criminal background check required in this section, the division shall  
have direct access to criminal background information maintained under Title 53, Chapter 10, Part  
2, Bureau of Criminal Identification.
- 643 (6) The division may not disseminate outside of the division any criminal history record information  
that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of  
Investigation under the criminal background check requirements of this section.
- 647 (a) A new registration issued under this section is conditional, pending completion of the criminal  
background checks.

## HB0278 compared with HB0278S02

- 649 (b)
- (i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required in this section discloses that the applicant or any individual required to be fingerprinted has failed to accurately disclose a criminal history, the registration is automatically revoked upon notice to the applicant by the division.
- 654 (ii) An owner that has a massage establishment's conditional registration revoked under this Subsection (6)(b) is entitled to a postrevocation hearing to challenge the revocation.
- 657 (iii) The division shall conduct a postrevocation hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

770 Section 15. Section **58-47b-401** is amended to read:

771 **58-47b-401. Grounds for denial of license -- Individuals.**

[Grounds for ]If there are grounds in accordance with Section 58-1-401, the division may take the following actions regarding [a license- {for an individual- } under this chapter{ } -are

in

accordance with

Section 58-1-401] a credentialed individual:

- 664 (1) [refusal to issue a license to] refuse to license or register an applicant;
- 665 (2) [refusal] refuse to renew the [license of a licensee] license or registration for a credentialed individual;
- 666 (3) [revocation, suspension, restriction, or placement] revoke, suspend, restrict, or place on probation of a license or registration for a credentialed individual;
- 667 (4) [issuance of-] issue a public or private reprimand to [a licensee; and] a credentialed individual; or
- 668 (5) [issuance of-] issue a cease and desist order.

783 Section 16. Section **16** is enacted to read:

784 **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:}

this chapter if:

- 672 (1) the location {where- } in the registration {is applied for- } application has had a {similar- } registration revoked or surrendered for cause within the last two years;

674

## HB0278 compared with HB0278S02

(2) the application is for a location that has advertised in a manner that reasonably implies sexual services are offered at the location;

676 (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

678 (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.

797 Section 17. Section **58-47b-501** is amended to read:

798 **58-47b-501. Unlawful conduct -- Individuals.** <compare mode="add">(Compare Error)</compare>

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

683 (a) ;

686 (b) ;

688 (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~~] massage assistant-in-training under this chapter;

692 (d) advertising or representing oneself as engaging in the practice of limited massage therapy when not licensed to do so; and

694 (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:

697 (i) genitals;

698 (ii) anus; or

699 (iii) except as provided in Subsection (2), breasts of a female [~~patron~~] client.

700 (2)

(a) Subsection (1)(e)(iii) does not apply if a female [~~patron~~] client:

701 (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

703 (ii) subject to Subsection (2)(b), signs a written consent form before each time the procedure is performed.

705 (b) If the female [~~patron~~] client is a minor, the female [~~patron's~~] client's parent or legal guardian shall sign the written consent form described in Subsection (2)(a).

## HB0278 compared with HB0278S02

827 Section 18. Section 18 is enacted to read:

828 **58-47b-501.1. Unlawful conduct -- Massage establishments.**

"Unlawful conduct" for a massage establishment { required to register } in accordance with

Section 58-47b-301.1 includes:

{ Section 58-47b-301.1 includes: }

711 (1) operating without a valid registration;

712 { ~~(2)~~ { being open for business without a licensee regulated by this chapter on site; } }

713 { ~~(3)~~ (2) permitting the use of a registered massage establishment for housing, sheltering, or harboring  
any individual;

715 { ~~(4)~~ (3) permitting an individual who is not credentialed or exempt to { engage in the practice of }  
perform massage therapy { without a license } ;

835 (4) permitting an individual to:

716 { ~~(5)~~ (a) { permitting a licensee to } provide massage { services } therapy without being fully clothed; or

717 { ~~(6)~~ (b) { permitting a licensee to } perform a sexual act or arranging for a sexual act;

718 { ~~(7)~~ (5) permitting { a licensee or client } an individual the use or possession of adult-oriented  
merchandise while at the registered massage establishment;

720 { ~~(8)~~ (6) advertising on a sexually oriented website;

721 { ~~(9)~~ (7) advertising services in a manner that may be reasonably construed as sexual in nature;

722 { ~~(10)~~ (8) refusing inspection by the { Division of Professional Licensing } division as authorized under  
Section 58-47b-601;

724 { ~~(11)~~ (9) arranging or allowing for any of the unlawful acts described in Section 58-47b-501;

725 { ~~(12)~~ (10) failing 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; { or }

728 { ~~(13)~~ }

{ ~~(a)~~ (11) concealing an individual in the massage establishment;

729 { ~~(b)~~ (12) refusing to provide identification to inspectors or law enforcement; or

730 { ~~(c)~~ (13) attempting to elude an inspector by leaving the massage establishment or remaining behind  
locked doors in the massage establishment during an inspection. ;

851 Section 19. Section 58-47b-502 is amended to read:

852 **58-47b-502. Unprofessional conduct -- Individuals.**

## HB0278 compared with HB0278S02

"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

855 Administrative Rulemaking Act:

- 856 (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]~~ registration, if a license is required;
- 860 (2) failing to comply with any applicable ordinances relating to the regulation of massage  
establishment;
- 862 (3) failing to comply with all applicable state and local health or sanitation codes;
- 863 (4)
- (a) failing of a licensed massage therapist to properly supervise a massage apprentice, [~~massage  
assistant, or-~~] a massage [assistant in-training] assistant-in-training , or a registered massage  
practitioner; and
- 866 (b) [~~;~~] failing of a massage therapist supervisor to properly supervise a massage assistant;
- 867 (5) failing to maintain mechanical or electrical equipment in a safe operating condition;
- 868 (6) failing to adequately monitor [~~patrons]~~ clients utilizing steam rooms, dry heat cabinets, or water  
baths;
- 870 (7) prescribing or administering medicine or drugs;
- 871 (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
- 873 (9) engaging in any act or practice in a professional capacity for which the [~~licensee]~~ credentialed  
individual is not competent to perform through training or experience.

875 Section 20. Section **20** is enacted to read:

876 **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:

- 759 (1) failing to comply with employee or client recordkeeping requirements as established in rule;
- 760 {~~(2) {failing to comply with client recordkeeping requirements as established in rule;}~~}
- 761 {~~(3)~~} (2) failing to comply with all applicable state and local health or sanitation codes and  
requirements as established by rule;

## HB0278 compared with HB0278S02

- 763 ~~{(4)}~~ (3) failing to comply with facility requirements as established by rule;
- 764 ~~{(5)}~~ (4) 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~~ } registration, if a license is required;
- 768 ~~{(6)}~~ (5) failing to comply with any applicable ordinances relating to the regulation of massage  
establishment;
- 770 ~~{(7)}~~ (6) failing to maintain mechanical or electrical equipment in a safe operating condition; and
- 771 ~~{(8)}~~ (7) failing to adequately monitor a client utilizing steam rooms, dry heat cabinets, or water baths.
- 893 Section 21. Section **58-47b-503** is amended to read:
- 894 **58-47b-503. Penalties -- Individuals.**
- 775 (1) Except as provided in Subsection (2), [any] an individual who commits an act of unlawful conduct  
under Section 58-47b-501 is guilty of a class A misdemeanor.
- 777 (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.
- 899 (3) For acts of unprofessional conduct or unlawful conduct by an individual, the division may:
- 901 (a) assess administrative penalties; and
- 902 (b) take any other appropriate administrative action, which may include sending letters of concern to the  
municipality and the police department for the municipality in which the individual resides.
- 905 (4) The division shall deposit an administrative penalty imposed in accordance with this section into the  
Commerce Service Account.
- 907 (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  
penalty under this chapter for the same incident for which the conviction was obtained.
- 911 (6) If, upon inspection or investigation, 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:
- 916 (a) promptly issue a citation to the individual according to this chapter and any pertinent rules; and
- 918 (b)
- 919 (i) attempt to negotiate a stipulated settlement; or

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- (ii) notify the individual to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- 921 (c) A citation shall:
- 922 (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;
- 925 (ii) state that the individual to whom the citation is issued 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
- 929 (iii) explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.
- 932 (d) 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:
- 934 (i) in accordance with the Utah Rules of Civil Procedure;
- 935 (ii) personally or upon the individual's agent by a division investigator or by any person specially designated by the director; or
- 937 (iii) by mail.
- 938 (e)
- (i) If, within 20 calendar days after the day of service of a citation, the individual to whom the citation is issued 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.
- 942 (ii) The division may extend the period to contest the citation for cause.
- 943 (f) The division shall suspend, revoke, place on probation, or refuse to issue or renew the license or registration of a credentialed individual that fails to comply with the citation after the citation becomes final.
- 946 (g) Failure of an applicant to comply with a citation after the citation becomes final is a ground for denial of license, registration, or renewal.
- 948 (h) 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.
- 950 (i)
- (i) In addition to or in lieu of an administrative penalty, the division may assess a fine to any person that is in violation of the provisions of Chapter 1, Division of Professional Licensing Act, Section

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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.

- 956 (ii) The fine 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 fine schedule established by rule.
- 959 (iii) In addition to or in lieu of a fine, 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.
- 963 (7)
- (a) The director may collect a fine that is not paid by:
- 964 (i) referring the matter to a collection agency; or
- 965 (ii) 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.
- 968 (b) 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.
- 970 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by  
the division to collect a penalty.
- 972 (8)
- (a) The division may suspend the license or registration of a credentialed individual without notice if:
- 974 (i) there is a pattern of credible facts that the individual is attempting to operate a prostitution  
enterprise; or
- 976 (ii) the individual is engaged in any form of human trafficking whether there is a violation of any  
other specific law, rule, or code.
- 978 (b) If the division suspends the license or registration of a credentialed individual without notice, the  
division shall hold a hearing within 15 days.

980 Section 22. Section 22 is enacted to read:

### 981 **58-47b-503.1. Penalties -- Massage establishments.**

- 781 (1) For acts of unprofessional conduct or unlawful conduct by a massage establishment, the division  
may:
- 783 (a) assess administrative penalties; and
- 784 (b) take any other appropriate administrative action, which may include sending letters of concern to:

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- 786 (i) ~~the municipality {in which the massage establishment is located}~~ and the police department for the  
municipality in which the massage establishment is located; or
- 788 (ii) ~~the property owner or manager from which the massage establishment is leasing space.~~
- 790 (2) ~~The division shall deposit an administrative penalty imposed in accordance with this section into the~~  
~~{General Fund} Commerce Service Account.~~
- 792 (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 penalty under this chapter for the same incident for which the~~  
~~conviction was obtained.~~
- 796 ~~{(4)}~~ }
- ~~{(a)}~~ (4) If, upon inspection or investigation, the division concludes that a ~~{person}~~ massage  
establishment has violated the provisions of Chapter 1, Division of Professional Licensing Act,  
Section ~~{58-47b-501, 58-47b-501.1, 58-47b-502,}~~ 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:
- 801 ~~{(i)}~~ (a) promptly issue a citation to the person according to this chapter and any pertinent rules;  
and
- 803 ~~{(ii)}~~ (b)
- ~~{(A)}~~ (i) attempt to negotiate a stipulated settlement; or
- 804 ~~{(B)}~~ (ii) notify the person to appear before an adjudicative proceeding conducted under Title 63G,  
Chapter 4, Administrative Procedures Act.
- 806 ~~{(b)}~~ }
- ~~{(i)}~~ ~~{In addition to or in lieu of an administrative penalty, the division may assess a fine in accordance~~  
~~with Subsection (5) 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-501.1, 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.}~~ }
- 812 ~~{(ii)}~~ ~~{The fine may be in an amount equal to the greater of up to \$10,000 per single violation or up to~~  
~~\$2,000 per day of ongoing violation in accordance with a fine schedule established by rule.}~~ }
- 815

## HB0278 compared with HB0278S02

{(iii) ~~{In addition to or in lieu of a fine, the division may order the person to cease and desist from violating the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501, 58-47b-501.1, or 58-47b-502.1, or any rule or order issued with respect to these provisions.}~~}

819 (c) A citation shall:

820 (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;

823 (ii) state that the person to which the citation is issued shall notify the division in writing within 20 calendar days of service of the citation ~~{in order}~~ to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act;and

827 (iii) explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.

830 (d) The division may serve a citation issued under this section, or a copy of each citation, upon any person upon which a summons may be served:

832 (i) in accordance with the Utah Rules of Civil Procedure;

833 (ii) personally or upon the person's agent by a division investigator or by any person specially designated by the director; or

835 (iii) by mail.

836 (e)

(i) If, within 20 calendar days after the day of service of a citation, the person to ~~{whom}~~ which the citation is issued 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.

840 (ii) The ~~division may extend the~~ period to contest the citation ~~{may be extended by the division}~~ for cause.

841 (f) 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.

844 (g) Failure of an applicant ~~{for registration}~~ to comply with a citation after the citation becomes final is a ground for denial of license, registration, or renewal.

846 (h) 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.

848 ~~{(5)}~~ (i)

## HB0278 compared with HB0278S02

- 1042 (i) In addition to or in lieu of an administrative penalty, the division may assess a fine to any person 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.
- 1045 (ii) The fine 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 fine schedule established by rule.
- 1049 (iii) In addition to or in lieu of a fine, the division may order the person 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.
- 849 (5)
- 850 (a) The director may collect a {penalty} fine that is not paid by:
- 853 (i) referring the matter to a collection agency; or
- 855 (ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
- 857 (b) {A} The division may consult with the county attorney or the attorney general of the state {shall provide} for legal assistance and advice {to the director} in an action to collect a penalty.
- 1058 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.
- 1060 (6)
- 857 (a) The division may suspend a registered massage establishment's registration without notice if:
- 1064 (i) there is a pattern of credible facts that the registered massage establishment is attempting to operate a prostitution enterprise; or
- 857 (ii) ~~{The division may summarily suspend a registered massage establishment's registration with a hearing to be scheduled within 15 days, under Sections 58-1-108 and 63G-4-502, when the director finds that a pattern of credible facts emerges that }~~ the registered massage establishment ~~{is attempting to operate a prostitution enterprise, or }~~ is engaged in any form of human trafficking whether there is a violation of any other specific law, rule, or code.
- 1064 (b) If the division suspends the registration without notice, the division shall hold a hearing within 15 days.
- 1066 Section 23. Section 23 is enacted to read:

## HB0278 compared with HB0278S02

### 1067 **58-47b-504. Renting or leasing to a sole practitioner.**

A ~~{licensee}~~ credentialed individual renting or leasing to a sole practitioner may not be held liable ~~{for the actions}~~

for the actions of the sole practitioner so long as the ~~{licensee}~~ credentialed individual:

867 (1) ~~verifies that the sole practitioner is a {licensed massage therapist}~~ credentialed individual and in good standing in the state of Utah at the time of the rental or lease;

1072 (2)

869 ~~{(2)}~~ (a) verifies that the sole practitioner has a valid Division of Corporations and Commercial Code issued business registration ~~{with the Department of Commerce}~~ ; ~~{and}~~ or

1074 (b) obtains a signed attestation from the sole practitioner that the sole practitioner has no business arrangement with the credentialed individual other than a rental or lease; and

871 (3) produces copies of the following ~~{for the sole practitioner}~~ if requested by the division:

872 (a) ~~{Utah}~~ the sole practitioner's state ~~{issued massage therapist}~~ massage license or registration;

1078 (b)

873 ~~{(b)}~~ (i) {Utah state} the sole practitioner's Division of Corporations and Commercial Code issued business ~~{license}~~ registration; ~~{and}~~ or

1080 (ii) the sole practitioner's signed attestation described in Subsection (3)(b)(i); and

874 (c) the rental agreement.

1082 Section 24. Section 24 is enacted to read:

876

### **Part 6. Enforcement**

### 1084 **58-47b-601. Inspection.**

878 (1) For the purpose of verifying compliance with this chapter, the division may enter and inspect the premises of any massage establishment~~{-}~~ :

1087 (a) within three months of the opening of a new registered massage establishment; or

1088 (b) with reasonable suspicion that a criminal offense or violation of the chapter has been committed.

880 (2) Before conducting an inspection under Subsection (1), the division shall:

881 (a) give proper identification;

882 (b) request the registration for the massage establishment;

883 (c) describe the nature and purpose of the inspection; and

884 (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.

## HB0278 compared with HB0278S02

- 1096 (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.
- 886 ~~{(3)}~~ (4) In conducting an inspection under Subsection (1), the division may, after meeting the requirements of Subsection (2):
- 888 (a) examine any record, device, equipment, machine, electronic device or media, or area related to the practice of massage therapy ~~{or the practice of limited massage therapy}~~ for the purpose of verifying compliance with the applicable provisions of this chapter;
- 891 (b) reproduce any record or media at the division's own cost; and
- 892 (c) take a device for further analysis if considered necessary.
- 893 ~~{(4)}~~ }
- ~~{(a) {The division or the division's agent may conduct an operation inspection or investigation at any time during the normal operating hours of the massage establishment without prior notice.}}~~
- 896 ~~{(b)}~~ (5) The owner or manager of the massage establishment shall assist the inspector by providing access to:
- 898 ~~{(i)}~~ (a) all areas of the massage establishment;
- 899 ~~{(ii)}~~ (b) all personnel; and
- 900 ~~{(iii)}~~ (c) all records requested by the inspector.
- 901 ~~{(5)}~~ (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 fine or citation to the registrant.
- 1115 Section 25. Section **63I-1-258** is amended to read:
- 1116 **63I-1-258. Repeal dates: Title 58.**
- 907 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.
- 909 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
- 910 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.
- 911 (4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.
- 912 (5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is repealed July 1, 2032.
- 914 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.
- 915

## HB0278 compared with HB0278S02

(7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2029.

917 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2033.

919 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.

920 (10) ~~Subsection {58-47b-102(5)}~~ 58-47b-102(11), defining massage assistant, is repealed July 1, 2029.

921 (11) ~~Subsection {58-47b-102(6)}~~ 58-47b-102(12), defining massage assistant-in-training, is repealed July 1, 2029.

923 ~~{(12) {Subsection 58-47b-301(3), regarding representing oneself as a massage assistant or a massage assistant-in-training, is repealed July 1, 2029.}}~~

925 ~~{(13) {Subsection 58-47b-301(4), regarding requirement for a massage assistant or a massage assistant-in-training to work in a registered massage establishment, is repealed July 1, 2029.}}~~

928 ~~{(14) {Subsection 58-47b-302(1)(c), regarding the division licensing a massage assistant, is repealed July 1, 2029.}}~~

930 ~~{(15) {Subsection 58-47b-302(1)(d), regarding the division licensing a massage assistant-in-training, is repealed July 1, 2029.}}~~

932 ~~{(16) {Subsection 58-47b-302(4), regarding applicant for massage assistant licensure, is repealed July 1, 2029.}}~~

934 ~~{(17)}~~ (12) Subsection ~~{58-47b-302(5)}~~ 58-47b-302(2), regarding applicant for a massage assistant-in-training, is repealed July 1, 2029.

936 ~~{(18)}~~ (13) Subsection ~~{58-47b-302(6)}~~ 58-47b-302(3), regarding ~~{supervision}~~ applicant for a massage assistant ~~{or a massage assistant-in-training}~~, is repealed July 1, 2029.

938 ~~{(19)}~~ (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training license, is repealed July 1, 2029.

940 ~~{(20)}~~ (15) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing Advisory Board, is repealed July 1, 2027.

942 [(H)] ~~{(21)}~~ (16) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.

1143 Section 26. **Effective date.**

This bill takes effect on {May 7,} October 1, 2025.

1145 Section 27. **Coordinating H.B. 278 with S.B. 44.**

If H.B. 278, Massage Therapy Amendments, and S.B. 44, Professional Licensure

## HB0278 compared with HB0278S02

Amendments, both pass and become law, the Legislature intends that, on October 1, 2025:

- 1149 (1) Subsection 58-1-301.5(1) in S.B. 44 be amended to read:  
1150 "(1) As used in this section, "applicant" means an individual applying for licensure or certification,  
or with respect to a license or certification, applying for renewal, reinstatement, or relicensure or  
recertification, as required in:
- 1153 (a) Section 58-5a-302;  
1154 (b) Section 58-16a-302;  
1155 (c) Section 58-17b-303;  
1156 (d) Section 58-17b-304;  
1157 (e) Section 58-17b-305;  
1158 (f) Section 58-17b-306;  
1159 (g) Section 58-24b-302;  
1160 (h) Section 58-31b-302;  
1161 (i) Section 58-42a-302;  
1162 (j) Section 58-44a-302;  
1163 (k) Section 58-47b-302;  
1164 (l) Section 58-47b-302.2;  
1165 (m) Section 58-55-302;  
1166 (n) Section 58-60-205;  
1167 (o) Section 58-60-305;  
1168 (p) Section 58-60-405;  
1169 (q) Section 58-60-506;  
1170 (r) Section 58-61-304;  
1171 (s) Section 58-63-302;  
1172 (t) Section 58-64-302;  
1173 (u) Section 58-67-302;  
1174 (v) Section 58-68-302;  
1175 (w) Section 58-69-302;  
1176 (x) Section 58-70a-302;  
1177 (y) Section 58-70b-302;  
1178 (z) Section 58-71-302; or

## HB0278 compared with HB0278S02

- 1179 (aa) Section 58-73-302.";
- 1180 (2) Subsection 58-47b-302(7)(d) in H.B. 278 be amended to read:
- 1181 "(d) consent to, and complete, a criminal background check, described in Section 58-1-301.5."; and
- 1183 (3) Subsection 58-47b-302.2(2)(d)(i) in H.B. 278 be amended to read:
- 1184 "(d)(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;".

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