

HB0278S01 compared with HB0278

~~{Omitted text}~~ shows text that was in HB0278 but was omitted in HB0278S01

inserted text shows text that was not in HB0278 but was inserted into HB0278S01

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Massage Therapy Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Evan J. Vickers

2

3 LONG TITLE

4 General Description:

5 This bill modifies licensing requirements for practicing massage therapy, including creating
6 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~~
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
conduct;
- 21 ▶ {~~creates a registration requirement for certain establishments where massage therapy is
provided~~};
- 23 ▶ specifies when {an} a massage establishment can be denied registration;
- 24 ▶ specifies requirements for a criminal background check for massage establishment owners;
- 26 ▶ {~~specifies standards for the expiration and renewal of a massage establishment
registration~~};
- 24 ▶ creates a safe harbor provision for a credentialed individual renting or leasing to a sole
practitioner;
- 27 ▶ allows the Division of Professional Licensing to inspect a massage establishment;
- 28 ▶ establishes standards for the inspection of a registered establishment;
- 29 ▶ provides exemptions from licensure and registration requirements;
- 30 ▶ schedules the repeal of provisions related to a massage assistant and massage assistant-in-
training; and
- 32 ▶ makes technical changes.

32 Money Appropriated in this Bill:

33 None

34 Other Special Clauses:

35 None

37 AMENDS:

38 58-1-301.5 , as last amended by Laws of Utah 2024, Chapter 420 , as last amended by Laws
of Utah 2024, Chapter 420

39 58-47b-102 , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of
Utah 2024, Chapter 507

40 58-47b-301 , as last amended by Laws of Utah 2023, Chapter 225 , as last amended by Laws of
Utah 2023, Chapter 225

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

41 **58-47b-302.1 , as enacted by Laws of Utah 2023, Chapter 225 , as enacted by Laws of Utah**
42 **2023, Chapter 225**

42 **58-47b-303 , as last amended by Laws of Utah 2023, Chapter 225 , as last amended by Laws**
43 **of Utah 2023, Chapter 225**

43 **58-47b-304 , as last amended by Laws of Utah 2024, Chapter 455 , as last amended by Laws**
44 **of Utah 2024, Chapter 455**

44 **58-47b-305 , as last amended by Laws of Utah 2023, Chapter 225 , as last amended by Laws**
45 **of Utah 2023, Chapter 225**

45 **58-47b-306 , as enacted by Laws of Utah 2023, Chapter 225 , as enacted by Laws of Utah**
46 **2023, Chapter 225**

46 **58-47b-401 , as enacted by Laws of Utah 1996, Chapter 76 , as enacted by Laws of Utah**
47 **1996, Chapter 76**

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

48 **58-47b-502 , as last amended by Laws of Utah 2023, Chapter 225 , as last amended by Laws**
49 **of Utah 2023, Chapter 225**

49 **58-47b-503 , as last amended by Laws of Utah 2000, Chapter 309 , as last amended by Laws**
50 **of Utah 2000, Chapter 309**

50 **63I-1-258 , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last**
51 **amended by Laws of Utah 2024, Third Special Session, Chapter 5**

51 ENACTS:

52 **58-47b-301.1 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

53 **58-47b-302.2 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

54 **58-47b-303.1 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

55 **58-47b-304.1 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

56 **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}**~~

57 **58-47b-401.1 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

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

59 **58-47b-502.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

60 **58-47b-503.1** , Utah Code Annotated 1953 , Utah Code Annotated 1953

61 **58-47b-504** , Utah Code Annotated 1953 , Utah Code Annotated 1953

62 **58-47b-601** , Utah Code Annotated 1953 , Utah Code Annotated 1953

63 REPEALS AND REENACTS:

64 **58-47b-302** , as last amended by Laws of Utah 2024, Chapter 137 , as last amended by Laws
of Utah 2024, Chapter 137

65

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

67 Section 1. Section 58-1-301.5 is amended to read:

68 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

69 (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, or with respect to a license
or certification, renewal, reinstatement, or relicensure or recertification, as required in:

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

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

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

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

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

80 (f) Sections 58-47b-302~~[and]~~ , 58-47b-302.1, and 58-47b-302.2;

81 (g) Section 58-55-302, as Section 58-55-302 applies to alarm companies and alarm company agents,
and Section 58-55-302.1;

83 (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;

85 (i) Sections 58-61-304 and 58-61-304.1;

86 (j) Sections 58-63-302 and 58-63-302.1;

87 (k) Sections 58-64-302 and 58-64-302.1;

88 (l) Sections 58-67-302 and 58-67-302.1;

89 (m) Sections 58-68-302 and 58-68-302.1; and

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- 90 (n) Sections 58-70a-301.1 and 58-70a-302, of Chapter 70a, Utah Physician Assistant Act.
91 (2) The division's access to criminal background information under this section:
92 (a) shall meet the requirements of Section 53-10-108; and
93 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance,
dismissed charges, and charges without a known disposition.
95 (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.

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

100 **58-47b-102. Definitions.**

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.
107 (3) "Clinical massage therapist" means an individual licensed under this chapter to perform clinical
massage therapy.
109 (4) "Clinical massage therapy" means:
110 (a) limited clinical or non-clinical massage therapy that is intended to be billed to an insurance
company;
112 (b) limited clinical or non-clinical massage therapy that is included in a physical therapy or
occupational therapy care plan; or
114 (c) work on an acute or subacute injury.
115 (5) "Clinical massage therapy supervisor" means:
116 (a)
(i) before June 1, 2027, a massage therapist or a clinical massage therapist who has engaged in the
lawful practice of massage therapy for at least 3,000 hours; and
118 (ii) beginning June 1, 2027, a clinical massage therapist who has engaged in the lawful practice of
massage therapy for at least 3,000 hours;
120 (b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
121 (c) a physician licensed under Chapter 67, Utah Medical Practice Act;

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- 122 (d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
124 (e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
125 (f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.
127 (6) "Credentialing" means the licensing or registering of an individual in accordance with this chapter.
129 (7) "Credentialed individual" means an individual who is:
130 (a) a massage therapist licensed before June 1, 2027, a massage apprentice, a massage assistant, a
massage assistant-in-training, or a clinical massage therapist; or
132 (b) a registered massage therapist.
74 ~~(3)~~ (8) "Homeostasis" means [maintaining, stabilizing, or returning] the maintenance, the stabilization,
or the return of the muscular system to equilibrium[the muscular system].
135 (9)
(a) "Limited clinical massage therapy" means:
136 (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;
140 (ii) seated chair massage;
141 (iii) the use of body wraps;
142 (iv) aromatherapy;
143 (v) reflexology; or
144 (vi) in connection with an activity described in this Subsection (9), the use of:
145 (A) the hands;
146 (B) a towel;
147 (C) a stone;
148 (D) a shell;
149 (E) a bamboo stick; or
150 (F) an herbal ball compress.
151 (b) "Limited clinical massage therapy" does not include the examination, assessment, and evaluation
of the soft tissue structures of the body for the purpose of devising a treatment plan to promote
homeostasis.

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- ~~[(4)]~~ (10) "Massage apprentice" means an individual licensed under this chapter as a massage apprentice to ~~{engage in the practice of}~~ perform massage therapy under the direct supervision of a clinical massage therapy supervisor.
- 79 ~~[(5)]~~ (11) "Massage assistant" means an individual licensed under this chapter as a massage assistant~~[-]~~ to ~~{engage in the practice of}~~ perform limited clinical massage therapy under the indirect supervision of~~{:}~~ a clinical massage therapy supervisor.
- 82 ~~{(a)}~~ ~~{before June 1, 2027, a massage therapist; or}~~
- 83 ~~{(b)}~~ ~~{beginning June 1, 2027, a massage therapy supervisor.}~~
- 84 ~~[(6)]~~ (12) ~~{["Massage assistant in-training"] {}}~~ "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}~~ perform limited clinical massage therapy under the direct supervision of a clinical massage therapy supervisor.
- 88 ~~{(7)}~~ (13)
- (a) "Massage establishment" means a place where ~~{services within the practice of}~~ massage therapy ~~{or the practice of limited massage therapy are provided}~~ is performed by one or more individuals required to be ~~{licensed}~~ credentialed under this chapter.
- 91 (b) "Massage establishment" does not include:
- 92 (i) ~~{all locations}~~ a location used by a sole practitioner to practice massage therapy;
- 93 (ii) an out-call location; or
- 94 (iii) a massage school.
- 169 (14) "Massage therapist" means an individual licensed before June 1, 2027, under this chapter as a massage therapist that may perform massage therapy.
- 171 (15) "Massage therapy" means clinical massage therapy, limited clinical massage therapy, or non-clinical massage therapy.
- 173 (16)
- (a) "Non-clinical massage therapy" means:
- 174 (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;
- 176 (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

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blood and lymph, relaxing and lengthening muscles, relieving pain, restoring metabolic balance, or achieving homeostasis, or for any other purpose;

- 181 (iii) the use of the hands or a mechanical or electrical apparatus in connection with this Subsection
(16);
- 183 (iv) the use of rehabilitative procedures involving the soft tissue of the body;
- 184 (v) range of motion movements or movements without spinal adjustment as set forth in Section
58-73-102;
- 186 (vi) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and
cabinet baths;
- 188 (vii) manual traction and stretching exercise;
- 189 (viii) correction of muscular distortion by treatment of the soft tissues of the body;
- 190 (ix) counseling, education, and other advisory services to reduce the incidence and severity of
physical disability, movement dysfunction, and pain;
- 192 (x) activities and modality techniques similar or related to the activities and techniques described in
this Subsection (16); or
- 194 (xi) 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.
- 197 (b) "Non-clinical massage therapy" does not include:
- 198 (i) a massage service that is intended to be billed to an insurance company;
- 199 (ii) a massage service that is included in a physical therapy or occupational therapy care plan; or
- 201 (iii) work on an acute or subacute injury.
- 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)}] "Massage therapy supervisor" means { } ;]
- 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 { } ;]
- 207 [(b) { } :
- 101 { (b) } a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;]
- 102 [(e) a physician licensed under Chapter 67, Utah Medical Practice Act;]
- 103 [(d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;]

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- 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)}~~ (17) "Out-call location" means a location:
- 108 (a) where massage therapy ~~{services are}~~ is provided; and
- 109 (b) that a sole practitioner or a massage establishment does not own, lease, or rent.
- 110 ~~{(11)}~~ (18)
- 111 (a) "Owner" means an individual who controls the operation of a massage establishment.
- 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)}~~
- 128 (a) "Practice of limited massage therapy" means:]
- [(i) the systematic manual manipulation of the soft tissue of the body for the purpose of promoting
the therapeutic health and well-being of a client, enhancing the circulation of the blood
and lymph, relaxing and lengthening muscles, relieving pain, restoring metabolic balance,
relaxation, or achieving homeostasis;]
- 132 [(ii) seated chair massage;]
- 133 [(iii) the use of body wraps;]
- 134 [(iv) aromatherapy;]
- 135 [(v) reflexology; or]

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- 136 ~~[(vi) in connection with an activity described in this Subsection- {f} (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.]~~
- 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)}]~~
- 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- {f} (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;~~

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- 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
178 [(iii){ ~~(C)~~} division rule made in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act; or
180 [(l){ ~~(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)~~} (19) "Practice of "Registered massage {therapy} establishment" {includes} means a massage
establishment that is registered with the {practice of limited} division to lawfully provide massage
therapy at a single, fixed massage establishment location in this state.
184 { ~~(14)~~} (20) "Registered massage {establishment} therapist" means {a massage establishment that is}
an individual registered {with the division to lawfully provide services within the practice of} under
this chapter to perform non-clinical massage therapy {or the practice of limited massage therapy at a
single, fixed massage establishment location in this state} .
188 [(11)] { ~~(15)~~} (21) "Soft tissue" means the muscles and related connective tissue.
189 { ~~(16)~~} (22) "Sole practitioner" means a {licensed massage therapist} credentialed individual who
offers { ~~the services of~~} massage therapy from:
191 (a) an out-call location;
192 (b) the {licensee's} credentialed individual's residence, if the {licensee} credentialed individual does
not employ or contract with another credentialed individual { ~~licensed under this chapter~~}; or
194 (c) a location, other than the {licensee's} credentialed individual's residence, that the {licensee}
credentialed individual owns, rents, or leases, if the {licensee} credentialed individual does not
employ or contract with { ~~any other~~} an individual {regardless of licensure} who works at the
location on a regular basis.

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[12] ~~{(17)}~~ (23) "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)}~~ (24) "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.

299 Section 3. Section **58-47b-301** is amended to read:

300 **58-47b-301. Licensure required -- Registration required -- Individuals.**

205 ~~[(1) An individual shall hold a license issued under this chapter {f} in order{f} 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.]~~

208 ~~{(2) An individual who provides hands-on training in the practice of massage therapy or the practice of limited massage therapy shall:}~~

210 ~~{(a)}~~

~~{(i) hold a license in good standing as a massage therapist; and}~~

211 ~~{(ii) have engaged in the lawful practice of massage therapy as a licensed massage therapist for at least 3,000 hours; or}~~

213 ~~{(b) be exempt from licensing under Subsections 58-47b-304(1)(a) through (k) or Subsection 58-47b-304(1)(l)(i).}~~

215 [(2)] ~~{(3)}~~ (1)

(a) An individual shall hold a license to perform clinical massage therapy or limited clinical massage therapy.

305 (b) An individual shall hold a license or registration to practice non-clinical massage therapy.

307 (2) An individual shall have a license ~~[in order{f}]~~ to:

216 (a) represent oneself as a clinical massage therapist, massage apprentice, massage assistant, ~~[or {f} massage assistant in-training]~~ massage assistant-in-training, or a massage therapist;

218 (b)

(i) represent oneself as providing a service that is within the practice of clinical massage therapy ~~[or the practice of limited massage therapy]~~; or

220 (ii) use the words "clinical massage" or any other ~~[word]~~ similar wording to describe the ~~[services]~~ service; ~~{for}~~

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- (c) charge or receive a fee or any consideration for providing a service that is within the practice of clinical massage therapy ~~[or the practice of limited massage therapy]~~ ~~{f.}~~ ~~;~~ ~~or~~.
- 223 ~~{(d)}~~ ~~{unless exempted from licensure under Section 58-47b-304, charge or receive a fee or any~~
~~consideration for providing hands-on training in a service that is within the practice of massage~~
~~therapy or the practice of limited massage therapy.}~~
- 226 ~~{(4)}~~ }
- ~~{(a)}~~ ~~(3)~~ ~~{An}~~ A credentialed individual ~~{licensed under this chapter}~~ , other than a sole practitioner,
may ~~{work as a massage therapist, a massage apprentice, a massage assistant, or a}~~ only perform
massage ~~{assistant-in-training-only}~~ therapy in:
- 229 ~~{(i)}~~ ~~(a)~~ a registered massage establishment;
- 230 ~~{(ii)}~~ ~~(b)~~ an out-call location; or
- 231 ~~{(iii)}~~ ~~(c)~~ a location ~~{exempted}~~ exempt from registration under Section ~~{58-47-304.1}~~
58-47b-304.1.
- 232 ~~{(b)}~~ ~~(4)~~ ~~{A sole practitioner may work as a}~~ An individual shall register with the division to perform
non-clinical massage ~~{therapist at:}~~ therapy, except as specifically provided in Section 58-1-307 or
58-47b-304.
- 233 ~~{(i)}~~ ~~{the sole practitioner's residence;}~~
- 234 ~~{(ii)}~~ ~~{an out-call location; or}~~
- 235 ~~{(iii)}~~ ~~{another location if the sole practitioner does not employ or contract with any other individual~~
~~regardless of licensure.}~~
- 324 Section 4. Section 4 is enacted to read:
- 325 **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)
- (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}~~ exempt under Section 58-47b-304.1, a massage establishment may not allow
for the practice of ~~{massage therapy or the practice of limited}~~ massage therapy on the massage

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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 properly 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.}~~}

350 Section 5. Section **58-47b-302** is repealed and re-enacted to read:

351 **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:~~}

272 {~~(a)~~} (1) An applicant for registration as a registered massage therapist{~~;~~} shall:

354 (a) have a massage safety permit in accordance with Subsection (6); and

355 (b) pass an examination that covers contraindications of massage, as required by the division by rule.

357 (2)

(a) An applicant for a massage assistant-in-training license shall:

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

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- (ii) provide satisfactory evidence to the division that the applicant will practice as a massage assistant-in-training only under the direct supervision of a clinical massage therapy supervisor.
- 362 (b)
- (i) A clinical massage therapy supervisor with fewer than 6,000 hours of experience may supervise up to two massage assistants-in-training at one time.
- 364 (ii) A clinical massage therapy supervisor with at least 6,000 hours of experience may supervise up to six massage assistants-in-training at one time.
- 366 (3)
- (a) An applicant for a massage assistant license shall have:
- 367 (i) a massage safety permit in accordance with Subsection (6);
- 368 (ii) 150 hours of education or 150 hours of practice while licensed as a massage assistant-in-training under the direct supervision of a clinical massage therapist; and
- 371 (iii) 150 hours of education or 150 hours of practice while licensed as an assistant-in-training under the indirect supervision of a clinical massage therapy supervisor.
- 374 (b)
- (i) A clinical massage therapy supervisor with fewer than 6,000 hours of experience may supervise up to two massage assistants at one time.
- 376 (ii) A clinical massage therapy supervisor with at least 6,000 hours of experience may supervise up to six massage assistants at one time.
- 378 (4)
- 273 ~~{(b)}~~ (a) An application for a massage apprentice~~{;}~~ license shall:
- 274 ~~{(e)}~~ ~~massage assistant; and~~
- 275 ~~{(d)}~~ (i) ~~{f}~~ have a massage ~~{assistant in-training}massage assistant-in-training.~~ safety permit in accordance with Subsection (6);
- 380 (ii) provide satisfactory evidence to the division that the applicant will practice as a massage apprentice only under the direct supervision of a clinical massage therapy supervisor; and
- 383 (iii) pass an examination as the division requires by rule.
- 384 (b)
- (i) A clinical massage therapy supervisor with fewer than 6,000 hours of experience may supervise up to two massage apprentices at one time.
- 386

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(ii) A clinical massage therapy supervisor with at least 6,000 hours of experience may supervise up to six massage apprentices at one time.

388 (5)

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

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

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

279 ~~{(c)}~~ (iii) be 18 years old or older;

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

281 ~~{(i)}~~ }

~~{(A)}~~ (iv) have graduated from a school of massage having a curriculum that ~~{meets-standards established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or}~~ :

393 (A) meets the standards established by the division; and

394 (B) includes the training on the activities described in Subsection (6)(d);

395 (v)

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

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

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.}~~

400 (vi) pass an examination as the division requires by rule.

401 (b) An individual licensed as a massage therapist shall, upon renewal, apply:

402 (i) as a clinical massage therapist; or

403 (ii) as a registered massage therapist.

404 (c) A clinical massage therapist may perform massage therapy with no supervision.

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- 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;
- 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 }~~
- 306 ~~{(e) pass an examination as required by division rule made in accordance with Title 63G, Chapter 3,
Utah Administrative Rulemaking Act. }~~
- 308 ~~{(4) }~~
- ~~{(a) An applicant 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) provide satisfactory evidence to the division that the applicant will only practice as 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: }~~
- 322 ~~{(i) at least [150]300 hours of education and training while the applicant is[:] enrolled in massage
school; or }~~
- 324 ~~{(A) enrolled in massage school; 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[:] licensed as a massage
assistant-in-training and under the direct supervision of a massage therapy supervisor. }~~

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- 331 ~~{(A) enrolled in massage school; 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
- 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}~~
- 409 (d) complete an educational module as required by the division that includes:
- 410 (i) practicing physical boundaries;
- 411 (ii) draping;
- 412 (iii) gaining consent; and
- 413 (iv) taking a medical history.
- 414

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- (7) Under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:
- 416 (a) the examination that covers contraindications of massage;
- 356 ~~{(B)}~~(b) ~~{[a massage therapy supervisor may supervise at one time up to three individuals licensed as either apprentice]}~~ the examination for a massage therapy supervisor may supervise at one time up to three individuals licensed as either 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.}~~
- 418 (c) the standards for a clinical massage therapist curriculum;
- 419 (d) the equivalent education and training for a massage therapist;
- 420 (e) the standards of a massage apprenticeship program;
- 421 (f) the examination for a clinical massage therapist; and
- 422 (g) the educational module described in Subsection (6)(d).
- 423 Section 6. Section 58-47b-302.1 is amended to read:
- 424 **58-47b-302.1. Criminal background check -- Individuals.**
- 425 (1) An applicant for licensure or registration under this chapter ~~[who requires a criminal background check]~~ shall:
- 427 (a) submit fingerprint cards in a form acceptable to the division at the time the license application is filed; and
- 429 (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.
- 431 (2) The division shall:
- 432 (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;

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- 438 (b) submit from each applicant the fingerprint card and the fees described in Subsection (2)(a) to the
Bureau of Criminal Identification; and
- 440 (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.
- 442 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of Section
53-10-108:
- 444 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state and regional
criminal records databases;
- 446 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history
background check; and
- 448 (c) provide the results from the state, regional, and nationwide criminal history background checks to
the division.
- 450 (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.
- 453 (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.
- 457 (6)
- (a) A new license issued under this chapter is conditional pending completion of the criminal
background check.
- 459 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background
check required in [~~Subsection 58-47b-302(7)~~] Section 58-47b-302.1 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.
- 464 (c) A person whose conditional license is revoked under Subsection (6)(b) is entitled to a postrevocation
hearing to challenge the revocation.
- 466 (d) The division shall conduct a postrevocation hearing in accordance with Title 63G, Chapter 4,
Administrative Procedures Act.
- 468 (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

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condition of lawfully ~~[engaging in the practice of]~~ performing massage therapy~~[-or the practice of limited massage therapy in this state].~~

472 Section 7. Section 7 is enacted to read:

473 **58-47b-302.2. Qualifications for registration -- Massage establishments.**

368 (1)

(a) The owner of the 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, or county in which the massage establishment is located;

378 (iii) that the massage establishment's physical facilities comply with the requirements established by rule; and

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

382 (d) unless a background check was previously completed by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation, submit fingerprint cards in a form acceptable to the division when filing the application;

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 for whom a fingerprint card is required by Subsection (2)(f);

389 (f) submit fingerprints for each individual who:

390 (i) personally or constructively holds, including as the beneficiary of a trust:

391 (A) at least 10% of the entity's outstanding stock; or

392 (B) more than \$25,000 of the fair market value of the entity;

393 (ii) 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;

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- 396 (iii) is a member of the board of directors or other governing body of the entity; or
397 (iv) serves as:
398 (A) an elected officer of the entity; or
399 (B) a general manager of the entity;
400 (g) submit the following information for each individual for whom fingerprints are required by
Subsection (2)(f):
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}
518 {ix} registration number, if registered under this chapter; and
412 {ix} {x} 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
418 (j) meet with the division or board if requested by the division or board.
526 {3} A minor who is an owner of the massage establishment is exempt from Subsection (2)(f).
419 {3} {4} The division may require an owner to prove continuing right of possession at any time during
the registration period.
529 Section 8. Section **58-47b-303** is amended to read:
530 **58-47b-303. Term of license and registration -- Expiration -- Renewal -- Individuals.**
423 (1)

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- (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 {} 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 {}]~~ {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 clinical~~ massage therapy supervisor consents in writing to the
renewal or extension.
- 447 (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.
- 558 Section 9. Section 9 is enacted to read:
- 559 **58-47b-303.1. Term of registration -- Expiration -- Renewal -- Massage establishments.**
- 554 (1)

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- (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.}}~~
- 571 Section 10. Section **58-47b-304** is amended to read:
- 572 **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 credentialed under this chapter:
- 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 (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;

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- 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)
- (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

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(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 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~~] massage assistant-in-training.

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~~].

641 Section 11. Section 11 is enacted to read:

642 **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;

542 (4) chiropractic offices;

543 (5) athletic training facilities or institutions of secondary or higher education when massage therapy is practiced in connection with employment related to athletic teams; and

545 (6) other facilities as defined by rule.

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

653 **58-47b-305. State and local jurisdiction.**

548 (1)

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- (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~~
massages; 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 background checks prohibited by Section 58-47b-307.~~
- 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 license or registration; { or }
- 563 (b) a ~~licensed~~ credentialed individual ~~[-who]~~ , ~~or a registered massage establishment that is engaged in~~
unlawful conduct {~~[-]~~ } ~~or~~ }
- 565 {~~(c) 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.~~ }
- 671 Section 13. Section **58-47b-306** is amended to read:
- 672 **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 [(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.

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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 }~~
credentialed individual under this chapter, while ~~{ engaging in the practice of }~~ performing massage
therapy:

585 (a) shall ~~{ wear }~~ display through an identification badge, name tag, or embroidery showing the
~~{ licensee's name, license }~~ credentialed individual's classification~~{ , and license number }~~; 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 { } massage assistant in-training { } 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 ~~{ } }~~ 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 licensed or registered classification.

695 (3) The client shall receive notice before scheduling or agreeing to the massage therapy if the massage
therapy is performed by a massage apprentice, a massage assistant, or a massage assistant-in-
training from:

698 (a) the individual scheduling the massage therapy service;

699 (b) the credentialed individual performing the massage therapy service; or

700 (c) the clinical massage therapy supervisor supervising the credentialed individual.

701 Section 14. Section 14 is enacted to read:

702 **58-47b-306.1. Required signage and disclosures -- Massage establishments.**

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

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{(4)} (d) a sign that states some massage ~~{services}~~ therapy offered at the registered massage establishment are performed by a massage apprentice, a massage assistant, or a massage assistant-in-training if the massage establishment employs or contracts with a massage apprentice, a massage assistant, or a massage assistant-in-training.

713 (2) If the provider has a reasonable belief a credentialed individual's safety may be compromised, the displayed license or registration shall only give the first name and last initial for each credentialed individual.

716 (3) The massage establishment shall display signage that:

717 (a) states the massage establishment has verified that all providers are credentialed individuals under Section 58-47b-302; and

719 (b) informs consumers of:

720 (i) the right to request the provider's first name and license type; and

721 (ii) methods for reporting complaints to the division.

606 Section 13. Section **13** is enacted to read:

607 **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 (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

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- 626 (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;
- 629 (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
- 632 (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.
- 634 (4) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal Identification shall:
- 636 (a) check the fingerprints submitted under this section against the applicable state and regional criminal records databases;
- 638 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and
- 640 (c) provide the results from the state, regional, and nationwide criminal history background checks to the division.
- 643 (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.
- 647 (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.
- 649 (a) A new registration issued under this section is conditional, pending completion of the criminal background checks.
- 654 (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.
- (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.

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657 (iii) The division shall conduct a postrevocation hearing in accordance with Title 63G, Chapter 4,
Administrative Procedures Act.

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

723 **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{f}~~ -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.

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

736 **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 (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.

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

748 **58-47b-501. Unlawful conduct -- Individuals.**

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- 682 (1) "Unlawful conduct" for an individual includes:
- 683 (a) ~~[practicing, engaging in, or attempting to practice or engage in the practice of]~~ performing massage
therapy without ~~[holding a current license as a massage therapist or a massage apprentice under this
chapter]~~ being a credentialed individual or an exempt individual;
- 686 (b) advertising or representing oneself as ~~[engaging in the practice of]~~ performing massage therapy
~~[when not licensed to do so]~~ without being a credentialed individual or an exempt individual;
- 757 (c) performing massage therapy outside the authorized massage therapy the credentialed individual may
perform;
- 688 ~~[(e) 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 { } message assistant in-training { } message 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)]~~ (d) 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)]~~ (1)(d)(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).
- 777 Section 18. Section **18** is enacted to read:
- 778 **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:}

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- 711 (1) operating without a valid registration;
- 712 (2) ~~{ being open for business }~~ offering massage therapy without a ~~{ licensee regulated by this chapter }~~
credentialed individual on site;
- 713 (3) permitting the use of a registered massage establishment for housing, sheltering, or harboring any
individual;
- 785 (4) permitting an individual who is not credentialed or exempt to perform non-clinical massage therapy;
- 715 ~~{(4)}~~ (5) permitting an individual who is not credentialed or exempt to ~~{ engage in the practice of }~~
perform clinical massage therapy ~~{ without a license }~~ ;
- 789 (6) permitting an individual who is not credentialed or exempt 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) ~~{ a licensee or }~~ an individual who is not credentialed or exempt, or a client the use or
possession of adult-oriented merchandise while at the registered massage establishment;
- 720 (8) advertising on a sexually oriented website;
- 721 (9) advertising services in a manner that may be reasonably construed as sexual in nature;
- 722 (10) refusing inspection by the Division of Professional Licensing as authorized under Section
58-47b-601;
- 724 (11) arranging or allowing for any of the unlawful acts described in Section 58-47b-501;
- 725 (12) 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)}~~ (13) concealing an individual in the massage establishment;
- 729 ~~{(b)}~~ (14) refusing to provide identification to inspectors or law enforcement; or
- 730 ~~{(c)}~~ (15) attempting to elude an inspector by leaving the massage establishment or remaining behind
locked doors in the massage establishment during an inspection.

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

807 **58-47b-502. Unprofessional conduct -- Individuals.**

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

736 Administrative Rulemaking Act:

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- (1) maintaining, operating, or assisting in the establishment or operation of any place of business for the purpose of performing ~~[the practice of]~~ massage therapy ~~[or the practice of limited massage therapy]~~ without first obtaining a business license, if a license is required;
- 741 (2) failing to comply with any applicable ordinances relating to the regulation of massage establishment;
- 743 (3) failing to comply with all applicable state and local health or sanitation codes;
- 744 (4) failing of a clinical massage therapist supervisor to properly supervise a massage apprentice, massage assistant, or ~~[massage assistant in training]~~ a massage assistant-in-training;
- 746 (5) failing to maintain mechanical or electrical equipment in a safe operating condition;
- 747 (6) failing to adequately monitor ~~[patrons]~~ clients utilizing steam rooms, dry heat cabinets, or water baths;
- 749 (7) prescribing or administering medicine or drugs;
- 750 (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
- 752 (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.

829 Section 20. Section 20 is enacted to read:

830 **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;
- 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, if a license is required;
- 768 ~~{(6)}~~ (5) failing to comply with any applicable ordinances relating to the regulation of massage establishment;

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- 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.
- 847 Section 21. Section **58-47b-503** is amended to read:
- 848 **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.
- 853 Section 22. Section **22** is enacted to read:
- 854 **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:
- 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.
- 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 has violated the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501, 58-47b-501.1, 58-47b-502, 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 ~~{(b)}~~ (a) promptly issue a citation to the person according to this chapter and any pertinent rules;
and

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- 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.
- 880 (c) A citation shall:
- 881 (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; and
- 884 (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;
- 888 (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.
- 891 (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:
- 893 (i) in accordance with the Utah Rules of Civil Procedure;
- 894 (ii) personally or upon the person's agent by a division investigator or by any person specially
designated by the director; or
- 896 (iii) by mail.
- 806 ~~{(b)}~~ (e)
- (i) If, within 20 calendar days after the day of service of a citation, the person 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.
- 901 (ii) The division may extend the period to contest the citation for cause.
- 902 (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.
- 905 (g) Failure of an applicant for registration to comply with a citation after the citation becomes final is a
ground for denial of registration.
- 907 (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.

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- (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 (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 ~~{(e) {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:}}~~
- 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)}~~ (5)
- ~~{(i) {If, within 20 calendar days after the day of service of a citation, the person 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.}}~~
- 840 ~~{(ii) {The period to contest the citation may be extended by the division for cause.}}~~
- 841

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- {(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 registration.}~~}
- 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)}~~ }
- (a) The director may collect a ~~{penalty}~~ fine that is not paid by:
- 849 (i) referring the matter to a collection agency; or
- 850 (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.
- 853 (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.
- 855 (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.
- 931 (6) The division may suspend a registered massage establishment's registration without notice if:
- 933 (a)
- (i) there is a pattern of credible facts that the registered massage establishment is attempting to operate a prostitution enterprise; or
- 857 ~~{(6)}~~ (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.
- 937 (b) If the division suspends the registration without notice, the division shall hold a hearing within 15 days.
- 939 Section 23. Section **23** is enacted to read:
- 940 **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}~~.

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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;
- 869 (2) verifies that the sole practitioner has a valid {business registration with the} Department of
Commerceissued business license; 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 licenseor registration;
- 873 (b) {Utah state} the sole practitioner's Department of Commerce issued business license; and
- 874 (c) rental agreement.

951 Section 24. Section 24 is enacted to read:

876

Part 6. Enforcement

953 **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.
- 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.
- 962 (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)}~~ (5)

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- (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) The owner or manager of the massage establishment shall assist the inspector by providing access to:
- 898 (i) all areas of the massage establishment;
- 899 (ii) all personnel; and
- 900 (iii) 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.
- 984 Section 25. Section **63I-1-258** is amended to read:
- 985 **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 (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(12)~~, defining massage assistant, is repealed July 1, 2029.
- 921 (11) Subsection {~~58-47b-102(6)~~ ~~58-47b-102(13)~~, 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.} }~~
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- {(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.
- 1012 Section 26. **Effective date.**
This bill takes effect on May 7, 2025.

2-13-25 3:18 PM