

HB0278S04 compared with HB0278S01

~~{Omitted text}~~ shows text that was in HB0278S01 but was omitted in HB0278S04
inserted text shows text that was not in HB0278S01 but was inserted into HB0278S04

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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~~} requires 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~~} licensed individual renting or leasing to a
sole practitioner;
- 26 ▸ allows the Division of Professional Licensing to inspect a massage establishment;
- 27 ▸ {~~establishes~~} requires 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.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides coordination clauses.

AMENDS:

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

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

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

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

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

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

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

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, 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

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(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:

(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)}~~

(2) "Bodywork" means:

(a) the systematic manual or mechanical manipulation of the soft tissue of the body;

(b) the use of the hands or a mechanical or electrical apparatus in connection with an activity described in this Subsection (2);

(c) range of motion movements or movements without adjustment or articulation of the spinal column as defined in Section 58-73-102;

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

(e) manual traction and stretching exercise;

(f) activities and modality techniques similar or related to the activities and techniques described in this Subsection (2); or

(g) 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.

~~[(2)]~~ (3)

(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.

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{(3) "Clinical massage therapist" means an individual licensed under this chapter to perform clinical massage therapy.}

{(4) "Clinical massage therapy" means:}

{(a) limited clinical or non-clinical massage therapy that is intended to be billed to an insurance company;}

{(b) limited clinical or non-clinical massage therapy that is included in a physical therapy or occupational therapy care plan; or}

{(c) work on an acute or subacute injury.}

{(5) "Clinical massage therapy supervisor" means:}

{(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}

{(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;}

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

{(c) a physician licensed under Chapter 67, Utah Medical Practice Act;}

{(d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;}

{(e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or}

{(f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.}

{(6) "Credentialing" means the licensing or registering of an individual in accordance with this chapter.}

{(7) "Credentialed individual" means an individual who is:}

{(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}

{(b) a registered massage therapist.}

[(3)] {(8)} (4) "Homeostasis" means [maintaining, stabilizing, or returning] the maintenance, the stabilization, or the return of the muscular system to equilibrium[the muscular system].

{(9)} (5)

{(a)} {"Limited clinical massage therapy} "Licensed individual" means{:} an individual who is a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist.

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- 136 ~~{(i)}~~ (6) ~~{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;}~~ "Licensed massage therapist" means an individual
 licensed under this chapter to perform massage services without supervision.
- 140 ~~{(ii)}~~ (7) ~~{seated chair}~~ "Limited massage{:} therapy" means:
- 141 ~~{(iii)}~~ (a) ~~{the use of body wraps;}~~ bodywork that is not intended to be billed to an insurance
 company; or
- 142 ~~{(iv)}~~ (b) ~~{aromatherapy;}~~ bodywork that is not supervised by:
- 143 ~~{(v)}~~ (i) ~~{reflexology}~~ a physical therapist licensed under Chapter 24b, Physical Therapy Practice
 Act; {or}
- 144 ~~{(vi)}~~ (ii) ~~{in connection with an activity described in this Subsection (9), the use of:}~~ a physician
 licensed under Chapter 67, Utah Medical Practice Act;
- 145 ~~{(A)}~~ (iii) ~~{the hands}~~ an occupational therapist licensed under Chapter 42a, Occupational Therapy
 Practice Act;
- 146 ~~{(B)}~~ (iv) ~~{a towel}~~ an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical
 Practice Act;
- 147 ~~{(C)}~~ (v) ~~{a stone;}~~ an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
- 148 ~~{(D)}~~ (vi) ~~a {shell;}~~ chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice
 Act.
- 149 ~~[(4)]~~ (8) ~~{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;}~~
- 154 ~~{[(4)] (10)}~~ "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)}~~ (9) "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;}~~

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- 160 [(6)] ~~{(12)}~~ (10) "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)}~~
- ~~{(a) "Massage establishment" means a place where massage therapy is performed by one or more~~
~~individuals required to be credentialed under this chapter.}~~
- 165 ~~{(b) "Massage establishment" does not include:}~~
- 166 ~~{(i) a location used by a sole practitioner to practice massage therapy;}~~
- 167 ~~{(ii) an out-call location; or}~~
- 168 ~~{(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 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;}~~

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- 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.}~~
202 ~~[(7) "Massage therapist" means an individual licensed under this chapter as a massage therapist.]~~
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.]~~
167 (11)
 (a) "Massage establishment" means a place where massage services are performed by an individual.
169 (b) "Massage establishment" includes a location an owner rents or leases to multiple sole practitioners
 to perform massage services.
171 (c) "Massage establishment" does not include:
172 (i) a location owned, rented, or leased by a single sole practitioner to perform massage services;
174 (ii) an out-call location; or
175 (iii) a massage school where massage services are only performed for an educational purpose.
177 (12) "Massage services" means massage therapy or limited massage therapy.
178 (13) "Massage therapy" means:
179 (a) bodywork that is intended to be billed to an insurance company;

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- 180 (b) bodywork that is supervised by:
181 (i) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
182 (ii) a physician licensed under Chapter 67, Utah Medical Practice Act;
183 (iii) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act;
185 (iv) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
187 (v) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
188 (vi) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
190 (c) the examination, assessment, and evaluation of the soft tissue structures of the body for the purpose
of devising a treatment plan to promote homeostasis;
192 (d) counseling, education, and other advisory services to reduce the incidence and severity of physical
disability, movement dysfunction, and pain;
194 (e) the use of rehabilitative procedures involving the soft tissue of the body;
195 (f) correction of muscular distortion by treatment of the soft tissues of the body; or
196 (g) work on an acute or subacute injury.
197 (14) "Massage therapy supervisor" means a licensed massage therapist in good standing who has
lawfully engaged in massage services for at least 3,000 hours.
214 ~~{(17)}~~ (15) "Out-call location" means a location:
215 (a) where massage {therapy is} services are provided; and
216 (b) that a sole practitioner or a massage establishment does not own, lease, or rent.
217 ~~{(18)}~~ (16)
(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:

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- 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~~
~~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);~~]

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- 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;~~]
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)}~~ (17) "Registered massage establishment" means a massage establishment that is registered
with the division to lawfully provide massage ~~{therapy}~~ services at a ~~{single,}~~ fixed massage
establishment location in this state.
268 ~~[(11)]~~ (18) ~~{"Registered massage therapist" means an individual registered under this chapter to
perform non-clinical massage therapy.~~
285 ~~{[(11)](21)}~~ "Soft tissue" means the muscles and related connective tissue.
286 ~~{(22)}~~ (19) "Sole practitioner" means a ~~{credentialed individual}~~ licensed massage therapist who
~~{offers massage therapy from}~~ :
287 (a) ~~{an out-call location;}~~ does not employ or contract with a licensed individual to offer massage
services; and
288 (b) ~~{the credentialed individual's residence, if the credentialed individual}~~ does not employ ~~{or
contract with another credentialed}~~ an individual ~~{; or}~~ who works at the sole practitioner's location
on a regular basis.

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~~[(12)] (20)~~ { ~~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 individual who works at the location on a regular basis.~~ }

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

~~[(13)] {(24)}~~ (21) "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)}~~ (1) An individual shall hold a license to perform { ~~clinical massage therapy or limited clinical massage therapy~~ } massage services.

~~{(b)}~~ (2) { ~~An individual shall hold a license or registration to practice non-clinical massage therapy.~~

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

(a)

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

(b)

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

(ii) use the word{s} { ~~"clinical"~~ } "massage" or any [other {f} 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 {f} or the practice of limited massage therapy] massage services.

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

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- 319 (a) a registered massage establishment;
320 (b) an out-call location; or
321 (c) a location exempt from registration under Section 58-47b-304.1.
322 (4) { ~~An individual shall register with the division to perform non-clinical~~ } A sole practitioner may
offer massage { ~~therapy, except as specifically provided in Section 58-1-307 or 58-47b-304.~~ }
services from:
304 (a) an out-call location;
305 (b) the licensed individual's residence, if the licensed individual does not employ or contract with
another licensed individual; or
307 (c) a location, other than the licensed individual's residence, that the licensed individual owns, rents, or
leases.
309 (5)
(a) Subject to Subsection 58-47b-502(9):
310 (i) except as provided in Subsection (5)(b), a massage assistant-in-training may perform limited
massage therapy under the direct supervision of a massage therapy supervisor;
313 (ii) a massage assistant may perform limited massage therapy without supervision after completing
300 hours under the indirect supervision of a massage therapy supervisor;
316 (iii) a massage apprentice may perform massage services under the supervision of a massage
therapy supervisor as the division requires by rule made in accordance with Title 63G, Chapter
3, Utah Administrative Rulemaking Act; and
319 (iv) a licensed massage therapist may perform massage services without supervision.
320 (b) A massage assistant-in-training is permitted to complete 150 hours under the indirect supervision of
a massage therapy supervisor.
322 (6) A massage therapy supervisor may supervise at one time up to six individuals of which no more
than four may be massage apprentices or massage assistants-in-training.
324 Section 4. Section 4 is enacted to read:
325 **58-47b-301.1. Massage establishment registration required -- Maintenance of registration.**
327 (1) An owner shall register a massage establishment with the division.
328 (2)
(a) Each place of business shall register separately.
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(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~~ message establishment may not allow {~~for the practice of~~} message {~~therapy~~} services 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~~} a licensed individual or an exempt individual performs massage services.

(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~~} notify the division in a form the division approves 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) {An applicant for registration as a registered massage therapist shall:} }~~

{~~(a) {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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- 359 ~~{(ii)}~~ (1) An applicant for a massage assistant-in-training license shall 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)}~~ (2) An applicant for a massage assistant license shall {have} :
- 357 (a)
- (i) complete 300 hours of education that meets the standards the division requires by rule;
- 359 (ii) complete training on the activities described in Subsection (5)(d) while the applicant is enrolled in
massage school; and
- 361 (iii) pass an examination as the division requires by rule;
- 362 (b)
- 367 (i) while the applicant is licensed as a massage ~~{safety permit in accordance with Subsection (6);}~~
assistant-in-training:
- 368 ~~{(ii)}~~ (A) complete at least 150 hours of education ~~{or 150 hours of practice while licensed as a~~
~~massage assistant-in-training-}~~ that meets the standards the division requires by rule under the
direct supervision of a ~~{clinical}~~ massage ~~{therapist}~~ therapy supervisor; and
- 371 ~~{(iii)}~~ (B) complete 150 hours of education ~~{or 150 hours of practice while licensed as an assistant-~~
~~in-training-}~~ that meets the standards the division requires by rule under the indirect supervision
of a ~~{clinical}~~ massage therapy supervisor~~{.}~~ ;
- 368 (ii) complete training on the activities described in Subsection (5)(d); and
- 369 (iii) pass an examination as the division requires by rule; or
- 374 ~~{(b)}~~ (c)
- ~~{(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.}~~ }

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378 { (4) }

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

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

(ii) pass an examination as the division requires by rule that contains questions that demonstrate the
applicant's understanding of:

373 (A) the basics of anatomy;

374 (B) the basics of contraindications relating to massage;

375 (C) the basics of kinesiology;

376 (D) the basics of pathology;

377 (E) the basics of physiology; and

378 (F) the laws and rules relating to massage therapy.

380 { (ii) } (3) An applicant for a massage apprentice license shall 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 } as the division requires by rule.

382 (4) An applicant for a massage therapist license shall:

383 (a)

(i)

(A) have graduated from a school of massage having a curriculum that meets the standards the
division requires by rule; and

385 (B) complete training on the activities described in Subsection (5)(d) while the applicant is enrolled
in massage school;

387 (ii)

(A) have completed equivalent education in compliance with standards the division requires by rule;
and

389 (B) complete training on the activities described in Subsection (5)(d); or

390 (iii)

(A) have completed a massage apprenticeship program consisting of a minimum of 1,000 hours of
supervised training in accordance with standards the division requires by rule; and

393 (B) complete training on the activities described in Subsection (5)(d) while the applicant is a massage
apprentice; and

383 { (iii) } (b) pass an examination as the division requires by rule.

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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 { (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) }
{ (a) } (5) An applicant for a { ~~clinical~~ } massage { ~~therapist license~~ } safety permit 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;
399 (c) be 18 years old or older; and
400 (d) complete an educational module the division requires by rule that includes:
401 (i) practicing physical boundaries;
402 (ii) draping;
403 (iii) gaining consent; and
404 (iv) taking a medical history.
405 (6) An applicant for licensure under this chapter shall:
406 (a) submit an application in a form the division approves;
407 (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~~ } }

409 (d) consent to, and complete, a criminal background check described in Section 58-47b-302.1;
394 { (B) } (e) { ~~includes the training on~~ } meet any standard related to the { ~~activities~~ } criminal background
check described in Subsection (6)(d){:} as the division requires by rule; and
395 { (v) }
{ (A) { ~~have completed equivalent education and training in compliance with the division; or~~ } }

397 { (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 the division; and~~ } }

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~~ } }

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- 403 { (ii) { ~~as a registered massage therapist.~~ } }
- 404 { (e) { ~~A clinical massage therapist may perform massage therapy with no supervision.~~ } }
- 405 { (6) { ~~An applicant for a massage safety permit shall:~~ } }
- 406 { (a) } (f) { submit an application in } disclose any criminal history the division requests on a form the
division approves{ : } .
- 407 { (b) { ~~pay a fee determined by the department under Section 63J-1-504;~~ } }
- 408 { (c) { ~~be 18 years old or older; 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 (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;~~ } }
- 416 (a) the examinations required by this chapter;
- 417 (b) the { ~~examination for~~ } standards of a massage { ~~apprentice~~ } assistant-in-training program;
- 418 (c) the standards for a { ~~clinical~~ } massage { ~~therapist~~ } school curriculum;
- 419 (d) the equivalent education and training for a licensed massage therapist;
- 420 (e) the standards of a massage apprenticeship programincluding supervision requirements;
- 421 { (f) { ~~the examination for a clinical massage therapist; and~~ } }
- 422 { ~~(g)~~ } (f) the educational module described in Subsection { (6)(d). } (5)(d); and
- 423 (g) the standards for the criminal background check described in Subsection (6)(e).
- 425 Section 6. Section **58-47b-302.1** is amended to read:
- 426 **58-47b-302.1. Criminal background check { -- Individuals } .**
- 425 (1) An applicant for individual licensure{ ~~or registration~~ } or registration and an owner of a registered
massage establishment~~[under this chapter { f } 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.

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- 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;
- 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~~[,]~~ :
- 463 (i) if the criminal background check required ~~[in { } Subsection 58-47b-302(7)]~~ {Section
58-47b-302.1} by this section demonstrates the applicant has failed to accurately disclose a criminal

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history, the license is immediately and automatically revoked upon notice to the licensee by the division~~[-]~~ ; and

(ii) if a massage establishment 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, the division shall deny an application for registration of a massage establishment.

(c) A person whose conditional license is revoked under Subsection (6)(b) is entitled to a postrevocation hearing to challenge the revocation.

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

(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~~} .

Section 7. Section 7 is enacted to read:

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

(1)

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

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

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

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

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

(c) provide satisfactory documentation:

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

(ii) of business licensure {~~from~~} if the {~~city, town,~~} municipality or county in which the massage establishment is locatedrequires a business license;

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

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- 486 (iv) of each owner's ownership or right to possession of the premises where the massage establishment
will be operated;
- 498 (d)
- 488 (i) consent to, and complete, a criminal background check, described in Section 58-47b-302.1;
{(d)} (ii) {unless a} meet any standard related to the criminal background check {was previously
completed by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation,
submit fingerprint cards} described in {a form acceptable to} Subsection (2)(d)(i), that the division
{when filing the application;} requires by rule in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act; and
- 503 (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):
- 507 (i) full name;
- 508 (ii) any name used;
- 509 (iii) date of birth;
- 510 (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;
- 513 (v) address;
- 514 (vi) phone number;
- 515 (vii) email address;
- 516 (viii) license number, if licensed under this chapter;
- 517 (ix) registration number, if registered under this chapter;
- 518 (x) a recent color photograph of each owner; and
- 495 {(f)} (xi) {submit} fingerprints {for each individual who:} in a form the division approves;
- 520 (f) allow the division to verify that the applicant and each individual listed in Subsection (3) is legally
present in the United States;
- 522

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(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

(h) meet with the division or board if requested by the division or board.

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

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

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

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

{(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;

{(iii)} (c) is a member of the board of directors or other governing body of the entity; or

{(iv)} (d) serves as:

{(A)} (i) an elected officer of the entity; or

{(B)} (ii) a general manager of the entity{;};

{(g) {submit the following information for each individual for whom fingerprints are required by Subsection (2)(f);}}

{(i) {full name;}}

{(ii) {any other name used;}}

{(iii) {date of birth;}}

{(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;}}

{(v) {address;}}

{(vi) {phone number;}}

{(vii) {email address;}}

{(viii) {license number, if licensed under this chapter;}}

{(ix) {registration number, if registered under this chapter; and}}

{(x) {a recent color photograph of each owner;}}

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{(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;}-}

{(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}-}

{(j) {meet with the division or board if requested by the division or board.}-}

{(3)} (4) A minor who is an owner of the massage establishment as the beneficiary of a trust is exempt from {Subsection (2)(f)} Subsections (2)(d) and (2)(e).

{(4)} (5) The division may require an owner to prove continuing right of possession at any time during the registration period.

Section 8. Section **58-47b-303** is amended to read:

58-47b-303. Term of license and registration -- Expiration -- Renewal -- Individuals.

(1)

(a) Except as provided in Subsection (3), the division shall [issue a license-] provide {credentialing} licensing 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.

(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.

(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} licensed individual in accordance with Section 58-1-308.

(3)

(a) A massage apprentice license expires 24 months after the day on which the division issues the massage apprentice license.

(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.

(c) The division may not renew or extend a massage apprentice or massage assistant-in-training license unless:

(i) a circumstance or hardship arose beyond the individual's control that prevented the individual from completing the process;

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- 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} message 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.
- 571 Section 9. Section 9 is enacted to read:
- 572 **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} registered massage establishment 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.
- 584 Section 10. Section 58-47b-304 is amended to read:
- 585 **58-47b-304. Exemptions from {credentialing} licensure -- 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] message therapy { } -or the practice of limited massage
therapy] perform massage services, subject to the stated circumstances and limitations, without
being [licensed { } credentialed] under this chapter] a licensed individual:
- 577 (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;
- 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;

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- 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;
- 613 (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)

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(i) an individual performing massage {therapy} services who:

(A) holds a valid license, permit, certificate, or registration, for massage {therapy} services issued by any other jurisdiction of the United States or by a foreign country; or

(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

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

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

(B) providing massage services during an emergency as part of a disaster response team; or

(C) consulting with a {credentialed} licensed individual regarding massage {therapy} services.

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

(3) This chapter may not be construed to:

(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;

(b) require insurance coverage or reimbursement for ~~message therapy {f} or limited message therapy~~ message services from third party payors; or

(c) prevent an insurance carrier from offering coverage for ~~message therapy {f} or limited message therapy~~ message services.

Section 11. Section 11 is enacted to read:

58-47b-304.1. Exemptions from registration -- Massage establishments.

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} services are performed in connection with employment related to athletic teams; {and}

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(6) a sole practitioner who only rents or leases to a sole practitioner if the sole practitioner meets the requirements described in Section 58-47b-504; and

{(6)} (7) 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] perform massage services 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] massage services; 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.

(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] massage services without the required license { or registration } ; or

(b) [a { } 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.

[(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.]

[(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.]

[(3)] (1)

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- (a) ~~{A credentialed}~~ Before a licensed individual first provides massage services to a client, the licensed 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}~~ services, a licensed individual:
- 686 (a) ~~{shall}~~ except as required in Subsection (2)(b), shall wear or display ~~{through an identification badge, name tag, or embroidery showing}~~ the ~~{credentialed}~~ licensed individual's ~~{classification}~~ first and last name and license type; ~~{and}~~
- 688 (b) shall wear or display the licensed individual's first name and last initial and license type if the licensed individual requests redaction as described in Subsection 58-47b-306.1(2); and
- 706 (c) [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} services other than as the individual's {licensed or registered classification} license.
- 695 (3) ~~{The client shall receive notice before}~~ Before scheduling or agreeing to ~~{the massage therapy if the massage therapy is performed by}~~ a massage ~~{apprentice}~~ service, ~~{a massage assistant, or a massage assistant in-training from:}~~ the client shall receive notice of the first name and last initial of the licensed individual performing the massage services and the licensed individual's license 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.}~~
- 716 Section 14. Section 14 is enacted to read:
- 717 **58-47b-306.1. Required signage and disclosures -- Massage establishments.**
- 703 (1) A massage establishment shall display prominently:
- 704 (a) the massage establishment registration;
- 705 (b) a copy of the state issued license ~~{or registration}~~ for each ~~{credentialed}~~ licensed individual contracted with or employed by the establishment;

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- 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 massage {therapy} services offered at the registered massage establishment
{are} is performed by a massage {apprentice} assistant-in-training, a massage assistant, or a
massage {assistant-in-training} apprentice if the massage establishment employs or contracts with a
massage {apprentice} assistant-in-training, a massage assistant, or a massage {assistant-in-training}
apprentice.
- 713 (2) If {the provider} a licensed individual has a reasonable belief {a-credentialed} that the licensed
individual's safety may be compromised, the licensed individual may request that the provider
redact the displayed license {or registration shall} to provide only {give} the first name and last
initial and the license type for {each-credentialed} the licensed individual.
- 716 (3) The massage establishment shall display signage that:
- 717 (a) states the massage establishment has verified that all providers are {credentialed} licensed
individuals under Section 58-47b-302; and
- 719 (b) informs {consumers} clients of:
- 720 (i) the right to request the provider's first name and last initial and license type; and
- 721 (ii) methods for reporting complaints to the division.
- 738 Section 15. Section **58-47b-401** is amended to read:
- 739 **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} licensed 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};
- 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.
- 748 Section 16. Section **16** is enacted to read:

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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:

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

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

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

- (1) "Unlawful conduct" for an individual includes:
 - (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] **performance of massage services without** being a { ~~credentialed~~ }
licensed individual or an exempt individual;
 - (b) [~~advertising or representing oneself as~~ { } engaging in the practice of { } **performing**] ~~massage therapy~~ { } when not licensed to do so] { ~~without being~~ } **advertisement of or representation of oneself as able to perform massage services when not** a { ~~credentialed~~ } **licensed** individual or an exempt individual;
 - (c) { ~~performing~~ } **performance of** massage { ~~therapy~~ } **services** outside the { ~~authorized massage therapy the credentialed~~ } **scope of what the licensed** individual { ~~may~~ } **is licensed or registered to perform;****or**
 - (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;~~
 - (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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- 764 [(e)] (d) [massaging, touching, or applying] while performing massage services, massage, touch, or
765 application of any instrument or device ~~[by a licensee-{}]~~ ~~in the course-{} of engaging in the~~
766 ~~practice-{} of massage therapy-{} or the practice of limited massage therapy-~~to the:
- 767 (i) genitals;
- 768 (ii) anus; or
- 769 (iii) except as provided in Subsection (2), breasts of a female [patron] client.
- 770 (2)
- (a) Subsection ~~[(1)(e)(iii)]~~ (1)(d)(iii) does not apply if a female [patron] client:
- 771 (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
- 772 (ii) subject to Subsection (2)(b), signs a written consent form before each time the procedure is
773 performed.
- (b) If the female [patron] client is a minor, the female [patron's] client's parent or legal guardian shall
774 sign the written consent form described in Subsection (2)(a).
- 775 Section 18. Section **18** is enacted to read:
- 776 **58-47b-501.1. Unlawful conduct -- Massage establishments.**
- 777 "Unlawful conduct" for a massage establishment ~~{in accordance with Section-}~~ includes:
778 {58-47b-301.1 includes:}
- 779 (1) ~~{operating-}~~ operation without a valid registration;
- 780 ~~{(2) {offering massage therapy without a credentialed individual on site;-}}~~
- 781 ~~{(3) (2) {permitting the-}}~~ use of a registered massage establishment ~~{for-}~~ as housing, sheltering, or
782 for harboring any individual;
- 783 ~~{(4) {permitting an individual who is not credentialed or exempt to perform non-clinical massage~~
784 ~~therapy;-}}~~
- 785 ~~{(5) {permitting an individual who is not credentialed or exempt to perform clinical massage therapy;-}}~~
786 }
- 787 ~~{(6) (3) {permitting-}}~~ performance of massage services by an individual who is not ~~{credentialed-}~~
788 licensed or exempt ~~{to:}~~ ;
- 789 (4) performance of:
- 790 (a) ~~{provide massage therapy without-}~~ massage services without the individual performing the
791 massage being fully clothed; or

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- 803 (b) a sexual act;
- 791 ~~{(b)}~~ (5) ~~{perform a sexual act or arranging}~~ arrangement for a sexual act;
- 792 ~~{(7)}~~ (6) ~~{permitting an individual who is not credentialed}~~ use or ~~{exempt, or a client the use or}~~ the
possession of adult-oriented merchandise while at the registered massage establishment;
- 794 ~~{(8)}~~ (7) ~~{advertising}~~ advertisement on a sexually oriented website;
- 795 ~~{(9)}~~ (8) ~~{advertising}~~ advertisement of services in a manner that may be reasonably construed as
sexual in nature;
- 796 ~~{(10)}~~ (9) ~~{refusing}~~ refusal of inspection by the ~~{Division of Professional Licensing}~~ division as
authorized under Section 58-47b-601;
- 798 ~~{(11)}~~ (10) ~~{arranging}~~ arrangement or ~~{allowing for}~~ allowance of any of the unlawful acts
described in Section 58-47b-501;
- 799 ~~{(12)}~~ (11) ~~{failing}~~ failure 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)}~~ (12) ~~{concealing}~~ concealment of an individual in the massage establishment;
- 803 ~~{(14)}~~ (13) ~~{refusing}~~ refusal to provide identification to inspectors or law enforcement; or
- 804 ~~{(15)}~~ (14) ~~{attempting}~~ attempt to elude an inspector by leaving the massage establishment or
remaining behind locked doors in the massage establishment during an inspection.
- 819 Section 19. Section **58-47b-502** is amended to read:
- 820 **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
Administrative Rulemaking Act:
- 811 (1) ~~[maintaining, operating, or assisting]~~ the maintenance, operation, or assistance in the establishment
or operation of any place of business for the purpose of performing~~[the practice of]~~ ~~[massage~~
~~therapy{f}]~~ ~~-or the practice of limited-massage therapy]~~ massage services without first obtaining a
business license, if a license is required;
- 815 (2) ~~[failing]~~ failure to comply with any applicable ordinances relating to the regulation of massage
establishment;
- 817 (3) ~~[failing]~~ failure to comply with all applicable state and local health or sanitation codes;
- 818

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- (4) ~~[failing]~~ failure of a {~~clinical~~} massage {~~therapist~~} therapy supervisor to properly supervise a massage apprentice, massage assistant, ~~[or {f} massage assistant-in-training]~~ or a massage assistant-in-training; ;
- 821 (5) ~~[failing]~~ failure to maintain mechanical or electrical equipment in a safe operating condition;
- 822 (6) ~~[failing]~~ failure to adequately monitor [patrons] clients utilizing steam rooms, dry heat cabinets, or water baths;
- 824 (7) ~~[prescribing or administering]~~ prescription or administration of medicine or drugs;
- 825 (8) ~~[engaging]~~ engagement in any act or practice in a professional capacity that is outside of the ~~[practice of massage therapy {f} or the practice of limited massage therapy]~~ scope of massage services; and
- 827 (9) ~~[engaging]~~ engagement in any act or practice in a professional capacity for which the [licensee] {~~credentialed~~} licensed individual is not competent to perform through training or experience.

844 Section 20. Section 20 is enacted to read:

845 **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~~} failure to comply with employee or client recordkeeping requirements as established in rule;
- 836 (2) {~~failing~~} failure to comply with all applicable state and local health or sanitation codes and requirements as established by rule;
- 838 (3) {~~failing~~} failure to comply with facility requirements as established by rule;
- 839 (4) {~~maintaining~~} maintenance, {~~operating~~} operation, or {~~assisting~~} assistance in {~~the~~} an establishment or operation of any place of business for the purpose of performing {~~the practice of~~} massage {~~therapy~~} services without first obtaining a business {~~license~~} registration, if a license is required;
- 842 (5) {~~failing~~} failure to comply with any applicable ordinances relating to the regulation of massage establishment;
- 844 (6) {~~failing~~} failure to maintain mechanical or electrical equipment in a safe operating condition; and
- 845

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- (7) ~~{ failing }~~ failure to adequately monitor a client utilizing steam rooms, dry heat cabinets, or water baths.

Section 21. Section **58-47b-503** is amended to read:

58-47b-503. Penalties -- Individuals.

- (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.
- (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.
- (3) For acts of unprofessional conduct or unlawful conduct by an individual, the division may:
- (a) assess an administrative fine in accordance with Subsection 58-1-502(1); and
- (b) take any appropriate administrative action, which may include sending letters of concern to the municipality and the police department for the municipality in which the individual violates this chapter.
- (4) The division shall deposit an administrative fine imposed in accordance with this section into the Commerce Service Account.
- (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 fine under this chapter for the same incident for which the conviction was obtained.
- (6)
- (a) If, upon an inspection described in Section 58-47b-601 or an investigation under this section, 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:
- (i) notify the individual to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act;
- (ii) attempt to negotiate a stipulated settlement; or
- (iii) promptly issue a citation to the individual according to this chapter and any pertinent rules.
- (b) The division shall suspend, revoke, place on probation, or refuse to issue or renew the license of a licensed individual that fails to comply with the citation after the citation becomes final.

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(c) Failure of an individual to comply with a citation after the citation becomes final is a ground for denial of license or renewal.

896 (d) 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.

898 (e)

(i) In addition to or in lieu of an administrative fine authorized in Subsection (3), the division may assess a penalty 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.

904 (ii) The penalty 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 penalty schedule established by rule.

907 (iii) The division shall deposit a penalty imposed in accordance with this section into the Commerce Service Account.

909 (iv) The director may collect a penalty that is not paid by:

910 (A) referring the matter to a collection agency; or

911 (B) 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.

914 (v) 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.

916 (vi) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

918 (vii) In addition to or in lieu of a penalty, 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.

922 (7)

(a) A citation under Subsection (6) shall:

923 (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;

926

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(ii) state that the individual to whom the division issues the citation 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

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

(b) 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:

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

(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.

(c) If, within 20 calendar days after the day of service of a citation, the individual to whom the division issues the citation 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.

(d) The division may extend the period to contest the citation for cause.

(8)

(a) The division may suspend the license of a licensed individual without notice if:

(i) there is a pattern of credible facts that the individual is attempting to operate a prostitution enterprise; or

(ii) the individual is engaged in any form of human trafficking whether there is a violation of any other specific law, rule, or code.

(b) If the division suspends the license of a licensed individual without notice, the division shall hold a hearing within 15 days.

Section 22. Section 22 is enacted to read:

58-47b-503.1. Penalties -- Massage establishments.

(1) For acts of unprofessional conduct or unlawful conduct by a massage establishment, the division may:

(a) assess ~~an~~ administrative {penalties} fine in accordance with Subsection 58-1-502(1); and

(b) take any {other} appropriate administrative action, which may include sending letters of concern to:

(i) the municipality and the police department for the municipality in which the massage establishment is located; or

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- 862 (ii) the property owner or manager from which the massage establishment is leasing space.
- 864 (2) The division shall deposit an administrative { ~~penalty~~ } fine 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~~ } fine under this chapter for the same incident for which the
conviction was obtained.
- 968 (4)
- 870 { ~~(4)~~ } (a) If, upon { ~~inspection~~ } an inspection described in Section 58-47b-601 or { ~~investigation~~ } an
investigation under this section, 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)~~ } }
- 974 (i) notify the massage establishment to appear before an adjudicative proceeding conducted under
Title 63G, Chapter 4, Administrative Procedures Act;
- { ~~(i)~~ } (ii) attempt to negotiate a stipulated settlement; or
- 878 { ~~(ii)~~ } { ~~notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter~~
~~4, Administrative Procedures Act.~~ } }
- 977 (iii) promptly issue a citation to the massage establishment according to this chapter and any
pertinent rules.
- 979 (b) 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.
- 982 (c) Failure of a massage establishment to comply with a citation after the citation becomes final is a
ground for denial of license, registration, or renewal.
- 984 (d) 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.
- 986 (e)

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- (i) In addition to or in lieu of an administrative fine authorized in Subsection (1), the division may assess a penalty to any massage establishment that is in violation of the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions, as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding.
- 992 (ii) The penalty 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 penalty schedule established by rule.
- 995 (iii) The division shall deposit a penalty imposed in accordance with this section into the Commerce Service Account.
- 997 (iv) The director may collect a penalty that is not paid by:
- 998 (A) referring the matter to a collection agency; or
- 999 (B) bringing an action in the district court of the county where the massage establishment against which the penalty is imposed resides or in the county where the office of the director is located.
- 1002 (v) 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.
- 1004 (vi) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.
- 1006 (vii) In addition to or in lieu of a penalty, the division may order the massage establishment to cease and desist from violating the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions.
- 1010 (5)
- 880 ~~{(e)}~~ (a) A citation under Subsection (4) 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}~~ ~~massage establishment~~ to which ~~the division issues~~ the citation ~~{is issued}~~ shall notify the division in writing within 20 calendar days of service of the citation ~~{in order}~~ to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act;~~and~~
- 888 (iii) explain the consequences of failure to timely contest the citation or to make payment of any ~~{fines}~~ ~~penalties~~ assessed by the citation within the time specified in the citation.
- 891

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~~{(d)}~~ (b) The division may serve a citation issued under this section, or a copy of each citation, upon any ~~{person}~~ massage establishment upon which a summons may be served:

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

(ii) personally or upon the ~~{person's}~~ massage establishment's agent by a division investigator or by any person specially designated by the director; or

(iii) by mail.

~~{(e)}~~ }

~~{(f)}~~ (c) If, within 20 calendar days after the day of service of a citation, the ~~{person}~~ massage establishment to ~~{whom}~~ which the division issues 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.

~~{(ii)}~~ (d) 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 registration of a registered massage establishment that fails to comply with the citation after the citation becomes final.} }~~

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

~~{(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.} }~~

~~{(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-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.} }~~

~~{(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.} }~~

~~{(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.} }~~

~~{(5)}~~ (6)

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

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- 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.~~ } }
- 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.
- 1040 Section 23. Section 23 is enacted to read:
- 1041 **58-47b-504. Renting or leasing to a sole practitioner.**
- A { ~~credentialed individual~~ } sole practitioner renting or leasing to a sole practitioner { ~~may~~ } is not
{ ~~be held~~ } liable for the actions of
for the { ~~actions of~~ } sole practitioner to which the sole practitioner rents or leases so long as the
{ ~~credentialed individual~~ } sole
practitioner:
- 943 (1) verifies that the sole practitioner who is renting or leasing is a { ~~credentialed individual~~ } licensed
massage therapist and in good standing in the state of Utah at the time of the rental or lease;
- 945 (2) { ~~verifies~~ } obtains a signed attestation from the sole practitioner who is renting or leasing that
the sole practitioner has no business arrangement with the licensed individual other than a { valid
Department of Commerce issued business license } 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 } ;
- 949 (b) the sole practitioner's { Department of Commerce issued business license } signed attestation
described in Subsection (2); and

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950 (c) the rental agreement.

1054 Section 24. Section **24** is enacted to read:

1056 **58-47b-601. Inspection.**

6. Enforcement

954 (1) For the purpose of verifying compliance with this chapter, the division may enter and inspect the premises of any massage establishment.

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

967 (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;

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

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

972 {~~(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.}~~}

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

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

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

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

980

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(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-} penalty 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.
- (10) Subsection {~~58-47b-102(12)~~} 58-47b-102(8), defining massage assistant, is repealed July 1, 2029.
- (11) Subsection {~~58-47b-102(13)~~} 58-47b-102(9), defining massage assistant-in-training, is repealed July 1, 2029.
- (12) Subsection {~~58-47b-302(2)~~} 58-47b-302(1), regarding applicant for a massage assistant-in-training, is repealed July 1, 2029.
- (13) Subsection {~~58-47b-302(3)~~} 58-47b-302(2), regarding applicant for a massage assistant, is repealed July 1, 2029.
- (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training license, is repealed July 1, 2029.
- (15) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing Advisory Board, is repealed July 1, 2027.

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

Section 26. **Effective date.**

Effective Date.

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

HB0278S01 compared with HB0278S04

1114 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:

1118 (1) Subsection 58-1-301.5(1) in S.B. 44 be amended to read:

1119 "(1) As used in this section, "applicant" means an individual applying for licensure, certification,
or registration, or with respect to a license, certification or registration, applying for renewal,
reinstatement, relicensure, or recertification, as required in:

1122 (a) Section 58-5a-302;

1123 (b) Section 58-16a-302;

1124 (c) Section 58-17b-303;

1125 (d) Section 58-17b-304;

1126 (e) Section 58-17b-305;

1127 (f) Section 58-17b-306;

1128 (g) Section 58-24b-302;

1129 (h) Section 58-31b-302;

1130 (i) Section 58-42a-302;

1131 (j) Section 58-44a-302;

1132 (k) Section 58-47b-302;

1133 (l) Section 58-47b-302.2;

1134 (m) Section 58-55-302;

1135 (n) Section 58-60-205;

1136 (o) Section 58-60-305;

1137 (p) Section 58-60-405;

1138 (q) Section 58-60-506;

1139 (r) Section 58-61-304;

1140 (s) Section 58-63-302;

1141 (t) Section 58-64-302;

1142 (u) Section 58-67-302;

1143 (v) Section 58-68-302;

1144 (w) Section 58-69-302;

1145 (x) Section 58-70a-302;

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- 1146 (y) Section 58-70b-302;
1147 (z) Section 58-71-302; or
1148 (aa) Section 58-73-302.";
1149 (2) Subsection 58-1-301.5(5) enacted in S.B. 44 be amended to read:
1150 "(5) To fulfill an applicable criminal background check requirement, an applicant shall:
1152 (a) submit fingerprints in a form acceptable to the division at the time the applicant files a license
application or a registration; and
1154 (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification
and the Federal Bureau of Investigation regarding the application.";
1156 (3) Subsection 58-1-301.5(8) enacted in S.B. 44 be amended to read:
1157 "(8)(a)(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal
background check required under this section demonstrates, after the applicant is licensed or
registered, that the applicant failed to accurately disclose a criminal history, the division may
provide notice to the applicant that the license or registration is immediately and automatically
revoked.
1162 (ii) If a massage establishment 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, the division shall deny an application for registration of a massage
establishment.
1167 (b)(i) An individual whose license has been revoked in accordance with Subsection (8)(a) is entitled
to a hearing to challenge the revocation.
1169 (ii) A registered massage establishment for which the registration has been revoked in accordance
with Subsection (8)(a) is entitled to a hearing to challenge the revocation.
1171 (c) The division shall conduct the hearing described in this Subsection (8) in accordance with Title
63G, Chapter 4, Administrative Procedures Act.";
1173 (4) Subsection 58-47b-302(6)(d) enacted in H.B. 278 be amended to read:
1174 "(d) consent to, and complete, a criminal background check, described in Section 58-1-301.5."; and
1176 (5) Subsection 58-47b-302.2(2)(d)(i) enacted in H.B. 278 be amended to read:
1177 "(d)(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;".

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