

HB0278S02 compared with HB0278S01

~~{Omitted text}~~ shows text that was in HB0278S01 but was omitted in HB0278S02
inserted text shows text that was not in HB0278S01 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

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- amends the licensure requirements for massage therapy;
- specifies requirements for a criminal background check for an individual performing massage therapy;
- specifies requirements for a massage establishment to register;
- provides the circumstances under which an individual must perform massage therapy in a registered massage establishment;
- provides for the expiration and renewal of registration and licensure;
- specifies identification, signage, and disclosure requirements;
- creates standards for unlawful and unprofessional conduct by a massage establishment;

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19 ▸ establishes penalties for a massage establishment that engages in unlawful or unprofessional
conduct;

21 ▸ specifies when a massage establishment can be denied registration;

22 ▸ specifies requirements for a criminal background check for massage establishment owners;

24 ▸ creates a safe harbor provision for a credentialed individual renting or leasing to a sole
practitioner;

26 ▸ allows the Division of Professional Licensing to inspect a massage establishment;

27 ▸ establishes standards for the inspection of a registered massage establishment;

28 ▸ provides exemptions from licensure and registration requirements;

29 ▸ schedules the repeal of provisions related to a massage assistant and massage assistant-in-
training; {and}

31 ▸ includes a coordination clause to coordinate enactment of provisions with S.B. 44,
Professional Licensure Amendments; and

31 ▸ makes technical changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill provides a special effective date.

38 This bill provides coordination clauses.

40 **AMENDS:**

41 **58-1-301.5** , as last amended by Laws of Utah 2024, Chapter 420 , as last amended by Laws of Utah
2024, Chapter 420

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

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

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

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

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

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

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

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

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

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

ENACTS:

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

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

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

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

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

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

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

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

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

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

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

REPEALS AND REENACTS:

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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Utah Code Sections affected by Coordination Clause:

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

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

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

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

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

(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:

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

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

(c) Section 58-31b-302;

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

(e) Section 58-44a-302.1;

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

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

(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]~~;

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

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

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

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

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

(n) Sections 58-70a-301.1 and 58-70a-302~~[, of Chapter 70a, Utah Physician Assistant Act]~~.

(2) The division's access to criminal background information under this section:

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- (a) shall meet the requirements of Section 53-10-108; and
- (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, dismissed charges, and charges without a known disposition.
- (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.

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

58-47b-102. Definitions.

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

- (1) "Board" means the Board of Massage Therapy and Acupuncture created in Section 58-47b-201.
- (2)
- (a) "Breast" means the female mammary gland~~[-and]~~ .
- (b) "Breast" does not include the muscles, connective tissue, or other soft tissue of the upper chest.
- (3) "Clinical massage {therapist} therapy" means {an individual licensed under this chapter to perform clinical massage therapy.} :
- {(4)} (a) {~~"Clinical~~} limited massage therapy{~~"means:~~} or non-clinical massage therapy that is intended to be billed to an insurance company;
- {(a)} (b) limited {~~clinical~~} massage therapy or non-clinical massage therapy that is {~~intended to be billed to~~} included in a physical therapy or an {insurance company} occupational therapy care plan;
- {(b)} (c) {~~limited clinical or non-clinical massage therapy that is included in a physical therapy or occupational therapy care plan~~} the examination, assessment, and evaluation of the soft tissue structures of the body for the purpose of devising a treatment plan to promote homeostasis; {or}
- {(c)} (d) {~~work on an acute or subacute injury.~~} counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain; or
- {(5)} (e) {~~"Clinical massage therapy supervisor" means:~~} work on an acute or subacute injury.
- {(a)} (4)
- {(i)} {~~before June 1, 2027, a massage therapist or a clinical massage therapist~~} "Credentialed individual" means an individual who {has engaged in the lawful practice of massage therapy for at least 3,000 hours; and} is:
- {(ii)} (a) {~~beginning June 1, 2027,~~} a {~~clinical~~} registered massage {~~therapist who has engaged in the lawful practice of massage therapy for at least 3,000 hours~~} practitioner; or

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- 120 (b) a ~~{physical}~~ massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed
121 massage therapist {licensed under Chapter 24b, Physical Therapy Practice Act;} .
122 ~~{(e)}~~ (5) {a physician licensed under Chapter 67, Utah Medical Practice Act;} "Credentialing" means
123 the licensing or registering of an individual in accordance with this chapter.
124 ~~{(d)}~~ {an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;}
125 ~~{(e)}~~ {an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or}
126 ~~{(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
128 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
131 massage assistant-in-training, or a clinical massage therapist; or}
132 ~~{(b)}~~ a registered massage therapist;}
133 ~~[(3)]~~ ~~{(8)}~~ (6) "Homeostasis" means [maintaining, stabilizing, or returning] the maintenance, the
134 stabilization, or the return of the muscular system to equilibrium[the muscular system].
135 ~~{(9)}~~ (7)
136 ~~{(a)}~~ "Limited clinical" "Licensed" massage {therapy} therapist" means{:} an individual licensed
137 under this chapter to perform massage therapy without supervision.
138 ~~{(i)}~~ (8)
139 (a) {the systematic manual manipulation of the soft tissue of the body for the purpose of promoting
140 the therapeutic health and well-being of a client, enhancing the circulation of the blood and lymph,
141 relaxing and lengthening muscles, relieving pain, restoring metabolic balance, relaxation, or
142 achieving homeostasis;} "Limited massage therapy" means:
143 ~~{(ii)}~~ (i) {seated chair massage} the systematic manual manipulation of the soft tissue of the body
144 for the purpose of promoting the therapeutic health and well-being of a client, enhancing the
145 circulation of the blood and lymph, relaxing and lengthening muscles, relieving pain, restoring
146 metabolic balance, relaxation, or achieving homeostasis;
147 ~~{(iii)}~~ (ii) {the use of body wraps} seated chair massage;
148 ~~{(iv)}~~ (iii) {aromatherapy} the use of body wraps;
149 ~~{(v)}~~ (iv) {reflexology} aromatherapy; {or}

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~~{(vi)}~~ (v) ~~{in connection with an activity described in this Subsection (9), the use of:}~~ reflexology;

or

145 ~~{(A)}~~ (vi) in connection with an activity described in Subsections (8)(a)(i) through (v), the {hands:} use
of:

146 ~~{(B)}~~ (A) {a towel} the hands;

147 ~~{(C)}~~ (B) a {stone} towel;

148 ~~{(D)}~~ (C) a {shell} stone;

149 ~~{(E)}~~ (D) a {bamboo stick} shell; {or}

150 ~~{(F)}~~ (E) {an herbal ball compress:} a bamboo stick; or

151 ~~{(b)}~~ (F) "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} an herbal ball compress.

151 (b) "Limited 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.

154 [(4)] ~~{(10)}~~ (9) "Massage apprentice" means an individual licensed under this chapter as a massage
apprentice ~~{to perform massage therapy under the direct supervision of a clinical massage therapy~~
~~supervisor}~~.

157 [(5)] ~~{(11)}~~ (10) "Massage assistant" means an individual licensed under this chapter as a massage
assistant ~~{to perform limited clinical massage therapy under the indirect supervision of a~~
~~clinical massage therapy supervisor:}~~

160 [(6)] ~~{(12)}~~ (11) "Massage ~~assistant-in-training~~ assistant-in-training" means an individual licensed
under this chapter as a ~~[massage assistant-in-training]~~ massage assistant-in-training ~~{to perform~~
~~limited clinical massage therapy under the direct supervision of a clinical massage therapy~~
~~supervisor}~~.

163 ~~{(13)}~~ (12)

(a) "Massage establishment" means a place where massage therapy is performed by one or more
~~{individuals required to be}~~ credentialed {under this chapter} individuals.

165 (b) "Massage establishment" ~~{does not include:}~~ includes a location an owner rents or leases to multiple
sole practitioners to perform massage therapy.

166 ~~{(i)}~~ (c) {a location used by a sole practitioner to practice massage therapy:} "Massage establishment"
does not include:

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- 167 ~~{(ii)}~~ (i) ~~{an out-call}~~ a location owned, rented, or leased by a single sole practitioner to perform
 massage therapy; ~~{or}~~
- 168 ~~{(iii)}~~ (ii) ~~{a massage school}~~ an out-call location; or
- 169 ~~{(14)}~~ (iii) ~~{ "Massage therapist" means an individual licensed before June 1, 2027, under this chapter~~
 ~~as-~~ a massage {therapist that may perform} school where a credentialed individual only performs
 massage therapy for an educational purpose.
- 171 ~~{(15)}~~ (13) "Massage therapy" means clinical massage therapy, limited ~~{clinical}~~ massage therapy, or
 non-clinical massage therapy.
- 173 ~~{(16)}~~ (14)
- ~~{(a)}~~ "Non-clinical massage therapy" "Massage therapy supervisor" means:
- 174 ~~{(i)}~~ (a) ~~{the examination, assessment, and evaluation of the soft tissue structures of the body for~~
 ~~the purpose of devising}~~ a {treatment plan to promote homeostasis} licensed massage therapist
 who has lawfully engaged in massage therapy for at least 3,000 hours;
- 176 ~~{(ii)}~~ (b) ~~{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}~~ a physical therapist licensed under
 Chapter 24b, Physical Therapy Practice Act;
- 181 ~~{(iii)}~~ (c) ~~{the use of the hands or a mechanical or electrical apparatus in connection with this~~
 ~~Subsection (16)}~~ a physician licensed under Chapter 67, Utah Medical Practice Act;
- 183 ~~{(iv)}~~ (d) ~~{the use of rehabilitative procedures involving the soft tissue of the body}~~ an osteopathic
 physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
- 184 ~~{(v)}~~ (e) ~~{range of motion movements or movements without spinal adjustment as set forth in~~
 ~~Section 58-73-102;}~~ an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
- 186 ~~{(vi)}~~ (f) ~~{the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam,~~
 ~~and cabinet baths;}~~ a chiropractic physician licensed under Chapter 73, Chiropractic Physician
 Practice Act.
- 188 ~~{(vii)}~~ (15)
- (a) ~~{manual traction and stretching exercise;}~~ "Non-clinical massage therapy" means:
- 189 ~~{(viii)}~~ (i) ~~{correction}~~ the systematic manual or mechanical manipulation of {muscular distortion
 by treatment of-} the soft {tissues} tissue of the body for the purpose of promoting the

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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;

190 ~~{(ix)}~~ (ii) ~~{counseling, education, and other advisory services to reduce}~~ the ~~{incidence and severity}~~ use of ~~{physical disability, movement dysfunction, and pain}~~ the hands or a mechanical or electrical apparatus in connection with this Subsection (15)(a);

192 ~~{(x)}~~ (iii) ~~{activities and modality techniques similar or related to the activities and techniques described in this Subsection (16)}~~ the use of rehabilitative procedures involving the soft tissue of the body; {or}

194 ~~{(xi)}~~ (iv) ~~{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.}~~ range of motion movements or movements without spinal adjustment as described in Section 58-73-102;

197 ~~{(b)}~~ (v) ~~{"Non-clinical massage therapy" does not include:}~~ the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet baths;

198 ~~{(i)}~~ (vi) ~~{a massage service that is intended to be billed to an insurance company}~~ manual traction and stretching exercise;

199 ~~{(ii)}~~ (vii) ~~{a massage service that is included in a physical therapy or occupational therapy care plan; or}~~ correction of muscular distortion by treatment of the soft tissues of the body;

201 ~~{(iii)}~~ (viii) ~~{work on an acute}~~ activities and modality techniques similar or related to the activities and techniques described in this Subsection (15)(a); or {subacute injury.}

199 (ix) 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.

202 (b) "Non-clinical massage therapy" does not include:

203 (i) massage therapy that is intended to be billed to an insurance company;

204 (ii) massage therapy that is included in a physical therapy or occupational therapy care plan;

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

208 (iv) counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain; or

210 (v) work on an acute or subacute injury.

202 [(7) "Massage therapist" means an individual licensed under this chapter as a massage therapist.]

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- 204 [(8) "Massage therapy supervisor" means:]
- 205 [(a) a massage therapist 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) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;]
- 208 [(c) a physician licensed under Chapter 67, Utah Medical Practice Act;]
- 209 [(d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;]
- 211 [(e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or]
- 212 [(f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.]
- 214 {(17)} (16) "Out-call location" means a location:
- 215 (a) where massage therapy is provided; and
- 216 (b) that a sole practitioner or a massage establishment does not own, lease, or rent.
- 217 {(18)} (17)
- (a) "Owner" means an individual who controls the operation of a massage establishment.
- 219 (b) "Owner" includes:
- 220 (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:
- 223 (A) is a corporation; or
- 224 (B) is not publicly listed or traded;
- 225 (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;
- 228 (iii) an individual:
- 229 (A) in whose name a certificate of occupancy has been issued for a massage establishment; or
- 231 (B) that operates a massage establishment under a lease, operating agreement, franchise, or other
arrangement; and
- 233 (iv) a sublessee or other legal possessor.
- 234 [(9)
- (a) "Practice of limited massage therapy" means:]
- 235 [(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

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and lymph, relaxing and lengthening muscles, relieving pain, restoring metabolic balance, relaxation, or achieving homeostasis;]

239 [(ii) seated chair massage;]

240 [(iii) the use of body wraps;]

241 [(iv) aromatherapy;]

242 [(v) reflexology; or]

243 [(vi) in connection with an activity described in this Subsection (9), the use of:]

244 [(A) the hands;]

245 [(B) a towel;]

246 [(C) a stone;]

247 [(D) a shell;]

248 [(E) a bamboo stick; or]

249 [(F) an herbal ball compress.]

250 [(b) "Practice of limited massage therapy" does not include work on an acute or subacute injury.]

252 [(10) "Practice of massage therapy" means:]

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

255 [(b) 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;]

259 [(c) the use of the hands or a mechanical or electrical apparatus in connection with this Subsection (10);]

261 [(d) the use of rehabilitative procedures involving the soft tissue of the body;]

262 [(e) range of motion or movements without spinal adjustment as set forth in Section 58-73-102;]

264 [(f) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet baths;]

266 [(g) manual traction and stretching exercise;]

267 [(h) correction of muscular distortion by treatment of the soft tissues of the body;]

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

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270 [(j) activities and modality techniques similar or related to the activities and techniques described in this
Subsection (10);]

272 [(k) a practice described in this Subsection (10) on an animal to the extent permitted by:]

273 [(i) Subsection 58-28-307(12);]

274 [(ii) the provisions of this chapter; and]

275 [(iii) division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
or]

277 [(l) 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.]

280 {(19)} (18) "Registered massage establishment" means a massage establishment that is registered
with the division to lawfully provide massage therapy at a {single,} fixed massage establishment
location in this state.

283 {(20)} (19) "Registered massage {therapist} practitioner" means an individual registered under this
chapter to perform non-clinical massage therapy as described in Subsection 58-47b-301(4)(a).

285 [(11)] {(21)} (20) "Soft tissue" means the muscles and related connective tissue.

286 {(22)} (21) "Sole practitioner" means a credentialed individual who {offers massage therapy from} :

287 (a) {an out-call location;} offers massage therapy from:

288 {(b)} (i) {the credentialed individual's residence, if the credentialed individual does not employ or
contract with another credentialed individual; or} an out-call location;

290 {(c)} (ii) {a location, other than} the credentialed individual's residence {, that the credentialed
individual owns, rents, or leases} , if the credentialed individual does not employ or contract with
{an} another credentialed individual { who works at the location on a regular basis. } ; or

300 (iii) a location, other than the credentialed individual's residence, that the credentialed individual owns,
rents, or leases;

302 (b) does not employ or contract with an individual to offer massage therapy; and

303 (c) does not employ or contract with an individual who works at the sole practitioner's location on a
regular basis.

293 [(12)] {(23)} (22) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501[and
] , 58-47b-501, and 58-47b-501.1.

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[(13)] ~~{(24)}~~ (23) "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.

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

58-47b-301. Licensure required -- Registration required -- Scope of practice -- Individuals.

~~[(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.]~~

~~[(2)]~~ (1)

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

~~(b) An individual shall hold a {license-or} registration to {practice-} perform non-clinical massage therapy.~~

~~{(2)}~~ (c) An individual that holds a license to perform licensed massage therapy may perform non-clinical massage therapy.

(2) [An individual shall have a license {f} in order {f} to:] Only a credentialed individual may:

(a)

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

(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~~

~~(ii) use the word{s} {"clinical-} "message" or any other [word] similar wording to describe the [services] service; or~~

~~(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].~~

(3) A credentialed individual, other than a sole practitioner, may {only-} perform massage therapy only in:

(a) a registered massage establishment;

(b) an out-call location; or

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(c) a location exempt from registration under Section 58-47b-304.1.

(4) ~~{ An individual shall register with the division to perform non-clinical massage therapy, except as specifically provided in Section 58-1-307 or 58-47b-304. }~~ Subject to Subsection 58-47b-502(9):

(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;

(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;

(c) a massage assistant may perform limited massage therapy under the indirect supervision of a massage therapy supervisor;

(d) a massage apprentice may perform massage therapy under the indirect supervision of a massage therapy supervisor who is a licensed massage therapist; and

(e) a licensed massage therapist may perform massage therapy without supervision.

Section 4. Section 4 is enacted to read:

58-47b-301.1. Massage establishment registration required -- Maintenance of registration.

(1) An owner shall register a massage establishment with the division.

(2)

(a) Each place of business shall register separately.

(b) If multiple massage establishments exist at the same address, each massage establishment shall register separately.

(3) A massage establishment shall provide the physical address where the massage establishment operates to the division.

(4) ~~{ Unless exempt under Section 58-47b-304.1, a }~~ A massage establishment may not allow ~~{ for the practice of }~~ massage therapy on the massage establishment's premises unless the massage establishment is registered in accordance with this section.

(5)

(a) A registered massage establishment shall ensure only { properly } credentialed individuals perform massage therapy.

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(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.

(6) An owner may not assign or transfer a massage establishment registration.

(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.

(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.

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

58-47b-302. {License classifications --} Qualifications for registration and licensure --

Individuals.

(1)

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

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

(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

(iii) pass an examination that covers contraindications of massage, as the division requires by rule.

(b) A massage therapy supervisor who is a licensed massage therapist may supervise up to six registered massage practitioners at one time.

(2)

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

~~{(a)}~~ (i) have a massage safety permit in accordance with Subsection (6); and

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

~~{(2) }~~

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

~~{(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 who is a licensed massage therapist.

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)} (b) A {clinical} massage therapy supervisor {with at least 6,000 hours of experience} who is a licensed massage therapist may supervise up to {six} four 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) }

{(a) {An application for a massage apprentice license shall:}}

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

380 (ii) provide satisfactory evidence to the division that the applicant will practice as a massage {apprentice} assistant only under the {direct} indirect supervision of a {clinical} massage therapy supervisor; {and}

401 (iii) subject to Subsection (3)(b), complete at least 300 hours of education and training the division approves by rule; and

383 {(iii)} (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:

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- 406 (i) at least 300 hours of education and training while the applicant is enrolled in massage school; or
384 {(b)} (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
- 411 (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.
- {(i)} (c) A {clinical} massage therapy supervisor {with fewer than 6,000 hours of experience} may
supervise up to {two massage apprentices} six massage assistants at one time.
- 415 (4)
- (a) An applicant for a massage apprentice license shall:
- 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.
- 386 {(ii)} (b) A {clinical} massage therapy supervisor {with at least 6,000 hours of experience} who is a
licensed massage therapist may supervise up to {six} four massage apprentices at one time.
- 388 {(5)}
- {(a)} (5) An applicant for a {clinical} massage therapist license shall:
- 389 {(i)} (a) submit an application in a form the division approves;
390 {(ii)} (b) pay a fee determined by the department under Section 63J-1-504;
391 {(iii)} (c) be 18 years old or older;
392 {(iv)} {have graduated from a school of massage having a curriculum that:} }
- 393 {(A) {meets the standards established by the division; and} }
- 427 (d)
- 394 {(B)} (i) have graduated from a school of massage having a curriculum that meets the standards the
division establishes by rule and includes the training on the activities described in Subsection (6)(d);
395 {(v)}

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{(A)} (ii) have completed equivalent education and training in compliance with standards the division establishes by rule; or

{(B)} (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 by~~} the division establishes by rule; and

{(vi)} (e) pass an examination as the division requires by rule.

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

{(i)} {~~as a clinical massage therapist; or~~}

{(ii)} {~~as a registered massage therapist.~~}

{(c)} {~~A clinical massage therapist may perform massage therapy with no supervision.~~}

(6) An applicant for a massage safety permit shall:

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

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

(c) be 18 years old or older; and

(d) complete an educational module {~~as required by~~} the division establishes by rule that includes:

(i) practicing physical boundaries;

(ii) draping;

(iii) gaining consent; and

(iv) taking a medical history.

(7) An applicant for licensure or registration under this chapter shall:

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

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

(c) be 18 years old or older;

(d) consent to, and complete, a criminal background check described in Section 58-47b-302.1;

(e) meet any other standard related to the criminal background check described in Subsection (7)(d) as the division requires by rule; and

(f) disclose any criminal history the division requests on a form the division approves.

{(7)} (8) Under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing:

(a) the examination for a registered massage practitioner that covers contraindications of massage;

(b) the education and training for a massage assistant;

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(c) the examination for a massage assistant;
{(b)} (d) the examination for a massage apprentice;
{(e)} (e) the standards for a {clinical} licensed massage {therapist} school curriculum;
{(d)} (f) the equivalent education and training for a licensed massage therapist;
{(e)} (g) the standards of a massage apprenticeship program;
{(f)} (h) the examination for a {clinical} licensed massage therapist; {and}
{(g)} (i) the educational module described in Subsection (6)(d){.} ; and
(j) the standard related to the criminal background check.

Section 6. Section **58-47b-302.1** is amended to read:

58-47b-302.1. Criminal background check -- Individuals. <compare
mode="add">(Compare Error)</compare>

(1) licensure or registration under this chapter [~~who requires a criminal background check~~] shall:

(a) submit fingerprint cards in a form acceptable to the division at the time the license application is filed; and

(b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.

(2) The division shall:

(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;

(b) submit from each applicant the fingerprint card and the fees described in Subsection (2)(a) to the Bureau of Criminal Identification; and

(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.

(3) The Bureau of Criminal Identification shall, in accordance with the requirements of Section 53-10-108:

(a) check the fingerprints submitted under Subsection (2)(b) against the applicable state and regional criminal records databases;

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- (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) 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 condition of lawfully [~~engaging in the practice of~~] performing 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.**

- 474 (1)
- (a) The owner of {~~the~~} ~~a~~ message establishment shall register the message establishment.
- 475 (b) If the message establishment has multiple owners, the owners of the message establishment shall choose one owner to register the message establishment.
- 477 (2) To register a message establishment, the owner shall:

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- 478 (a) submit an application in a form the division approves;
- 479 (b) pay a fee determined by the department under Section 63J-1-504; ~~{ and }~~
- 480 (c) provide satisfactory documentation:
- 481 (i) of registration with the Division of Corporations and Commercial Code;
- 482 (ii) of business licensure from the ~~{ city, town, }~~ municipality or county in which the massage establishment is located;
- 484 (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
- 486 (iv) of each owner's ownership or right to possession of the premises where the massage establishment will be operated;
- 534 (d)
- (i) consent to, and complete, a criminal background check, described in Section 58-47b-302.1;
- 488 ~~{ (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;
- 491 (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;

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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
495 ~~{(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 (3) An individual shall consent to and complete a criminal background check in accordance with
Subsection (2)(d) if the individual:
496 ~~{(i)}~~ (a) personally or constructively holds, including as the beneficiary of a trust:
497 ~~{(A)}~~ (i) at least 10% of the entity's outstanding stock; or
498 ~~{(B)}~~ (ii) more than \$25,000 of the fair market value of the entity;
499 ~~{(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;
502 ~~{(iii)}~~ (c) is a member of the board of directors or other governing body of the entity; or
503 ~~{(iv)}~~ (d) serves as:
504 ~~{(A)}~~ (i) an elected officer of the entity; or
505 ~~{(B)}~~ (ii) a general manager of the entity~~{:}~~.
506 ~~{(g)}~~ ~~{submit the following information for each individual for whom fingerprints are required by~~
~~Subsection (2)(f):}~~
508 ~~{(i)}~~ ~~{full name;}~~
509 ~~{(ii)}~~ ~~{any other name used;}~~
510 ~~{(iii)}~~ ~~{date of birth;}~~
511 ~~{(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;}~~

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- 514 { (v) { ~~address;~~ } }
- 515 { (vi) { ~~phone number;~~ } }
- 516 { (vii) { ~~email address;~~ } }
- 517 { (viii) { ~~license number, if licensed under this chapter;~~ } }
- 518 { (ix) { ~~registration number, if registered under this chapter; and~~ } }
- 519 { (x) { ~~a recent color photograph of each owner;~~ } }
- 520 { (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;~~ } }
- 522 { (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~~ } }
- 525 { (j) { ~~meet with the division or board if requested by the division or board.~~ } }
- 526 { (3) } (4) A minor who is an owner of the massage establishment as the beneficiary of a trust is exempt
from Subsection { (2)(f) } (2)(d).
- 527 { (4) } (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.**
- 532 (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.
- 536 (b) [~~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.
- 539 (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~~] credentialed individual in
accordance with Section 58-1-308.
- 542 (3)
- (a) A massage apprentice license expires 24 months after the day on which the division issues the
massage apprentice license.

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- 544 (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.
- 547 (c) The division may not renew or extend a massage apprentice or massage assistant-in-training license
unless:
- 549 (i) a circumstance or hardship arose beyond the individual's control that prevented the individual from
completing the process;
- 551 (ii) the division grants the renewal or extension for a period proportionate to the circumstance or
hardship; and
- 553 (iii) the individual's {clinical} massage therapy supervisor consents in writing to the renewal or
extension.
- 555 (4) 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.**
- 561 (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.
- 563 (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.
- 565 (2) A registration automatically expires on the expiration date shown on the registration unless the
registrant renews.
- 567 (3) At the time of renewal, a registered massage therapy establishment shall:
- 568 (a) complete and submit an application for renewal in the form the division approves; and
- 570 (b) pay a renewal fee established by the department under Section 63J-1-504.
- 620 Section 10. Section **58-47b-304** is amended to read:
- 621 **58-47b-304. Exemptions from credentialing -- Individuals.**
- 573 (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~~ a credentialed individual:
- 577 (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;

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- 578 (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;
579 (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a, Nurse Midwife
Practice Act;
581 (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
582 (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice Act, while
under the general supervision of a physical therapist;
584 (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice
Act;
586 (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
588 (h) a hospital staff member employed by a hospital, who practices massage as part of the staff member's
responsibilities;
590 (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
591 (j) a student in training enrolled in a massage therapy school approved by the division;
592 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act;
594 (l)
(i) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act; and
596 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational Therapy Practice Act,
while under the general supervision of an occupational therapist;
599 (m) an individual performing animal massage therapy under the rules made by the division in
accordance with Subsection 58-28-307(12);
601 (n) an individual performing gratuitous massage; [and]
602 (o) an individual:
603 (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:
606 (A) who is certified to practice reflexology and whose practice is limited to the scope of practice of
reflexology;
608 (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;
611 (C) who is certified to practice ortho-bionomy and whose practice is limited to the scope of practice of
ortho-bionomy;

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

615 (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;

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

618 (iii) whose clients do not receive gratuitous massage from the individual[-] ; and

619 (p)

(i) an individual performing massage therapy who:

620 (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

622 (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; and

625 (ii) is temporarily performing massage therapy in this state for a period that does not exceed 30 days for the purpose of:

627 (A) presenting educational or clinical programs, lectures, seminars, or workshops;

628 (B) providing massage {services} ~~therapy~~ during an emergency as part of a disaster response team; or

630 (C) consulting with a credentialed individual regarding massage therapy.

631 (2) An individual described in Subsection (1) may not represent oneself as a ~~massage therapist, massage apprentice, massage assistant, or {f} massage assistant in-training~~ registered massage practitioner, a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist.

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

635 (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;

637 (b) require insurance coverage or reimbursement for massage therapy [~~or limited massage therapy~~] from third party payors; or

639 (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.**

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The following establishments or facilities are exempt from registering as massage establishments:

- (1) hospitals or medical clinics;
- (2) physician offices;
- (3) physical therapy facilities;
- (4) chiropractic offices;
- (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
- (6) other facilities as defined by rule.

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

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

- (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.
 - (b) This chapter does not prevent any political subdivision of the state from enacting:
 - (i) subject to Subsection (1)(b)(ii), ordinances governing the operation of establishments offering [massages] message therapy; or
 - (ii) ordinances regulating the practice of massage therapy [or the practice of limited massage therapy,] if:
 - (A) [-] except as provided in Subsection (1)(b)(ii)(B), the ordinances are [not less] at least as stringent [than] as this chapter[-] ; and
 - (B) the ordinances do not require a background {checks prohibited by Section 58-47b-307} check on a minor.
- (2) This chapter does not prohibit any political subdivision of the state from prosecuting:
 - (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} credential; or
 - (b) [a-{f} licensed{ } credentialed]-] an individual[-who] {-} or a {registered} massage establishment that is engaged in unlawful conduct.

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

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

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- 673 [(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.]
- 676 [(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.]
- 681 [(3)] (1)
- (a) A credentialed individual shall obtain from the client a completed and signed intake form before the
individual provides {a} massage therapy to the client.
- 683 (b) The division may further define the intake form by rule made in accordance with Title 63G, Chapter
3, Utah Administrative Rulemaking Act.
- 685 (2) ~~{A credentialed individual under this chapter, while}~~ While performing massage therapy, a
credentialed individual:
- 686 (a) shall wear or display {through an identification badge, name tag, or embroidery showing} the
credentialed individual's {classification} first name and last initial and credentialed individual's
license or registration type; and
- 688 (b) [If an individual requests a massage service that is performed by a massage assistant or 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 assistant or massage assistant
in-training.] may not identify to any person in connection with massage therapy other than as the
individual's {licensed} license or {registered classification} registration.
- 695 (3) ~~{The client shall receive notice before}~~ Before scheduling or agreeing to ~~{the}~~ massage therapy
~~{if}~~, the client shall receive notice of the first name and last initial of the credentialed individual
performing the massage therapy {is performed by a massage apprentice, a massage assistant, or a
massage assistant in-training from:} and the credentialed individual's license or registration type.
- 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.}~~
- 747 Section 14. Section 14 is enacted to read:
- 748 **58-47b-306.1. Required signage and disclosures -- Massage establishments.**

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- 703 (1) A message establishment shall display prominently:
704 (a) the message establishment registration;
705 (b) a copy of the state issued license or registration for each credentialed individual contracted with or
employed by the establishment;
707 (c) division resources required by rule made in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act; and
709 (d) a sign that states some message therapy offered at the registered message establishment {are-} **is**
performed by a **registered** message {**apprentice**} **practitioner**, a message **assistant-in-training, a**
message assistant, or a message {**assistant-in-training**} **apprentice** if the message establishment
employs or contracts with a **registered** message {**apprentice**} **practitioner**, a message **assistant-in-**
training, a message assistant, or a message {**assistant-in-training**} **apprentice**.
713 (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 {**shall only give**} **to only provide** the first
name and last initial for {**each**} **the** credentialed individual.
716 (3) The message establishment shall display signage that:
717 (a) states the message 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**} **last initial and license or registration** type;
and
721 (ii) methods for reporting complaints to the division.
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 under this chapter are in accordance with
Section 58-1-401] a credentialed individual:
727 (1) [refusal to issue a license to] refuse to license or register an applicant;
728 (2) [refusal-] refuse to renew the [license of a licensee] license or registration for a credentialed
individual;
730 (3) [revocation, suspension, restriction, or placement-] revoke, suspend, restrict, or place on probation
of a license or registration for a credentialed individual;

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- 732 (4) ~~[issuance of]~~ issue a public or private reprimand to ~~[a licensee; and]~~ a credentialed individual; or
734 (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:

- 739 (1) the location in the registration application has had a registration revoked or surrendered for cause within the last two years;
741 (2) the application is for a location that has advertised in a manner that reasonably implies sexual services are offered at the location;
743 (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
745 (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.**

- 749 (1) "Unlawful conduct" for an individual includes:
750 (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;
754 (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~~ } scope of what the credentialed individual { ~~may~~ } is licensed or registered to perform;
759 ~~[(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 massage assistant in-training under this chapter;]~~
762 ~~[(d) advertising or representing oneself as engaging in the practice of limited massage therapy when not licensed to do so; and]~~

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[(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:

(i) genitals;

(ii) anus; or

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

(2)

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

(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

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

(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).

Section 18. Section **18** is enacted to read:

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

"Unlawful conduct" for a massage establishment in accordance with Section 58-47b-301.1 includes:

(1) operating without a valid registration;

{(2) {~~offering massage therapy without a credentialed individual on site;~~} }

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

{(4) {~~permitting an individual who is not credentialed or exempt to perform non-clinical massage therapy;~~} }

{(5)} (3) permitting an individual who is not credentialed or exempt to perform {clinical} massage therapy;

{(6)} (4) permitting an individual {who is not credentialed or exempt} to:

(a) provide massage therapy without being fully clothed; or

(b) perform a sexual act or arranging for a sexual act;

{(7)} (5) permitting 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;

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

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- 795 ~~{(9)}~~ (7) advertising services in a manner that may be reasonably construed as sexual in nature;
- 796 ~~{(10)}~~ (8) refusing inspection by the ~~{Division of Professional Licensing}~~ division as authorized under
 Section 58-47b-601;
- 798 ~~{(11)}~~ (9) arranging or allowing for any of the unlawful acts described in Section 58-47b-501;
- 799 ~~{(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;
- 802 ~~{(13)}~~ (11) concealing an individual in the massage establishment;
- 803 ~~{(14)}~~ (12) refusing to provide identification to inspectors or law enforcement; or
- 804 ~~{(15)}~~ (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.**
- "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;

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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:

834 (1) failing to comply with employee or client recordkeeping requirements as established in rule;

836 (2) failing to comply with all applicable state and local health or sanitation codes and requirements as
established by rule;

838 (3) failing to comply with facility requirements as established by rule;

839 (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 without first obtaining a business {license}
registration, if a license is required;

842 (5) failing to comply with any applicable ordinances relating to the regulation of massage
establishment;

844 (6) failing to maintain mechanical or electrical equipment in a safe operating condition; and

845 (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.**

849 (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.

851 (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

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- 907 (4) The division shall deposit an administrative penalty imposed in accordance with this section into the
Commerce Service Account.
- 911 (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.
- 916 (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:
- 918 (a) promptly issue a citation to the individual according to this chapter and any pertinent rules; and
- 919 (b)
- 921 (i) attempt to negotiate a stipulated settlement; or
- 922 (ii) notify the individual to appear before an adjudicative proceeding conducted under Title 63G,
Chapter 4, Administrative Procedures Act.
- 925 (c) A citation shall:
- 929 (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;
- 932 (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
- 934 (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.
- 935 (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:
- 937 (i) in accordance with the Utah Rules of Civil Procedure;
- 938 (ii) personally or upon the individual's agent by a division investigator or by any person specially
designated by the director; or
- (iii) by mail.
- (e)

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- 942 (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.
- 943 (ii) The division may extend the period to contest the citation for cause.
- (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
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.

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- 972 (8)
- 974 (a) The division may suspend the license or registration of a credentialed individual without notice if:
- 976 (i) there is a pattern of credible facts that the individual is attempting to operate a prostitution
enterprise; or
- 978 (ii) the individual is engaged in any form of human trafficking whether there is a violation of any
other specific law, rule, or code.
- 980 (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.**
- 855 (1) For acts of unprofessional conduct or unlawful conduct by a massage establishment, the division
may:
- 857 (a) assess administrative penalties; and
- 858 (b) take any other appropriate administrative action, which may include sending letters of concern to:
- 860 (i) the municipality and the police department for the municipality in which the massage establishment
is located; or
- 862 (ii) the property owner or manager from which the massage establishment is leasing space.
- 864 (2) The division shall deposit an administrative penalty imposed in accordance with this section into the
{ ~~General Fund~~ } Commerce Service Account.
- 866 (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.
- 870 (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:
- 875 (a) promptly issue a citation to the person according to this chapter and any pertinent rules; and
- 877 (b)
- (i) attempt to negotiate a stipulated settlement; or

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- 878 (ii) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4,
879 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
882 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
885 calendar days of service of the citation {in-order} to contest the citation at a hearing conducted
886 under Title 63G, Chapter 4, Administrative Procedures Act;and
- 887 (iii) explain the consequences of failure to timely contest the citation or to make payment of any fines
888 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
892 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
895 designated by the director; or
- 896 (iii) by mail.
- 897 (e)
- 898 (i) If, within 20 calendar days after the day of service of a citation, the person to {whom} which the
899 citation is issued fails to request a hearing to contest the citation, the citation becomes the final order
900 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
903 a registered massage establishment that fails to comply with the citation after the citation becomes
904 final.
- 905 (g) Failure of an applicant {for registration} to comply with a citation after the citation becomes final is
906 a ground for denial of license, registration, or renewal.
- 907 (h) The division may not issue a citation under this section after one year from the date on which the
908 violation that is the subject of the citation is reported to the division.
- 1036 (i)
- 909 (i) In addition to or in lieu of an administrative penalty, the division may assess a fine to any person
910 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-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.

915 (ii) The fine may be in an amount ~~{equal to }~~ 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.

918 (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, }~~ 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these
provisions.

922 (5)

(a) The director may collect a fine that is not paid by:

923 (i) referring the matter to a collection agency; or

924 (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.

927 (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.

929 (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.

1058 (6)

931 ~~{(6)}~~ (a) 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

935 (ii) the registered massage establishment 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.

1066 Section 23. Section **23** is enacted to read:

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

A credentialed individual renting or leasing to a sole practitioner may not be held liable
for the actions of the sole practitioner so long as the credentialed individual:

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- 943 (1) verifies that the sole practitioner is a credentialed individual and in good standing in the state of
Utah at the time of the rental or lease;
- 1072 (2)
- 945 ~~{(2)}~~ (a) verifies that the sole practitioner has a valid {Department} Division of {Commeree}
Corporations and Commercial Code issued business {license} registration; {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
- 947 (3) produces copies of the following if requested by the division:
- 948 (a) the sole practitioner's state massage license or registration;
- 1078 (b)
- 949 ~~{(b)}~~ (i) the sole practitioner's {Department} Division of {Commeree} 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
- 950 (c) the rental agreement.

1082 Section 24. Section 24 is enacted to read:

952

Part 6. Enforcement

1084

58-47b-601. Inspection.

954

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

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- (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.

956

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

957

- (a) give proper identification;

958

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

959

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

960

- (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.

965

HB0278S01 compared with HB0278S02

(4) In conducting an inspection under Subsection (1), the division may, after meeting the requirements of Subsection (2):

(a) examine any record, device, equipment, machine, electronic device or media, or area related to the practice of massage therapy for the purpose of verifying compliance with the applicable provisions of this chapter;

(b) reproduce any record or media at the division's own cost; and

(c) take a device for further analysis if considered necessary.

~~{(5) }~~

~~{(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.}}~~

~~{(b)}~~ (5) The owner or manager of the massage establishment shall assist the inspector by providing access to:

~~{(i)}~~ (a) all areas of the massage establishment;

~~{(ii)}~~ (b) all personnel; and

~~{(iii)}~~ (c) all records requested by the inspector.

(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.

Section 25. Section **63I-1-258** is amended to read:

63I-1-258. Repeal dates: Title 58.

(1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.

(2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

(3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.

(4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.

(5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is repealed July 1, 2032.

(6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.

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

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

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

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- 999 (10) Subsection {~~58-47b-102(12)~~} 58-47b-102(11), defining massage assistant, is repealed July 1,
2029.
- 1000 (11) Subsection {~~58-47b-102(13)~~} 58-47b-102(12), defining massage assistant-in-training, is repealed
July 1, 2029.
- 1002 (12) Subsection 58-47b-302(2), regarding applicant for a massage assistant-in-training, is repealed July
1, 2029.
- 1004 (13) Subsection 58-47b-302(3), regarding applicant for a massage assistant, is repealed July 1, 2029.
- 1006 (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training license, is
repealed July 1, 2029.
- 1008 (15) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing Advisory Board, is
repealed July 1, 2027.
- 1010 [(H)] (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
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;

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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
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;".

2-27-25 10:49 PM