

HB0278S02

~~{Omitted text}~~ shows text that was in HB0278S02 but was omitted in HB0278S03

inserted text shows text that was not in HB0278S02 but was inserted into HB0278S03

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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 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 supervised 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;

HB0278S02 compared with HB0278S03

- 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;
- 31 ▶ includes a coordination clause to coordinate enactment of provisions with S.B. 44, Professional
Licensure Amendments; and
- 33 ▶ 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

HB0278S02 compared with HB0278S03

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

HB0278S02 compared with HB0278S03

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** } , ~~certification, or registration~~ }, or with respect to a license or certification, renewal, reinstatement, or relicensure or recertification, as required in:

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

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

(c) Section 58-31b-302;

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

(e) Section 58-44a-302.1;

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

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

(h) Sections 58-60-103.1, 58-60-205, 58-60-305, 58-60-405, and 58-60-506~~[of Chapter 60, Mental Health Professional Practice Act]~~;

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

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

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

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

HB0278S02 compared with HB0278S03

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

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

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

(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.

HB0278S02 compared with HB0278S03

- 114 ~~{(3)} {"Clinical massage therapy" means:}~~
- 115 ~~{(a)} {limited massage therapy or non-clinical massage therapy that is intended to be billed to an insurance company;}~~
- 117 ~~{(b)} {limited massage therapy or non-clinical massage therapy that is included in a physical therapy or an occupational therapy care plan;}~~
- 119 ~~{(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;}~~
- 121 ~~{(d)} {counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain; or}~~
- 123 ~~{(e)} {work on an acute or subacute injury.}~~
- 124 ~~{(4)} {"Credentialed individual" means an individual who is:}~~
- 125 ~~{(a)} {a registered massage practitioner; or}~~
- 126 ~~{(b)} {a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist.}~~
- 128 ~~{(5)} "Credentialing" means the licensing or registering of an individual in accordance with this chapter.}~~
- 130 ~~[(3)] ~~{(6)}~~ (4) "Homeostasis" means [maintaining, stabilizing, or returning] the maintenance, the stabilization, or the return of the muscular system to equilibrium[the muscular system].~~
- 132 ~~{(7)} (5) "Licensed {massage therapist} individual" means an individual who is a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed {under this chapter to perform} message {therapy without supervision} therapist.~~
- 134 ~~{(8)} (6)~~
- 135 ~~{(a)} ~~{"Limited"}~~ "Licensed message {therapy} therapist" means{:} an individual licensed under this chapter to perform massage services without supervision.~~
- 135 ~~{(i)} (7) {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;}~~ "Limited massage therapy" means:
- 139 ~~{(ii)} (a) {seated chair massage;}~~ bodywork that is not intended to be billed to an insurance company; or
- 140 ~~{(iii)} (b) {the use of body wraps}~~ bodywork that is not supervised by;

HB0278S02 compared with HB0278S03

141 ~~{(iv)}~~ (i) ~~{aromatherapy}~~ a physical therapist licensed under Chapter 24b, Physical Therapy
 Practice Act;

142 ~~{(v)}~~ (ii) ~~{reflexology}~~ a physician licensed under Chapter 67, Utah Medical Practice Act; {or}
143 ~~{(vi)}~~ (iii) ~~{in connection with}~~ an {activity described in Subsections (8)(a)(i) through (v), the use
 of}; occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act;

145 ~~{(A)}~~ (iv) ~~{the hands}~~ an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical
 Practice Act;

146 ~~{(B)}~~ (v) ~~{a towel;}~~ an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
147 ~~{(C)}~~ (vi) a {stone} chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice
 Act;

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

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

150 ~~{(F)}~~ {an herbal ball compress.}

151 ~~{(b)}~~ "Limited massage therapy" does not include the examination, assessment, and evaluation of
 the soft tissue structures of the body for the purpose of devising a treatment plan to promote
 homeostasis.}

154 [(4)] ~~{(9)}~~ (8) "Massage apprentice" means an individual licensed under this chapter as a massage
 apprentice.

156 [(5)] ~~{(10)}~~ (9) "Massage assistant" means an individual licensed under this chapter as a massage
 assistant.

158 [(6)] ~~{(11)}~~ (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.

160 ~~{(12)}~~

~~{(a)}~~ { "Massage establishment" means a place where massage therapy is performed by one or more
 credentialed individuals.}

162 ~~{(b)}~~ { "Massage establishment" includes a location an owner rents or leases to multiple sole
 practitioners to perform massage therapy.}

164 ~~{(c)}~~ { "Massage establishment" does not include:}

165 ~~{(i)}~~ { a location owned, rented, or leased by a single sole practitioner to perform massage therapy;}

167 ~~{(ii)}~~ { an out-call location; or}

168

HB0278S02 compared with HB0278S03

- {(iii)} {~~a massage school where a credentialed individual only performs massage therapy for an educational purpose.~~}
- 170 {(13)} {~~"Massage therapy" means clinical massage therapy, limited massage therapy, or non-clinical massage therapy.~~}
- 172 {(14)} {~~"Massage therapy supervisor" means:~~}
- 173 {(a)} {~~a licensed massage therapist who has lawfully engaged in massage therapy for at least 3,000 hours;~~}
- 175 {(b)} {~~a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;~~}
- 176 {(c)} {~~a physician licensed under Chapter 67, Utah Medical Practice Act;~~}
- 177 {(d)} {~~an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;~~}
- 179 {(e)} {~~an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or~~}
- 180 {(f)} {~~a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.~~}
- 182 {(15)}
- {(a)} {"Non-clinical massage therapy" means:
- 183 (i) {~~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;~~}
- 188 (ii) {~~the use of the hands or a mechanical or electrical apparatus in connection with this Subsection (15)(a);~~}
- 190 (iii) {~~the use of rehabilitative procedures involving the soft tissue of the body;~~}
- 191 (iv) {~~range of motion movements or movements without spinal adjustment as described in Section 58-73-102;~~}
- 193 (v) {~~the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet baths;~~}
- 195 (vi) {~~manual traction and stretching exercise;~~}
- 196 (vii) {~~correction of muscular distortion by treatment of the soft tissues of the body;~~}
- 197 (viii) {~~activities and modality techniques similar or related to the activities and techniques described in this Subsection (15)(a); or~~}
- 199 (ix) {~~providing, offering, or advertising a paid service using the term massage or a derivative of the word massage, regardless of whether the service includes physical contact.~~}

HB0278S02 compared with HB0278S03

202 ~~{(b)} {"Non-clinical massage therapy" does not include: }~~
203 ~~{(i)} {massage therapy that is intended to be billed to an insurance company; }~~
204 ~~{(ii)} {massage therapy that is included in a physical therapy or occupational therapy care plan; }~~
206 ~~{(iii)} {the examination, assessment, and evaluation of the soft tissue structures of the body for the~~
 ~~purpose of devising a treatment plan to promote homeostasis; }~~
208 ~~{(iv)} {counseling, education, and other advisory services to reduce the incidence and severity of~~
 ~~physical disability, movement dysfunction, and pain; or }~~
210 ~~{(v)} work on an acute or subacute injury. }~~
211 [(7) "Massage therapist" means an individual licensed under this chapter as a massage therapist.]
213 [(8) "Massage therapy supervisor" means:]
214 [(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;]
216 [(b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;]
217 [(c) a physician licensed under Chapter 67, Utah Medical Practice Act;]
218 [(d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;]
220 [(e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or]
221 [(f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.]
223 ~~{(16)}~~ (11)
 {(a) {"Out-call location" "Massage establishment" means a {location:} place where massage services are
 performed by a licensed individual.
224 ~~{(a)}~~ (b) ~~{where-}~~ "Massage establishment" includes a location an owner rents or leases to multiple
 sole practitioners to perform ~~massage {therapy is provided; and} services.~~
225 ~~{(b)}~~ (c) ~~{that a sole practitioner or a massage-}~~ "Massage establishment " ~~does not {own, lease, or~~
 ~~rent.} include:~~
226 ~~{(17)}~~ (i)
 ~~{(a) {"Owner" means an individual who controls the operation of } a {massage establishment.}~~
 location owned, rented, or leased by a single sole practitioner to perform massage services;
228 ~~{(b)}~~ (ii) ~~{ "Owner" includes: }~~ an out-call location; or
229 ~~{(i)}~~ (iii) ~~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~~

HB0278S02 compared with HB0278S03

~~otherwise operates a massage establishment that;~~ message school where message services are only performed for an educational purpose.

232 ~~{(A)} (12) {is a corporation; or}~~ "Massage services" means massage therapy or limited massage therapy.

233 ~~{(B)} (13) {is not publicly listed or traded;}~~ "Massage therapy" means:

234 ~~{(ii)} (a) {an individual who owns, directly or indirectly through an entity controlled by the individual, any part of an entity}~~ bodywork that is ~~{not a corporation and that owns, leases, or otherwise operates a massage establishment}~~ intended to be billed to an insurance company;

237 ~~{(iii)} (b) {an individual;}~~ bodywork that is supervised by;

238 ~~{(A)} (i) {in whose name} a {certificate of occupancy has been issued for a massage establishment}~~ physical therapist licensed under Chapter 24b, Physical Therapy Practice Act; {or}

240 ~~{(B)} (ii) {that operates a massage establishment}~~ a physician licensed under {a lease, operating agreement, franchise, or other arrangement; and} Chapter 67, Utah Medical Practice Act;

242 ~~{(iv)} (iii) {a sublessee or other legal possessor;}~~ 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.

199 (15) "Out-call location" means a location:

200 (a) where massage services are provided; and

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

202 (16)

HB0278S02 compared with HB0278S03

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

(b) "Owner" includes:

(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:

(A) is a corporation; or

(B) is not publicly listed or traded;

(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;

(iii) an individual:

(A) in whose name a certificate of occupancy has been issued for a massage establishment; or

(B) that operates a massage establishment under a lease, operating agreement, franchise, or other arrangement; and

(iv) a sublessee or other legal possessor.

[9]

~~(a) "Practice of limited massage therapy" means:]~~

~~[(i) the systematic manual manipulation of the soft tissue of the body for the purpose of promoting the therapeutic health and well-being of a client, enhancing the circulation of the blood and lymph, relaxing and lengthening muscles, relieving pain, restoring metabolic balance, relaxation, or achieving homeostasis;]~~

~~[(ii) seated chair massage;]~~

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

~~[(iv) aromatherapy;]~~

~~[(v) reflexology; or]~~

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

~~[(A) the hands;]~~

~~[(B) a towel;]~~

~~[(C) a stone;]~~

~~[(D) a shell;]~~

~~[(E) a bamboo stick; or]~~

HB0278S02 compared with HB0278S03

258 ~~[(F) an herbal ball compress;]~~
259 ~~[(b) "Practice of limited massage therapy" does not include work on an acute or subacute injury;]~~
261 ~~[(10) "Practice of massage therapy" means:]~~
262 ~~[(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;]~~
264 ~~[(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;]~~
268 ~~[(c) the use of the hands or a mechanical or electrical apparatus in connection with this Subsection~~
 ~~(10);]~~
270 ~~[(d) the use of rehabilitative procedures involving the soft tissue of the body;]~~
271 ~~[(e) range of motion or movements without spinal adjustment as set forth in Section 58-73-102;]~~
273 ~~[(f) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet~~
 ~~baths;]~~
275 ~~[(g) manual traction and stretching exercise;]~~
276 ~~[(h) correction of muscular distortion by treatment of the soft tissues of the body;]~~
277 ~~[(i) counseling, education, and other advisory services to reduce the incidence and severity of physical~~
 ~~disability, movement dysfunction, and pain;]~~
279 ~~[(j) activities and modality techniques similar or related to the activities and techniques described in this~~
 ~~Subsection (10);]~~
281 ~~[(k) a practice described in this Subsection (10) on an animal to the extent permitted by;]~~
282 ~~[(i) Subsection 58-28-307(12);]~~
283 ~~[(ii) the provisions of this chapter; and]~~
284 ~~[(iii) division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;~~
 ~~or]~~
286 ~~[(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.]~~
289 ~~{(18)}~~ (17) "Registered massage establishment" means a massage establishment that is registered
 with the division to lawfully provide massage {therapy} services at a fixed massage establishment
 location in this state.

HB0278S02 compared with HB0278S03

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

294 ~~[(11)]~~ ~~{(20)}~~ (18) "Soft tissue" means the muscles and related connective tissue.

295 ~~{(21)}~~ (19) "Sole practitioner" means a ~~{credentialed individual}~~ licensed massage therapist who:

296 (a) ~~{offers massage therapy from:}~~ does not employ or contract with a licensed individual to offer
massage services; and

297 ~~{(i)}~~ (b) ~~{an out-call}~~ does not employ an individual who works at the sole practitioner's location{;} on
a regular basis.

298 ~~{(ii)}~~ ~~{the credentialed individual's residence, if the credentialed individual does not employ or contract~~
~~with another credentialed individual; or}~~

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

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

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

305 ~~[(12)]~~ ~~{(22)}~~ (20) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501[-and
], 58-47b-501, and 58-47b-501.1.

307 ~~[(13)]~~ ~~{(23)}~~ (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.

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

280 **58-47b-301. Licensure required -- Registration required -- Scope of practice -- Individuals.**

314 ~~[(1) An individual shall hold a license issued under this chapter in order to engage in the practice of~~
~~massage therapy or the practice of limited massage therapy, except as specifically provided in~~
~~Section 58-1-307 or 58-47b-304.]~~

317 ~~[(2)]~~ ~~{(1)}~~

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

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

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

322 ~~{(2)}~~ ~~{f}~~ An individual shall hold a license to perform massage services.

HB0278S02 compared with HB0278S03

- 286 (1) ~~[An individual shall have a license in order to:]~~ Only a ~~{credentialed}~~ licensed individual may:
- 323 (a) represent oneself as a ~~[massage therapist, massage apprentice, massage assistant, or massage assistant-in-training]~~ {registered massage practitioner,} a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist;
- 327 (b)
- (i) represent oneself as providing ~~[a service that is within the practice of {f}]~~ massage therapy{f} ~~-or the practice of limited massage therapy]~~ massage services; or
- 329 (ii) use the word "massage" or any ~~[other {f}]~~ word similar wording to describe the ~~[services]~~ service;
- or
- 331 (c) charge or receive a fee or any consideration for providing ~~[a service that is within the practice of {f}]~~ massage therapy{f} ~~-or the practice of limited massage therapy]~~ massage services.
- 333 ~~{(3)}~~ (2) A ~~{credentialed}~~ licensed individual, other than a sole practitioner, may perform massage ~~{therapy}~~ services only in:
- 335 (a) a registered massage establishment;
- 336 (b) an out-call location; or
- 337 (c) a location exempt from registration under Section 58-47b-304.1.
- 302 (3) A sole practitioner may offer massage services from:
- 303 (a) an out-call location;
- 304 (b) the licensed individual's residence, if the licensed individual does not employ or contract with another licensed individual; or
- 306 (c) a location, other than the licensed individual's residence, that the licensed individual owns, rents, or leases.
- 308 (4)
- 338 ~~{(4)}~~ (a) Subject to Subsection 58-47b-502(9):
- 339 ~~{(a)}~~ (i) except as provided in Subsection (4)(b), a ~~{registered}~~ message ~~{practitioner}~~ assistant-in-training may perform ~~{non-clinical}~~ limited massage therapy ~~{without supervision after completing 300 hours}~~ under the ~~{indirect}~~ direct supervision of a massage therapy supervisor ~~{who is a licensed massage therapist}~~ ;
- 342 ~~{(b)}~~ {a massage assistant-in-training may perform limited massage therapy under the direct supervision of a massage therapy supervisor who is a licensed massage therapist and is permitted to complete

HB0278S02 compared with HB0278S03

~~150 hours under the indirect supervision of a massage therapy supervisor who is a licensed massage therapist; }~~

- 346 {~~(e)~~} (ii) a massage assistant may perform limited massage therapy without supervision after
completing 300 hours under the indirect supervision of a massage therapy supervisor;
- 348 {~~(d)~~} (iii) a massage apprentice may perform massage {~~therapy~~} services under the {~~indirect~~}
supervision of a massage therapy supervisor {~~who is a licensed massage therapist~~} as the division
requires by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act; and
- 350 {~~(e)~~} (iv) a licensed massage therapist may perform massage {~~therapy~~} services without supervision.
- 319 (b) A massage assistant-in-training is permitted to complete 150 hours under the indirect supervision of
a massage therapy supervisor.
- 321 (5) 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.

323 Section 4. Section 4 is enacted to read:

324 **58-47b-301.1. Massage establishment registration required -- Maintenance of registration.**

- 354 (1) An owner shall register a massage establishment with the division.
- 355 (2)
- (a) Each place of business shall register separately.
- 356 (b) If multiple massage establishments exist at the same address, each massage establishment shall
register separately.
- 358 (3) A massage establishment shall provide the physical address where the massage establishment
operates to the division.
- 360 (4) A massage establishment may not allow massage {therapy} services on the massage establishment's
premises unless the massage establishment is registered in accordance with this section.
- 363 (5)
- (a) A registered massage establishment shall ensure only {credentialed individuals perform massage
therapy} a licensed individual or an exempt individual performs massage services.
- 365 (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.
- 368 (6) An owner may not assign or transfer a massage establishment registration.

HB0278S02 compared with HB0278S03

- 369 (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.
- 373 (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.
- 350 Section 5. Section **58-47b-302** is repealed and re-enacted to read:
- 351 **58-47b-302. Qualifications for registration and licensure -- Individuals.**
- 380 ~~{(1) }~~
- ~~{(a) {An applicant for registration as a registered massage practitioner shall:} }~~
- 381 ~~{(i) {have a massage safety permit in accordance with Subsection (6);} }~~
- 382 ~~{(ii) {complete the initial 300 hours as a registered massage practitioner under the indirect~~
supervision of a massage therapy supervisor who is a licensed massage therapist; and} }
- 385 ~~{(iii) {pass an examination that covers contraindications of massage, as the division requires by~~
rule.} }
- 387 ~~{(b) {A massage therapy supervisor who is a licensed massage therapist may supervise up to six~~
registered massage practitioners at one time.} }
- 389 ~~{(2) }~~
- ~~{(a) {An applicant for a massage assistant-in-training license shall:} }~~
- 390 ~~{(i) {have a massage safety permit in accordance with Subsection (6); and} }~~
- 391 ~~{(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
supervision of a massage therapy supervisor ~~{who is a licensed massage therapist}~~ .
- 394 ~~{(b) {A massage therapy supervisor who is a licensed massage therapist may supervise up to four~~
massage assistants-in-training at one time.} }
- 396 ~~{(3) }~~
- ~~{(a)}~~ (2) An applicant for a massage assistant license shall:
- 356 (a)
- (i) complete 300 hours of education that meets the standards the division requires by rule;
- 358

HB0278S02 compared with HB0278S03

- (ii) complete training on the activities described in Subsection (5)(d) while the applicant is enrolled in
massage school; and
- 360 (iii) pass an examination as the division requires by rule;
- 361 (b)
- (i) while the applicant is licensed as a massage assistant-in-training:
- 362 (A) complete at least 150 hours of education that meets the standards the division requires by rule
under the direct supervision of a massage therapy supervisor;
- 364 (B) complete 150 hours of education that meets the standards the division requires by rule under the
indirect supervision of a massage therapy supervisor;
- 366 (ii) complete training on the activities described in Subsection (5)(d); and
- 367 (iii) pass an examination as the division requires by rule; or
- 368 (c)
- 397 (i) have a massage safety permit {in accordance with Subsection (6)} ;and
- 369 (ii) pass an examination as the division requires by rule that contains questions that demonstrate the
applicant's understanding of:
- 371 (A) the basics of anatomy;
- 372 (B) the basics of contraindications relating to massage;
- 373 (C) the basics of kinesiology;
- 374 (D) the basics of pathology;
- 375 (E) the basics of physiology; and
- 376 (F) the laws and rules relating to massage therapy.
- 398 {(ii)} (3) An applicant for a massage apprentice license shall provide satisfactory evidence to the
division that the applicant will practice as a massage {assistant} apprentice only under the
{indirect} supervision of a massage therapy supervisor{;} as the division requires by rule.
- 380 (4) An applicant for a massage therapist license shall:
- 381 (a)
- (i)
- (A) have graduated from a school of massage having a curriculum that meets the standards the
division requires by rule; and
- 383 (B) complete training on the activities described in Subsection (5)(d) while the applicant is enrolled
in massage school;

HB0278S02 compared with HB0278S03

- 385 (ii)
(A) have completed equivalent education in compliance with standards the division requires by rule;
and
- 387 (B) complete training on the activities described in Subsection (5)(d); or
388 (iii)
- 401 {(iii)} (A) {subject to Subsection (3)(b), complete at least 300-} have completed a massage
apprenticeship program consisting of a minimum of 1,000 hours of {education and-} supervised
training in accordance with standards the division {approves-} requires by rule; and
- 391 (B) complete training on the activities described in Subsection (5)(d) while the applicant is a massage
apprentice; and
- 403 {(iv)} (b) pass an examination as the division requires by rule.
- 404 {(b) {The 300-hour education and training requirement described in Subsection (3)(a) shall include:}-}
- 406 {(i) {at least 300 hours of education and training while the applicant is enrolled in massage school; or-}
}
- 408 {(ii) }
{(A) {at least 150 hours of education and training while the applicant is licensed as a massage assistant-
in-training under the direct supervision of a massage therapy supervisor who is a licensed massage
therapist; and}-}
- 411 {(B) {at least 150 hours of education and training while the applicant is licensed as a massage assistant-
in-training under the indirect supervision of a massage therapy supervisor who is a licensed massage
therapist.}-}
- 414 {(e) {A massage therapy supervisor may supervise up to six massage assistants at one time.}-}
- 415 {(4) }
{(a) {An applicant for a massage apprentice license shall:}-}
- 416 {(i) {have a massage safety permit in accordance with Subsection (6);}-}
- 417 {(ii) {provide satisfactory evidence to the division that the applicant will practice as a massage
apprentice only under the indirect supervision of a massage therapy supervisor who is a licensed
massage therapist; and}-}
- 420 {(iii) {pass an examination as the division requires by rule.}-}
- 421 {(b) {A massage therapy supervisor who is a licensed massage therapist may supervise up to four
massage apprentices at one time.}-}

HB0278S02 compared with HB0278S03

- 423 (5) An applicant for a massage { ~~therapist license~~ } safety permit shall:
- 424 (a) submit an application in a form the division approves;
- 425 (b) pay a fee determined by the department under Section 63J-1-504;
- 397 (c) be 18 years old or older; and
- 398 (d) complete an educational module the division requires by rule that includes:
- 399 (i) practicing physical boundaries;
- 400 (ii) draping;
- 401 (iii) gaining consent; and
- 402 (iv) taking a medical history.
- 403 (6) An applicant for licensure under this chapter shall:
- 404 (a) submit an application in a form the division approves;
- 405 (b) pay a fee determined by the department under Section 63J-1-504;
- 426 (c) be 18 years old or older;
- 427 { ~~(d)~~ }
- { ~~(i) {have graduated from a school of massage having a curriculum that meets the standards the division establishes by rule and includes the training on the activities described in Subsection (6) (d);}~~ }
- 430 { ~~(ii) {have completed equivalent education and training in compliance with standards the division establishes by rule; or}~~ }
- 432 { ~~(iii) {have completed a massage apprenticeship program consisting of a minimum of 1,000 hours of directly supervised training and in accordance with standards the division establishes by rule; and}~~ }
- 435 { ~~(e) {pass an examination as the division requires by rule.}~~ }
- 436 { ~~(6) {An applicant for a massage safety permit shall:}~~ }
- 437 { ~~(a) {submit an application in a form the division approves;}~~ }
- 438 { ~~(b) {pay a fee determined by the department under Section 63J-1-504;}~~ }
- 439 { ~~(c) {be 18 years old or older; and}~~ }
- 440 { ~~(d) {complete an educational module the division establishes by rule that includes:}~~ }
- 441 { ~~(i) {practicing physical boundaries;}~~ }
- 442 { ~~(ii) {draping;}~~ }
- 443 { ~~(iii) {gaining consent; and}~~ }
- 444 { ~~(iv) {taking a medical history.}~~ }

HB0278S02 compared with HB0278S03

- 445 { (7) { ~~An applicant for licensure or registration under this chapter shall;~~ } }
- 446 { (a) { ~~submit an application in a form the division approves;~~ } }
- 447 { (b) { ~~pay a fee determined by the department under Section 63J-1-504;~~ } }
- 448 { (c) { ~~be 18 years old or older;~~ } }
- 449 (d) consent to, and complete, a criminal background check described in Section 58-47b-302.1;
- 451 (e) meet any { ~~other~~ } standard related to the criminal background check described in Subsection { (7)(d) }
} (6)(d) as the division requires by rule; and
- 453 (f) disclose any criminal history the division requests on a form the division approves.
- 454 { (8) } (7) Under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make
rules establishing:
- 456 { (a) { ~~the examination for a registered massage practitioner that covers contraindications of massage;~~ } }
- 414 (a) the examinations required by this chapter;
- 458 (b) the { ~~education and training for~~ } standards of a massage { ~~assistant~~ } assistant-in-training program;
- 459 { (c) { ~~the examination for a massage assistant;~~ } }
- 460 { (d) { ~~the examination for a massage apprentice;~~ } }
- 461 { (e) } (c) the standards for a { ~~licensed~~ } massage school curriculum;
- 462 { (f) } (d) the equivalent education and training for a licensed massage therapist;
- 463 { (g) } (e) the standards of a massage apprenticeship programincluding supervision requirements;
- 464 { (h) { ~~the examination for a licensed massage therapist;~~ } }
- 465 { (i) } (f) the educational module described in Subsection { (6)(d) } (5)(d); and
- 466 { (j) } (g) the { ~~standard related to~~ } standards for the criminal background checkdescribed in (6)(e).
- 423 Section 6. Section **58-47b-302.1** is amended to read:
- 424 **58-47b-302.1. Criminal background check.** <compare mode="add">(Compare Error)</compare>
- 469 (1) An applicant for individual licensure or registration and an owner of a registered massage
establishment~~[under this chapter who requires a criminal background check-]~~ shall:
- 472 (a) submit fingerprint cards in a form acceptable to the division at the time the license application is
filed; and
- 474 (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and
the Federal Bureau of Investigation regarding the application.
- 476 (2) The division shall:

HB0278S02 compared with HB0278S03

- 477 (a) in addition to other fees authorized by this chapter, collect from each applicant submitting
fingerprints in accordance with this section the fee that the Bureau of Criminal Identification is
authorized to collect for the services provided under Section 53-10-108 and the fee charged by
the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal
criminal history record information;
- 483 (b) submit from each applicant the fingerprint card and the fees described in Subsection (2)(a) to the
Bureau of Criminal Identification; and
- 485 (c) obtain and retain in division records a signed waiver approved by the Bureau of Criminal
Identification in accordance with Section 53-10-108 for each applicant.
- 487 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of Section
53-10-108:
- 489 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state and regional
criminal records databases;
- 491 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history
background check; and
- 493 (c) provide the results from the state, regional, and nationwide criminal history background checks to
the division.
- 495 (4) For purposes of conducting a criminal background check required under this section, the division
shall have direct access to criminal background information maintained under Title 53, Chapter 10,
Part 2, Bureau of Criminal Identification.
- 498 (5) The division may not disseminate outside of the division any criminal history record information
that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of
Investigation under the criminal background check requirements of this section.
- 502 (6)
- (a) A new license issued under this chapter is conditional pending completion of the criminal
background check.
- 504 (b) if the criminal background check required [~~in Subsection 58-47b-302(7)~~] by this section.
- 509 (c) A person whose conditional license is revoked under Subsection (6)(b) is entitled to a postrevocation
hearing to challenge the revocation.
- 511 (d) The division shall conduct a postrevocation hearing in accordance with Title 63G, Chapter 4,
Administrative Procedures Act.

HB0278S02 compared with HB0278S03

513 [~~(7)An applicant who successfully completes a background check under this section may not be~~
required by any other state or local government body to submit to a second background check as a
condition of lawfully engaging in the practice of massage therapy or the practice of limited massage
therapy in this state.]

479 Section 7. Section 7 is enacted to read:

480 **58-47b-302.2. Qualifications for registration -- Massage establishments.**

519 (1)

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

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

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

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

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

525 (c) provide satisfactory documentation:

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

527 (ii) of business licensure {from-} if the municipality or county in which the massage establishment is
locatedrequires a business license;

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

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

534 (d)

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

536 (ii) meet any {other-} standard related to the criminal background check described in Subsection (2)(d)
(i), that the division {establishes-} requires by rule in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act; and

539 (iii) disclose any criminal history the division requests on a form the division approves;

541 (e) submit the following information for each individual for whom a criminal background check is
required under Subsection (3):

543 (i) full name;

HB0278S02 compared with HB0278S03

- 544 (ii) any {~~other~~} name used;
- 545 (iii) date of birth;
- 546 (iv) social security number or other satisfactory evidence of the applicant's identity permitted by rule
made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act;
- 549 (v) address;
- 550 (vi) phone number;
- 551 (vii) email address;
- 552 (viii) license number, if licensed under this chapter;
- 553 (ix) registration number, if registered under this chapter;
- 554 (x) a recent color photograph of each owner; and
- 555 (xi) fingerprints in a form the division approves;
- 556 (f) allow the division to verify that the applicant and each individual listed in Subsection (3) is legally
present in the United States;
- 558 (g) submit a signed attestation in a form the division approves by rule attesting that the massage
establishment does not engage in illegal activities including human trafficking, sex advertising, or
unlicensed practice; and
- 561 (h) meet with the division or board if requested by the division or board.
- 562 (3) An individual shall consent to and complete a criminal background check in accordance with
Subsection (2)(d) if the individual:
- 564 (a) personally or constructively holds, including as the beneficiary of a trust:
- 565 (i) at least 10% of the entity's outstanding stock; or
- 566 (ii) more than \$25,000 of the fair market value of the entity;
- 567 (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;
- 570 (c) is a member of the board of directors or other governing body of the entity; or
- 571 (d) serves as:
- 572 (i) an elected officer of the entity; or
- 573 (ii) a general manager of the entity.
- 574

HB0278S02 compared with HB0278S03

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

(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;

(ii) the division grants the renewal or extension for a period proportionate to the circumstance or hardship; and

(iii) the individual's massage therapy supervisor consents in writing to the renewal or extension.

(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.

Section 9. Section **9** is enacted to read:

HB0278S02 compared with HB0278S03

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

(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.

(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.

(2) A registration automatically expires on the expiration date shown on the registration unless the {registrant} ~~registered~~ massage establishment renews.

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

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

(b) pay a renewal fee established by the department under Section 63J-1-504.

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

58-47b-304. Exemptions from {credentialed} ~~licensure~~ -- Individuals.

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

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

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

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

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

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

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

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

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

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

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

HB0278S02 compared with HB0278S03

- 641 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act;
643 (l)
(i) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act; and
645 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational Therapy Practice Act,
while under the general supervision of an occupational therapist;
648 (m) an individual performing animal massage therapy under the rules made by the division in
accordance with Subsection 58-28-307(12);
650 (n) an individual performing gratuitous massage; [and]
651 (o) an individual:
652 (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:
655 (A) who is certified to practice reflexology and whose practice is limited to the scope of practice of
reflexology;
657 (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;
660 (C) who is certified to practice ortho-bionomy and whose practice is limited to the scope of practice of
ortho-bionomy;
662 (D) who is certified to practice bowerwork and whose practice is limited to the scope of practice of
bowerwork; or
664 (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;
666 (ii) whose clients remain fully clothed from the shoulders to the knees; and
667 (iii) whose clients do not receive gratuitous massage from the individual[-] ; and
668 (p)
(i) an individual performing massage {therapy} services who:
669 (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
671 (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

674

HB0278S02 compared with HB0278S03

(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 {therapy} 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 [~~massage therapist, massage apprentice, massage assistant, or massage assistant in-training~~] {registered massage practitioner,} a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist.

(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 massage [~~therapy~~ {f}] or limited massage therapy] massage services from third party payors; or

(c) prevent an insurance carrier from offering coverage for [~~massage therapy~~ {f}] or limited massage therapy] massage 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} services are performed in connection with employment related to athletic teams; {and}

(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.

HB0278S02 compared with HB0278S03

- 704 (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] massage services within the state or any of the state's political subdivisions.
- 707 (b) This chapter does not prevent any political subdivision of the state from enacting:
- 708 (i) subject to Subsection (1)(b)(ii), ordinances governing the operation of establishments offering
- [~~messages~~] massage {therapy} services; or
- 710 (ii) ordinances regulating the practice of massage therapy {~~f~~ or the practice of limited massage therapy, } if:
- 712 (A) [~~-~~] except as provided in Subsection (1)(b)(ii)(B), the ordinances are [not less] at least as stringent
- [~~than~~] as this chapter[-] ; and
- 714 (B) the ordinances do not require a background check {on a minor} .
- 715 (2) This chapter does not prohibit any political subdivision of the state from prosecuting:
- 716 (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 {~~credential~~} license; or
- 718 (b) [~~a licensed~~] an individual[-who] or a massage establishment that is engaged in unlawful conduct.
- 684 Section 13. Section **58-47b-306** is amended to read:
- 685 **58-47b-306. Required identification and disclosures -- Individuals.**
- 722 [(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.]
- 725 [(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.]
- 730 [(3)] (1)
- (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 massage therapy to the client~~} .
- 732 (b) The division may further define the intake form by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 734 (2) While performing massage {therapy} services, a {credentialed} licensed individual:

HB0278S02 compared with HB0278S03

- 735 (a) except as required in Subsection (2)(b), shall wear or display the {~~credentialed~~} licensed
individual's first {~~name~~} and last {~~initial~~} name and {~~credentialed individual's license or~~
737 registration} license type; {~~and~~}
- 737 (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
- 704 (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 license {or registration}.
- 744 (3) Before scheduling or agreeing to {~~massage therapy~~} a massage service, the client shall receive
notice of the first name and last initial of the {~~credentialed~~} licensed individual performing the
massage {~~therapy~~} services and the {~~credentialed~~} licensed individual's license {~~or registration~~}
type.
- 714 Section 14. Section 14 is enacted to read:
- 715 **58-47b-306.1. Required signage and disclosures -- Massage establishments.**
- 749 (1) A massage establishment shall display prominently:
- 750 (a) the massage establishment registration;
- 751 (b) a copy of the state issued license {or registration} for each {credentialed} licensed individual
contracted with or employed by the establishment;
- 753 (c) division resources required by rule made in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act; and
- 755 (d) a sign that states some massage {therapy} services offered at the registered massage establishment
is performed by a {registered} massage {practitioner, a massage} assistant-in-training, a massage
assistant, or a massage apprentice if the massage establishment employs or contracts with {a
registered massage practitioner,} a massage assistant-in-training, a massage assistant, or a massage
apprentice.
- 760 (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 {~~may~~

HB0278S02 compared with HB0278S03

} redact the displayed license {or registration} to provide only {provide} the first name and last initial and the license type for the {credentialed} licensed individual.

(3) The massage establishment shall display signage that:

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

(b) informs {consumers} clients of:

(i) the right to request the provider's first name and last initial and license {or registration} type; and

(ii) methods for reporting complaints to the division.

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

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:

(1) {refusal to issue a license to{}} refuse to license or register an applicant;

(2) {refusal {} refuse} to renew the {license of a licensee{}} license or registration for a credentialed individual};

(3) {revocation, suspension, restriction, or placement {} revoke, suspend, restrict, or place} on probation of a license {or registration for a credentialed individual};

(4) {issuance of {} issue} a public or private reprimand to {a licensee; and{}} a credentialed individual; or

(5) {issuance of {} issue} a cease and desist order.

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

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

HB0278S02 compared with HB0278S03

- 793 (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
760 with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 761 Section 17. Section **58-47b-501** is amended to read:
- 761 **58-47b-501. Unlawful conduct -- Individuals.**
- 799 (1) "Unlawful conduct" for an individual includes:
- 800 (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;
- 804 (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;
- 807 (c) ~~{ performing }~~ performance of ~~massage { therapy }~~ services outside the scope of what the
~~{ credentialed }~~ licensed individual is licensed or registered to perform;or
- 809 [(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;]
- 812 [(d) advertising or representing oneself as engaging in the practice of limited massage therapy when not
licensed to do so; and]
- 814 [(e)] (d) ~~[massaging, touching, or applying]~~ while performing massage services, massage, touch, or
application of any instrument or device ~~[by a licensee { } in the course { } of engaging in the~~
~~practice { } of massage therapy { } or the practice of limited massage therapy]~~ to the:
- 817 (i) genitals;
- 818 (ii) anus; or
- 819 (iii) except as provided in Subsection (2), breasts of a female ~~[patron]~~ client.
- 820 (2)
- (a) Subsection ~~[(1)(e)(iii)]~~ (1)(d)(iii) does not apply if a female ~~[patron]~~ client:
- 821 (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

HB0278S02 compared with HB0278S03

- 823 (ii) subject to Subsection (2)(b), signs a written consent form before each time the procedure is
performed.
- 825 (b) If the female [patron] client is a minor, the female [patron's] client's parent or legal guardian shall
sign the written consent form described in Subsection (2)(a).
- 791 Section 18. Section 18 is enacted to read:
- 792 **58-47b-501.1. Unlawful conduct -- Massage establishments.**
- "Unlawful conduct" for a massage establishment {in accordance with Section 58-47b-301.1}
includes:
- 831 (1) {operating-} operation without a valid registration;
- 832 (2) {permitting the-} use of a registered massage establishment {for-} as housing, sheltering, or for
harboring any individual;
- 834 (3) {permitting-} performance of massage services by an individual who is not {credentialed-} licensed
or exempt {to perform massage therapy} ;
- 835 {(4) {permitting an individual to:-}}
- 798 (4) performance of:
- 836 (a) {provide massage therapy without-} massage services without the individual performing the
massage being fully clothed; or
- 801 (b) a sexual act;
- 837 {(b)} (5) {perform a sexual act or arranging-} arrangement for a sexual act;
- 838 {(5)} (6) {permitting an individual the-} use or the possession of adult-oriented merchandise while at
the registered massage establishment;
- 840 {(6)} (7) {advertising-} advertisement on a sexually oriented website;
- 841 {(7)} (8) {advertising-} advertisement of services in a manner that may be reasonably construed as
sexual in nature;
- 842 {(8)} (9) {refusing-} refusal inspection by the division as authorized under Section 58-47b-601;
- 843 {(9)} (10) {arranging-} arrangement or {allowing for-} allowance of any of the unlawful acts described
in Section 58-47b-501;
- 844 {(10)} (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;
- 847 {(11)} (12) {concealing-} concealment an individual in the massage establishment;

HB0278S02 compared with HB0278S03

848 ~~{(12)}~~ (13) ~~{refusing}~~ refusal to provide identification to inspectors or law enforcement; or
849 ~~{(13)}~~ (14) ~~{attempting}~~ attempt to elude an inspector by leaving the massage establishment or
remaining behind locked doors in the massage establishment during an inspection.

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

818 **58-47b-502. Unprofessional conduct -- Individuals.**

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

855 Administrative Rulemaking Act:

- 856 (1) ~~[maintaining, operating, or assisting]~~ 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]{}}~~ registration, if a license is required;
- 860 (2) ~~[failing]~~ failure to comply with any applicable ordinances relating to the regulation of massage
establishment;
- 862 (3) ~~[failing]~~ failure to comply with all applicable state and local health or sanitation codes;
- 863 (4)
- ~~{(a)}~~ [failing] failure of a ~~{licensed}~~ massage ~~{therapist}~~ therapy supervisor to properly supervise a
massage apprentice, ~~{[massage assistant,]}~~ ~~[or { } a]~~ ~~massage { }~~ assistant in-training ~~{assistant in-~~
~~training.}~~ or a ~~{registered}~~ massage ~~{practitioner}~~ assistant-in-training; ~~{and~~
866 ~~{(b)}~~ []
- 832 (5) [failing of a massage therapist supervisor to properly supervise a massage assistant;
867 ~~{(5)}~~ ~~failing]~~ failure to maintain mechanical or electrical equipment in a safe operating condition;
- 868 (6) ~~[failing]~~ failure to adequately monitor ~~[patrons]~~ clients utilizing steam rooms, dry heat cabinets, or
water baths;
- 870 (7) ~~[prescribing or administering]~~ prescription or administration of medicine or drugs;
- 871 (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
- 873 (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.

HB0278S02 compared with HB0278S03

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

843 **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:

- 880 (1) ~~{ failing }~~ failure to comply with employee or client recordkeeping requirements as established in rule;
- 882 (2) ~~{ failing }~~ failure to comply with all applicable state and local health or sanitation codes and requirements as established by rule;
- 884 (3) ~~{ failing }~~ failure to comply with facility requirements as established by rule;
- 885 (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 registration, if a license is required;
- 888 (5) ~~{ failing }~~ failure to comply with any applicable ordinances relating to the regulation of massage establishment;
- 890 (6) ~~{ failing }~~ failure to maintain mechanical or electrical equipment in a safe operating condition; and
- 891 (7) ~~{ failing }~~ failure to adequately monitor a client utilizing steam rooms, dry heat cabinets, or water baths.

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

861 **58-47b-503. Penalties -- Individuals.**

- 895 (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.
- 897 (2) Sexual conduct that violates Section 58-47b-501 and Title 76, Utah Criminal Code, shall be subject to the applicable penalties in Title 76, Utah Criminal Code.
- 899 (3) For acts of unprofessional conduct or unlawful conduct by an individual, the division may:
- 901 (a) assess an administrative ~~{ penalties }~~ fine in accordance with Section 58-1-502(1); and
- 902 (b) take any ~~{ other }~~ appropriate administrative action, which may include sending letters of concern to the municipality and the police department for the municipality in which the individual ~~{ resides }~~ violates this chapter.
- 905 (4) The division shall deposit an administrative ~~{ penalty }~~ fine imposed in accordance with this section into the Commerce Service Account.

HB0278S02 compared with HB0278S03

- 907 (5) If an individual has been convicted of violating Section 58-47b-501, before an administrative
finding of a violation of the same section, the individual may not be assessed an administrative
{penalty} fine under this chapter for the same incident for which the conviction was obtained.
- 878 (6)
- 911 {(6)} (a) If, upon {inspection-} an inspection described in Section 58-47b-601 or {investigation} 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:
- 916 {(a)} (i) {promptly issue a citation to-} notify the individual {according-} to {this chapter and any
pertinent rules; and} appear before an adjudicative proceeding conducted under Title 63G, Chapter
4, Administrative Procedures Act; or
- 918 {(b)} }
- 919 {(i)} (ii) attempt to negotiate a stipulated settlement; or
- 919 {(ii)} (iii) {notify-} promptly issue a citation to the individual according to {appear before an
adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act} this
chapter and any pertinent rules.
- 889 (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.
- 892 (c) Failure of an individual to comply with a citation after the citation becomes final is a ground for
denial of license or renewal.
- 894 (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.
- 896 (e)
- 902 (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.
- 902 (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.

HB0278S02 compared with HB0278S03

- 905 (iii) The division shall deposit a penalty imposed in accordance with this section into the Commerce
906 Service Account.
- 907 (iv) The director may collect a penalty that is not paid by:
- 908 (A) referring the matter to a collection agency; or
- 909 (B) bringing an action in the district court of the county where the individual against whom the penalty
910 is imposed resides or in the county where the office of the director is located.
- 912 (v) The division may consult with the county attorney or the attorney general of the state for legal
913 assistance and advice in an action to collect a penalty.
- 914 (vi) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought
915 by the division to collect a penalty.
- 916 (vii) In addition to or in lieu of a penalty, the division may order the individual to cease and desist from
917 violating the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or
918 58-47b-502, or any rule or order issued with respect to these provisions.
- 920 (7)
- 921 {(e)} (a) A citation under Subsection (6) shall:
- 922 (i) be in writing and describe with particularity the nature of the violation, including a reference to the
923 provision of the chapter, rule, or order alleged to have been violated;
- 925 (ii) state that the individual to whom the division issues the citation {is-issued} shall notify the division
926 in writing within 20 calendar days of service of the citation to contest the citation at a hearing
927 conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
- 929 (iii) explain the consequences of failure to timely contest the citation or to make payment of any {fines
930 } penalties assessed by the citation within the time specified in the citation.
- 932 {(d)} (b) The division may serve a citation issued under this section, or a copy of each citation, upon
933 any individual upon which a summons may be served:
- 934 (i) in accordance with the Utah Rules of Civil Procedure;
- 935 (ii) personally or upon the individual's agent by a division investigator or by any person specially
936 designated by the director; or
- 937 (iii) by mail.
- 938 {(e) }

HB0278S02 compared with HB0278S03

~~{(f)}~~ (c) If, within 20 calendar days after the day of service of a citation, the individual to whom 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.

942 ~~{(f)}~~ (d) The division may extend the period to contest the citation for cause.

943 ~~{(f)}~~ (8)

(a) The division ~~{shall}~~ may suspend~~{, revoke, place on probation, or refuse to issue or renew}~~ the license ~~{or registration}~~ of a ~~{credentialed}~~ licensed individual ~~{that fails to comply with the citation after the citation becomes final.}~~ without notice if:

946 ~~{(g)}~~ (i) ~~{Failure of an applicant to comply with}~~ there is a ~~{citation after the citation becomes final}~~ pattern of credible facts that the individual is attempting to operate a ~~{ground for denial of license, registration, or renewal.}~~ prostitution enterprise; or

948 ~~{(h)}~~ (ii) ~~{The division may not issue a citation under this section after one year from the date on which the violation that}~~ the individual is ~~{the subject of the citation}~~ engaged in any form of human trafficking whether there is ~~{reported to the division}~~ a violation of any other specific law, rule, or code.

950 ~~{(i)}~~ (b)

~~{(i)}~~ ~~{In addition to or in lieu of an administrative penalty,}~~ If the division ~~{may assess a fine to any person that is in violation of the provisions of Chapter 1, Division}~~ suspends the license 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}~~ a licensed individual without notice, {or} the division shall hold a ~~{finding of violation in an adjudicative proceeding}~~ hearing within 15 days.

956 ~~{(ii)}~~ ~~{The fine may be in an amount that is the greater of up to \$10,000 per single violation or up to \$2,000 per day of an ongoing violation in accordance with a fine schedule established by rule.}~~

959 ~~{(iii)}~~ ~~{In addition to or in lieu of a fine, the division may order the individual to cease and desist from violating the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these provisions.}~~

963 ~~{(7)}~~

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

964 (i) ~~{referring the matter to a collection agency; or}~~

HB0278S02 compared with HB0278S03

(ii) ~~{bringing an action in the district court of the county where the individual against whom the penalty is imposed resides or in the county where the office of the director is located.}~~

968 ~~{(b)} {The division may consult with the county attorney or the attorney general of the state for legal assistance and advice in an action to collect a penalty.}~~

970 ~~{(c)} {A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.}~~

972 ~~{(8)}~~

~~{(a)} {The division may suspend the license or registration of a credentialed individual without notice if:}~~

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

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

978 ~~{(b)} {If the division suspends the license or registration of a credentialed individual without notice, the division shall hold a hearing within 15 days.}~~

949 Section 22. Section 22 is enacted to read:

950 **58-47b-503.1. Penalties -- Massage establishments.**

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

984 (a) assess **an** administrative {penalties} **fine in accordance with Section 58-1-502(1)**; and

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

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

989 (ii) the property owner or manager from which the massage establishment is leasing space.

991 (2) The division shall deposit an administrative {penalty} **fine** imposed in accordance with this section into the Commerce Service Account.

993 (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.

966 **(4)**

HB0278S02 compared with HB0278S03

- 997 ~~{(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 massage establishment has violated 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, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:
- 1002 ~~{(a) {promptly issue a citation to the person according to this chapter and any pertinent rules; and}-}~~
- 1004 ~~{(b) }~~
- 972 (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
- 1005 ~~{(ii) {notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.}-}~~
- 975 (iii) promptly issue a citation to the massage establishment according to this chapter and any pertinent rules.
- 977 (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.
- 980 (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.
- 982 (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.
- 984 (e)
- (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.
- 990 (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.
- 993 (iii) The division shall deposit a penalty imposed in accordance with this section into the Commerce Service Account.

HB0278S02 compared with HB0278S03

- 995 (iv) The director may collect a penalty that is not paid by:
996 (A) referring the matter to a collection agency; or
997 (B) bringing an action in the district court of the county where the massage establishment against whom
1000 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
1004 assistance and advice in an action to collect a penalty.
1008 (vi) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought
1007 by the division to collect a penalty.
1008 (vii) In addition to or in lieu of a penalty, the division may order the massage establishment to cease and
1009 desist from violating the provisions of Chapter 1, Division of Professional Licensing Act, Section
1010 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions.
1011 (5)
1012 {(e)} (a) A citation under Subsection (4) shall:
1013 (i) be in writing and describe with particularity the nature of the violation, including a reference to the
1014 provision of the chapter, rule, or order alleged to have been violated;
1015 (ii) state that the {person-} massage establishment to which the division issues the citation {is issued-}
1016 shall notify the division in writing within 20 calendar days of service of the citation to contest the
1017 citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
1018 (iii) explain the consequences of failure to timely contest the citation or to make payment of any {fines
1019 } penalties assessed by the citation within the time specified in the citation.
1020 {(d)} (b) The division may serve a citation issued under this section, or a copy of each citation, upon
1021 any {person-} massage establishment upon which a summons may be served:
1022 (i) in accordance with the Utah Rules of Civil Procedure;
1023 (ii) personally or upon the {person's-} massage establishment's agent by a division investigator or by
1024 any person specially designated by the director; or
1025 (iii) by mail.
1026 {(e) }
1027 {(f)} (c) If, within 20 calendar days after the day of service of a citation, the {person-} massage
1028 establishment to which the division issues the citation {is issued-} fails to request a hearing to
1029 contest the citation, the citation becomes the final order of the division and is not subject to further
1030 agency review.

HB0278S02 compared with HB0278S03

- 1028 ~~{(ii)}~~ (d) The division may extend the period to contest the citation for cause.
- 1029 ~~{(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.}}~~
- 1032 ~~{(g) {Failure of an applicant to comply with a citation after the citation becomes final is a ground for denial of license, registration, or renewal.}}~~
- 1034 ~~{(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.}}~~
- 1036 ~~{(i) }~~
- ~~{(i) {In addition to or in lieu of an administrative penalty, the division may assess a fine to any person that is in violation of the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 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.}}~~
- 1042 ~~{(ii) {The fine may be in an amount that is the greater of up to \$10,000 per single violation or up to \$2,000 per day of an ongoing violation in accordance with a fine schedule established by rule.}}~~
- 1045 ~~{(iii) {In addition to or in lieu of a fine, the division may order the person to cease and desist from violating the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions.}}~~
- 1049 ~~{(5) }~~
- ~~{(a) {The director may collect a fine that is not paid by:}}~~
- 1050 ~~{(i) {referring the matter to a collection agency; or}}~~
- 1051 ~~{(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.}}~~
- 1054 ~~{(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.}}~~
- 1056 ~~{(c) {A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.}}~~
- 1058 (6)
- (a) The division may suspend a registered massage establishment's registration without notice if:
- 1060

HB0278S02 compared with HB0278S03

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

(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.

(b) If the division suspends the registration without notice, the division shall hold a hearing within 15 days.

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

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:

(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;

~~{(2)}~~ }

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

~~{(b)}~~ (2) obtains a signed attestation from the sole practitioner who is renting or leasing that the sole practitioner has no business arrangement with the ~~{credentialed}~~ licensed individual other than a rental or lease; and

(3) produces copies of the following if requested by the division:

(a) the sole practitioner's state massage license {or registration} ;

~~{(b)}~~ }

~~{(i) {the sole practitioner's Division of Corporations and Commercial Code issued business registration; or}-}~~

~~{(ii)}~~ (b) the sole practitioner's signed attestation described in Subsection ~~{(3)(b)(i)}~~ (2); and

(c) the rental agreement.

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

Part 6. Enforcement

58-47b-601. Inspection.

HB0278S02 compared with HB0278S03

- 1085 (1) For the purpose of verifying compliance with this chapter, the division may enter and inspect the
premises of any massage establishment~~{:}~~.
- 1087 ~~{(a) {within three months of the opening of a new registered massage establishment; or}-}~~
1088 ~~{(b) {with reasonable suspicion that a criminal offense or violation of the chapter has been committed.}}~~
}
- 1090 (2) Before conducting an inspection under Subsection (1), the division shall:
- 1091 (a) give proper identification;
- 1092 (b) request the registration for the massage establishment;
- 1093 (c) describe the nature and purpose of the inspection; and
- 1094 (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.
- 1096 (3) If during the inspection, the inspector has reasonable expectation that an occupant of a room is not
fully clothed, the inspector shall allow the occupant a reasonable amount of time to dress before the
inspector enters the room.
- 1099 (4) In conducting an inspection under Subsection (1), the division may, after meeting the requirements
of Subsection (2):
- 1101 (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;
- 1104 (b) reproduce any record or media at the division's own cost; and
- 1105 (c) take a device for further analysis if considered necessary.
- 1106 (5) The owner or manager of the massage establishment shall assist the inspector by providing access
to:
- 1108 (a) all areas of the massage establishment;
- 1109 (b) all personnel; and
- 1110 (c) all records requested by the inspector.
- 1111 (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.
- 1082 Section 25. Section **63I-1-258** is amended to read:
- 1083 **63I-1-258. Repeal dates: Title 58.**

HB0278S02 compared with HB0278S03

- 1117 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2026.
- 1119 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
- 1120 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.
- 1121 (4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.
- 1122 (5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is repealed July 1, 2032.
- 1124 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.
- 1125 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is repealed July 1, 2029.
- 1127 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2033.
- 1129 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.
- 1130 (10) Subsection {~~58-47b-102(11)~~} 58-47b-102(8), defining massage assistant, is repealed July 1, 2029.
- 1131 (11) Subsection {~~58-47b-102(12)~~} 58-47b-102(9), defining massage assistant-in-training, is repealed July 1, 2029.
- 1133 (12) Subsection {~~58-47b-302(2)~~} 58-47b-302(1), regarding applicant for a massage assistant-in-training, is repealed July 1, 2029.
- 1135 (13) Subsection {~~58-47b-302(3)~~} 58-47b-302(2), regarding applicant for a massage assistant, is repealed July 1, 2029.
- 1137 (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training license, is repealed July 1, 2029.
- 1139 (15) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing Advisory Board, is repealed July 1, 2027.
- 1141 [(11)] (16) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1, 2026.
- 1110 Section 26. **Effective date.**
This bill takes effect on October 1, 2025.
- 1112 Section 27. **Coordinating H.B. 278 with S.B. 44.**
If H.B. 278, Massage Therapy Amendments, and S.B. 44, Professional Licensure Amendments, both pass and become law, the Legislature intends that, on October 1, 2025:
- 1149 (1) Subsection 58-1-301.5(1) in S.B. 44 be amended to read: "(1) As used in this section, "applicant" means an individual applying for licensure {~~or~~} , certification, or registration, or with respect to a license {~~or~~} , certification, or registration, applying for renewal, reinstatement, or relicensure {~~or~~} ;

HB0278S02 compared with HB0278S03

recertification, or registration renewal, as required in:(a) Section 58-5a-302;(b) Section 58-16a-302;
(c) Section 58-17b-303;(d) Section 58-17b-304;(e) Section 58-17b-305;(f) Section 58-17b-306;
(g) Section 58-24b-302;(h) Section 58-31b-302;(i) Section 58-42a-302;(j) Section 58-44a-302;
(k) Section 58-47b-302;(l) Section 58-47b-302.2;(m) Section 58-55-302;(n) Section 58-60-205;
(o) Section 58-60-305;(p) Section 58-60-405;(q) Section 58-60-506;(r) Section 58-61-304;(s)
Section 58-63-302;(t) Section 58-64-302;(u) Section 58-67-302;(v) Section 58-68-302;(w) Section
58-69-302;(x) Section 58-70a-302;(y) Section 58-70b-302;(z) Section 58-71-302; or(aa) Section
58-73-302.";

- 1148 (2) Subsection 58-1-301.5(5) enacted in S.B. 44 be amended to read: "(5) To fulfill an applicable
criminal background check requirement, an applicant shall:(a) submit fingerprints in a form
acceptable to the division at the time the applicant files a license application or a registration; and(b)
consent to a fingerprint background check conducted by the Bureau of Criminal Identification and
the Federal Bureau of Investigation regarding the application.";
- 1155 (3) Subsection 58-1-301.5(8) enacted in S.B. 44 be amended to read:"(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.(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." (b)(i) An individual whose
license has been revoked in accordance with Subsection (8)(a) is entitled to a hearing to challenge
the revocation.(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.(c) The
division shall conduct the hearing described in this Subsection (8) in accordance with Title 63G,
Chapter 4, Administrative Procedures Act.";
- 1180 {(2)} (4) Subsection {58-47b-302(7)(d)} 58-47b-302(6)(d) enacted in H.B. 278 be amended to
read:"(d) consent to, and complete, a criminal background check, described in Section 58-1-301.5.";
and

1183

HB0278S02 compared with HB0278S03

{(3)} (5) Subsection 58-47b-302.2(2)(d)(i) enacted in H.B. 278 be amended to read: "(d)(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;".

3-3-25 2:06 PM