

Massage Therapy Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Evan J. Vickers

1

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ adds a licensure requirement for an individual who provides hands-on training for massage therapy or limited massage therapy;
- ▶ provides the circumstances under which an individual must practice massage therapy in a registered massage establishment;
- ▶ requires all the education hours necessary for licensure come from either a massage school or a massage apprenticeship;
- ▶ provides for the expiration and renewal of massage apprentice and massage assistant-in-training licenses;
- ▶ specifies identification, signage, and disclosure requirements;
- ▶ creates standards for unlawful and unprofessional conduct by a massage establishment;
- ▶ establishes penalties for a massage establishment that engages in unlawful or unprofessional conduct;
- ▶ creates a registration requirement for certain establishments where massage therapy is provided;
- ▶ specifies when an establishment can be denied registration;
- ▶ specifies requirements for a criminal background check for massage establishment owners;
- ▶ specifies standards for the expiration and renewal of a massage establishment registration;
- ▶ allows the Division of Professional Licensing to inspect a massage establishment;
- ▶ establishes standards for the inspection of a registered establishment;
- ▶ provides exemptions from licensure and registration requirements;

- 30 ▸ schedules the repeal of provisions related to a massage assistant and massage
- 31 assistant-in-training; and
- 32 ▸ makes technical changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

- 39 **58-47b-102**, as last amended by Laws of Utah 2024, Chapter 507
- 40 **58-47b-301**, as last amended by Laws of Utah 2023, Chapter 225
- 41 **58-47b-302**, as last amended by Laws of Utah 2024, Chapter 137
- 42 **58-47b-303**, as last amended by Laws of Utah 2023, Chapter 225
- 43 **58-47b-304**, as last amended by Laws of Utah 2024, Chapter 455
- 44 **58-47b-305**, as last amended by Laws of Utah 2023, Chapter 225
- 45 **58-47b-306**, as enacted by Laws of Utah 2023, Chapter 225
- 46 **58-47b-401**, as enacted by Laws of Utah 1996, Chapter 76
- 47 **58-47b-501**, as last amended by Laws of Utah 2023, Chapter 225
- 48 **58-47b-502**, as last amended by Laws of Utah 2023, Chapter 225
- 49 **58-47b-503**, as last amended by Laws of Utah 2000, Chapter 309
- 50 **63I-1-258**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

51 ENACTS:

- 52 **58-47b-301.1**, Utah Code Annotated 1953
- 53 **58-47b-302.2**, Utah Code Annotated 1953
- 54 **58-47b-303.1**, Utah Code Annotated 1953
- 55 **58-47b-304.1**, Utah Code Annotated 1953
- 56 **58-47b-306.1**, Utah Code Annotated 1953
- 57 **58-47b-307.1**, Utah Code Annotated 1953
- 58 **58-47b-401.1**, Utah Code Annotated 1953
- 59 **58-47b-501.1**, Utah Code Annotated 1953
- 60 **58-47b-502.1**, Utah Code Annotated 1953
- 61 **58-47b-503.1**, Utah Code Annotated 1953
- 62 **58-47b-504**, Utah Code Annotated 1953
- 63 **58-47b-601**, Utah Code Annotated 1953

64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97

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

Section 1. Section **58-47b-102** is amended to read:

58-47b-102 . Definitions.

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

- (1) "Board" means the Board of Massage Therapy and Acupuncture created in Section 58-47b-201.
- (2)(a) "Breast" means the female mammary gland~~[and]~~ .
 - (b) "Breast" does not include the muscles, connective tissue, or other soft tissue of the upper chest.
- (3) "Homeostasis" means ~~[maintaining, stabilizing, or returning]~~ the maintenance, the stabilization, or the return of the muscular system to equilibrium~~[the muscular system]~~.
- (4) "Massage apprentice" means an individual licensed under this chapter as a massage apprentice to engage in the practice of massage therapy under the direct supervision of a massage therapy supervisor.
- (5) "Massage assistant" means an individual licensed under this chapter as a massage assistant~~[:]~~ to engage in the practice of limited massage therapy under the indirect supervision of:
 - (a) before June 1, 2027, a massage therapist; or
 - (b) beginning June 1, 2027, a massage therapy supervisor.
- (6) ~~["Massage assistant in-training-"]~~ "Massage assistant-in-training" means an individual licensed under this chapter as a ~~[massage assistant in-training]~~ massage assistant-in-training to engage in the practice of limited massage therapy under the direct supervision of a massage therapy supervisor.
- (7)(a) "Massage establishment" means a place where services within the practice of massage therapy or the practice of limited massage therapy are provided by one or more individuals required to be licensed under this chapter.
 - (b) "Massage establishment" does not include:
 - (i) all locations used by a sole practitioner to practice massage therapy;
 - (ii) an out-call location; or
 - (iii) a massage school.
- ~~[(7)]~~ (8) "Massage therapist" means an individual licensed under this chapter as a massage therapist to engage in the practice of massage therapy.
- ~~[(8)]~~ (9) "Massage therapy supervisor" means~~[:]~~

98 ~~[(a)]~~ a licensed massage therapist in good standing who has ~~[at least three years of experience~~
 99 ~~as a massage therapist and has]~~engaged in the lawful practice of massage therapy for at
 100 least 3,000 hours~~;~~ .

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

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

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

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

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

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

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

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

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

112 (b) "Owner" includes:

113 (i) a shareholder, as defined in Section 16-10a-102, who owns, directly or indirectly
 114 through an entity controlled by the individual, any of the outstanding shares of an
 115 entity that owns, leases, or otherwise operates a massage establishment that:

116 (A) is a corporation; or

117 (B) is not publicly listed or traded;

118 (ii) an individual who owns, directly or indirectly through an entity controlled by the
 119 individual, any part of an entity that is not a corporation and that owns, leases, or
 120 otherwise operates a massage establishment;

121 (iii) an individual:

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

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

126 (iv) a sublessee or other legal possessor.

127 ~~[(9)]~~ (12)(a) "Practice of limited massage therapy" means:

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

- 132 (ii) seated chair massage;
- 133 (iii) the use of body wraps;
- 134 (iv) aromatherapy;
- 135 (v) reflexology; or
- 136 (vi) in connection with an activity described in this Subsection ~~[(9)]~~ (12), the use of:
- 137 (A) the hands;
- 138 (B) a towel;
- 139 (C) a stone;
- 140 (D) a shell;
- 141 (E) a bamboo stick; or
- 142 (F) an herbal ball compress.

143 (b) "Practice of limited massage therapy" does not include:

- 144 (i) work on an acute or subacute injury; or
- 145 (ii) a practice described in this section to the extent the practice:
- 146 (A) treats a medically diagnosed condition; or
- 147 (B) results from a referral or prescription from a licensed health care practitioner,
- 148 including a physician, osteopathic physician, advanced practice registered
- 149 nurse, chiropractic physician, or physician's assistant.

150 ~~[(b) "Practice of limited massage therapy" does not include work on an acute or subacute~~

151 ~~injury.]~~

152 ~~[(10)]~~ (13)(a) "Practice of massage therapy" means:

- 153 ~~[(a)]~~ (i) the examination, assessment, and evaluation of the soft tissue structures of the
- 154 body for the purpose of devising a treatment plan to promote homeostasis;
- 155 ~~[(b)]~~ (ii) the systematic manual or mechanical manipulation of the soft tissue of the
- 156 body for the purpose of promoting the therapeutic health and well-being of a
- 157 client, enhancing the circulation of the blood and lymph, relaxing and lengthening
- 158 muscles, relieving pain, restoring metabolic balance, or achieving homeostasis, or
- 159 for any other purpose;
- 160 ~~[(c)]~~ (iii) the use of the hands or a mechanical or electrical apparatus in connection
- 161 with this Subsection ~~[(10)]~~ (13);
- 162 ~~[(d)]~~ (iv) the use of rehabilitative procedures involving the soft tissue of the body;
- 163 ~~[(e)]~~ (v) range of motion or movements without spinal adjustment as set forth in
- 164 Section 58-73-102;
- 165 ~~[(f)]~~ (vi) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower,

166 steam, and cabinet baths;

167 ~~[(g)]~~ (vii) manual traction and stretching exercise;

168 ~~[(h)]~~ (viii) correction of muscular distortion by treatment of the soft tissues of the

169 body;

170 ~~[(i)]~~ (ix) counseling, education, and other advisory services to reduce the incidence

171 and severity of physical disability, movement dysfunction, and pain;

172 ~~[(j)]~~ (x) activities and modality techniques similar or related to the activities and

173 techniques described in this Subsection ~~[(10)]~~ (13);

174 ~~[(k)]~~ (xi) a practice described in this Subsection ~~[(10)-]~~ (13) on an animal to the extent

175 permitted by:

176 ~~[(1)]~~ (A) Subsection 58-28-307(12);

177 ~~[(2)]~~ (B) the provisions of this chapter; and

178 ~~[(3)]~~ (C) division rule made in accordance with Title 63G, Chapter 3, Utah

179 Administrative Rulemaking Act; or

180 ~~[(4)]~~ (xii) providing, offering, or advertising a paid service using the term massage or a

181 derivative of the word massage, regardless of whether the service includes

182 physical contact.

183 (b) "Practice of massage therapy" includes the practice of limited massage therapy.

184 (14) "Registered massage establishment" means a massage establishment that is registered

185 with the division to lawfully provide services within the practice of massage therapy or

186 the practice of limited massage therapy at a single, fixed massage establishment location

187 in this state.

188 ~~[(11)]~~ (15) "Soft tissue" means the muscles and related connective tissue.

189 (16) "Sole practitioner" means a licensed massage therapist who offers the services of

190 massage therapy from:

191 (a) an out-call location;

192 (b) the licensee's residence, if the licensee does not employ or contract with another

193 individual licensed under this chapter; or

194 (c) a location, other than the licensee's residence, that the licensee owns, rents, or leases,

195 if the licensee does not employ or contract with any other individual regardless of

196 licensure.

197 ~~[(12)]~~ (17) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501[

198 ~~and]~~ , 58-1-501.1, 58-47b-501, and 58-47b-501.1.

199 ~~[(13)]~~ (18) "Unprofessional conduct" means the same as that term is defined in Sections

200 58-1-501~~[-and]~~ , 58-47b-502, and 58-47b-502.1 and as may be further defined by
 201 division rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 202 Rulemaking Act.

203 Section 2. Section **58-47b-301** is amended to read:

204 **58-47b-301 . Licensure required -- Individuals.**

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

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

210 (a)(i) hold a license in good standing as a massage therapist; and

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

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

215 [~~2~~] (3) An individual shall have a license [~~in order~~] to:

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

218 (b)(i) represent oneself as providing a service that is within the practice of massage
 219 therapy or the practice of limited massage therapy; or

220 (ii) use the word massage or any other word to describe the services; [~~or~~]

221 (c) charge or receive a fee or any consideration for providing a service that is within the
 222 practice of massage therapy or the practice of limited massage therapy~~[-]~~ ;or

223 (d) unless exempted from licensure under Section 58-47b-304, charge or receive a fee or
 224 any consideration for providing hands-on training in a service that is within the
 225 practice of massage therapy or the practice of limited massage therapy.

226 (4)(a) An individual licensed under this chapter, other than a sole practitioner, may work
 227 as a massage therapist, a massage apprentice, a massage assistant, or a massage
 228 assistant-in-training only in:

229 (i) a registered massage establishment;

230 (ii) an out-call location; or

231 (iii) a location exempted from registration under Section 58-47-304.1.

232 (b) A sole practitioner may work as a massage therapist at:

233 (i) the sole practitioner's residence;

- 234 (ii) an out-call location; or
235 (iii) another location if the sole practitioner does not employ or contract with any
236 other individual regardless of licensure.

237 Section 3. Section **58-47b-301.1** is enacted to read:

238 **58-47b-301.1 . Massage establishment registration required -- Maintenance of**
239 **registration.**

- 240 (1) An owner shall register a massage establishment with the division.
241 (2)(a) Each place of business shall register separately.
242 (b) If multiple massage establishments exist at the same address, each massage
243 establishment shall register separately.
244 (3) A massage establishment shall provide the physical address where the massage
245 establishment operates to the division.
246 (4) Unless exempted under Section 58-47b-304.1, a massage establishment may not allow
247 for the practice of massage therapy or the practice of limited massage therapy on the
248 massage establishment's premises unless the massage establishment is registered in
249 accordance with this section.
250 (5)(a) A registered massage establishment shall employ or contract with a licensee under
251 this chapter, or an individual exempted under this chapter, to perform massage
252 therapy or other massage services.
253 (b) A registered massage establishment shall maintain documentation of the employment
254 or contract relationship and make the documentation available during an inspection
255 or investigation by the division.
256 (6) An owner may not assign or transfer a massage establishment registration.
257 (7) Upon the sale, sublease, or change of legal possession of a registered massage
258 establishment, the owner, lessee, or legal possessor of the massage establishment shall
259 apply for and obtain a new registration within 30 days after the day on which the
260 ownership, lessee, or legal possession changes.
261 (8) Whenever statute or rule requires or prohibits action by a registered massage
262 establishment, any owner of the registered massage establishment is responsible for all
263 activities of the registered massage establishment, regardless of the form of the business
264 organization.
265 (9) A registered massage establishment shall maintain a log of all massage therapy services
266 provided at the registered massage establishment containing information as determined
267 by the division in rule made in accordance with Title 63G, Chapter 3, Utah

268 Administrative Rulemaking Act.

269 Section 4. Section **58-47b-302** is amended to read:

270 **58-47b-302 . License classifications -- Qualifications for licensure -- Individuals.**

271 (1) The division shall issue licenses under this chapter in the classifications of:

- 272 (a) massage therapist;
- 273 (b) massage apprentice;
- 274 (c) massage assistant; and
- 275 (d) [~~massage assistant in training~~] massage assistant-in-training.

276 (2) An applicant for licensure as a massage therapist shall:

- 277 (a) submit an application in a form [~~prescribed by~~] the division approves;
- 278 (b) pay a fee determined by the department under Section 63J-1-504;
- 279 (c) be 18 years old or older;
- 280 (d) have[~~either~~]:
 - 281 (i)(A) graduated from a school of massage having a curriculum that meets
 - 282 standards established by division rule made in collaboration with the board and
 - 283 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 - 284 Act; or
 - 285 (B) completed equivalent education and training in compliance with division rule
 - 286 made in accordance with Title 63G, Chapter 3, Utah Administrative
 - 287 Rulemaking Act; or
 - 288 (ii) completed a massage apprenticeship program consisting of a minimum of 1,000
 - 289 hours of supervised training and in accordance with standards established by
 - 290 division rule made in collaboration with the board and in accordance with Title
 - 291 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 292 (e) pass:
 - 293 (i) the Federation of State Massage Therapy Boards Massage and Bodywork
 - 294 Licensing Examination; or
 - 295 (ii) any other examination established by division rule made in collaboration with the
 - 296 board and in accordance with Title 63G, Chapter 3, Utah Administrative
 - 297 Rulemaking Act.

298 (3) An applicant for licensure as a massage apprentice shall:

- 299 (a) submit an application in a form [~~prescribed by~~] the division approves;
- 300 (b) pay a fee determined by the department under Section 63J-1-504;
- 301 (c) be 18 years old or older;

- 302 (d) provide satisfactory evidence to the division that the applicant will practice as a
 303 massage apprentice only under the direct supervision of a [~~licensed massage therapist~~
 304 ~~in good standing who, for at least 6,000 hours, has engaged in the lawful practice of~~
 305 ~~massage therapy as a licensed massage therapist]~~ massage therapy supervisor; and
- 306 (e) pass an examination as required by division rule made in accordance with Title 63G,
 307 Chapter 3, Utah Administrative Rulemaking Act.
- 308 (4)(a) An applicant for licensure as a massage assistant shall:
- 309 (i) submit an application in a form [~~prescribed by~~] the division approves;
- 310 (ii) pay a fee determined by the department in accordance with Section 63J-1-504;
- 311 (iii) be 18 years old or older;
- 312 (iv) subject to Subsection (4)(b), complete at least 300 hours of education and
 313 training approved by division rule made accordance with Title 63G, Chapter 3,
 314 Utah Administrative Rulemaking Act;
- 315 (v) provide satisfactory evidence to the division that the applicant will only practice
 316 as a massage assistant [~~only~~] under the indirect supervision of a massage therapy
 317 supervisor; and
- 318 (vi) pass an examination as required by division rule made in accordance with Title
 319 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 320 (b) The 300-hour education and training requirement described in Subsection (4)(a) shall
 321 include:
- 322 (i) at least [~~150~~] 300 hours of education and training while the applicant is[~~:~~] enrolled
 323 in massage school; or
 324 [~~(A) enrolled in massage school; or~~]
 325 [~~(B) licensed as a massage assistant in-training and under the direct supervision of a~~
 326 ~~massage~~
 327 ~~therapist in good standing who, for at least 6,000 hours, has engaged in the lawful~~
 328 ~~practice~~
 329 ~~of massage therapy; and]~~
- 328 (ii) at least [~~150~~] 300 hours of education and training while the applicant is[~~:~~] licensed
 329 as a massage assistant-in-training and under the direct supervision of a massage
 330 therapy supervisor.
 331 [~~(A) enrolled in massage school; or~~]
 332 [~~(B) licensed as a massage assistant in-training and under the indirect supervision of a~~
 333 ~~massage~~

333 therapist in good standing who, for at least 6,000 hours, has engaged in the lawful
334 practice

of ~~massage therapy.~~]

335 (5) An applicant for licensure as a [~~massage assistant in-training~~] massage
336 assistant-in-training shall:

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

338 (b) pay a fee determined by the department in accordance with Section 63J-1-504;

339 (c) be 18 years old or older; and

340 (d)(i) before June 1, 2027, provide satisfactory evidence to the division that the

341 applicant will practice as a [~~massage assistant in-training~~] massage

342 assistant-in-training under the supervision of a massage therapist for a period of

343 no more than six months for the purpose of satisfying the requirements described

344 in [~~Subsections~~] Subsection (4)(a)(iv) [~~and (4)(b)~~] for licensure as a massage

345 assistant[~~;~~] ; or

346 (ii) beginning June 1, 2027, provide satisfactory evidence to the division that the

347 applicant will practice as a massage assistant-in-training under the supervision of

348 a massage therapy supervisor for the purpose of satisfying the requirements

349 described in Subsection (4)(a)(iv) for licensure as a massage assistant.

350 (6)(a)(i) A massage therapist may supervise at one time up to six individuals licensed

351 as a massage apprentice or [~~massage assistant in-training~~] a massage

352 assistant-in-training.

353 (ii) Beginning June 1, 2027:

354 (A) a massage therapy supervisor shall supervise a massage apprentice or a

355 massage assistant-in-training; and

356 (B) a massage therapy supervisor may supervise at one time up to three

357 individuals licensed as either a massage apprentice or a massage

358 assistant-in-training.

359 (b) A massage therapy supervisor may supervise at one time up to six individuals

360 licensed as a massage assistant.

361 (7) A new massage therapist, massage apprentice, massage assistant, or massage assistant

362 in-training applicant shall submit to and pass a criminal background check in accordance

363 with Section [~~58-47b-302.1~~] 58-47b-307 and any requirements established by division

364 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

365 Act.

366 Section 5. Section **58-47b-302.2** is enacted to read:

367 **58-47b-302.2 . Qualifications for registration -- Massage establishments.**

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

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

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

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

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

374 (c) provide satisfactory documentation:

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

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

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

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

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

385 (e) consent to a fingerprint background check by the Utah Bureau of Criminal
386 Identification and the Federal Bureau of Investigation, including the use of the FBI
387 Rap Back System, for all individuals for whom a fingerprint card is required by
388 Subsection (2)(f);

389 (f) submit fingerprints for each individual who:

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

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

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

393 (ii) has a direct or indirect participating interest through shares, stock, or otherwise,
394 regardless of whether voting rights are included, of more than 10% of the profits,
395 proceeds, or capital gains of the entity;

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

397 (iv) serves as:

398 (A) an elected officer of the entity; or

399 (B) a general manager of the entity;

- 400 (g) submit the following information for each individual for whom fingerprints are
 401 required by Subsection (2)(f):
- 402 (i) full name;
 403 (ii) any other name used;
 404 (iii) date of birth;
 405 (iv) social security number or other satisfactory evidence of the applicant's identity
 406 permitted by rule made by the division in accordance with Title 63G, Chapter 3,
 407 Utah Administrative Rulemaking Act;
 408 (v) address;
 409 (vi) phone number;
 410 (vii) email address;
 411 (viii) license number, if licensed under this chapter; and
 412 (ix) a recent color photograph of each owner;
- 413 (h) allow the Department of Commerce to verify that the applicant and each individual
 414 listed in Subsection (2)(f), is legally present in the United States;
- 415 (i) submit a signed attestation in a form the division approves by rule attesting that the
 416 massage establishment does not engage in illegal activities including human
 417 trafficking, sex advertising, or unlicensed practice; and
- 418 (j) meet with the division or board if requested by the division or board.
- 419 (3) The division may require an owner to prove continuing right of possession at any time
 420 during the registration period.

421 Section 6. Section **58-47b-303** is amended to read:

422 **58-47b-303 . Term of license -- Expiration -- Renewal -- Individuals.**

- 423 (1)(a) Except as provided in Subsection (3), the division shall issue a license under this
 424 chapter in accordance with a two-year renewal cycle established by division rule
 425 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 426 (b) [A] The division may extend or shorten a renewal period [~~may be extended or~~
 427 ~~shortened~~] by as much as one year to maintain established renewal cycles or to
 428 change an established renewal cycle.
- 429 (2) Subject to Subsection (3), a license automatically expires on the expiration date shown
 430 on the license unless [~~renewed by the licensee~~] the licensee renews the license in
 431 accordance with Section 58-1-308.
- 432 (3)(a) A massage apprentice license expires 24 months after the day on which the
 433 division issues the massage apprentice license.

- 434 (b) A massage [assistant in-training] assistant-in-training license expires six months after
 435 the day on which the division issues the [massage assistant in-training] massage
 436 assistant-in-training license.
- 437 (c) The division may not renew or extend a massage apprentice or massage
 438 assistant-in-training license unless:
- 439 (i) a circumstance or hardship arose beyond the licensee's control that prevented the
 440 licensee from completing the licensure process;
- 441 (ii) the licensee presents satisfactory evidence to the division that the licensee is
 442 making reasonable progress toward obtaining licensure in the state;
- 443 (iii) the division grants the renewal or extension for a period proportionate to the
 444 circumstance or hardship; and
- 445 (iv) the licensee's massage therapy supervisor consents in writing to the renewal or
 446 extension.
- 447 (4) At the time of renewal, the licensee shall show satisfactory evidence of renewal
 448 requirements established under this chapter and of renewal requirements that the
 449 division may establish by rule made in accordance with Title 63G, Chapter 3, Utah
 450 Administrative Rulemaking Act.

451 Section 7. Section **58-47b-303.1** is enacted to read:

452 **58-47b-303.1 . Term of registration -- Expiration -- Renewal -- Massage**
 453 **establishments.**

- 454 (1)(a) Except as provided in Subsection (3), the division shall issue a registration under
 455 this chapter in accordance with a two-year renewal cycle.
- 456 (b) The division may extend or shorten a renewal period by as much as one year to
 457 maintain established renewal cycles or to change an established renewal cycle.
- 458 (2) A registration automatically expires on the expiration date shown on the registration
 459 unless the registrant renews.
- 460 (3) At the time of renewal, a registered massage therapy establishment shall:
- 461 (a) complete and submit an application for renewal in the form the division approves;
 462 (b) pay a renewal fee established by the department under Section 63J-1-504; and
 463 (c) show satisfactory proof of compliance with the standards established by this chapter.

464 Section 8. Section **58-47b-304** is amended to read:

465 **58-47b-304 . Exemptions from licensure -- Individuals.**

- 466 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
 467 individuals may engage in the practice of massage therapy or the practice of limited

- 468 massage therapy, subject to the stated circumstances and limitations, without being
469 licensed under this chapter:
- 470 (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;
 - 471 (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;
 - 472 (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a, Nurse
473 Midwife Practice Act;
 - 474 (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
 - 475 (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice
476 Act, while under the general supervision of a physical therapist;
 - 477 (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic
478 Medical Practice Act;
 - 479 (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice
480 Act;
 - 481 (h) a hospital staff member employed by a hospital, who practices massage as part of the
482 staff member's responsibilities;
 - 483 (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
 - 484 (j) a student in training enrolled in a massage therapy school approved by the division;
 - 485 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice
486 Act;
 - 487 (l)(i) an occupational therapist licensed under Chapter 42a, Occupational Therapy
488 Practice Act; and
 - 489 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational
490 Therapy Practice Act, while under the general supervision of an occupational
491 therapist;
 - 492 (m) an individual performing animal massage therapy under the rules made by the
493 division in accordance with Subsection 58-28-307(12);
 - 494 (n) an individual performing gratuitous massage; [~~and~~]
 - 495 (o) an individual:
 - 496 (i) certified by or through, and in good standing with, an industry organization that is
497 recognized by the division and that represents a profession with established
498 standards and ethics:
 - 499 (A) who is certified to practice reflexology and whose practice is limited to the
500 scope of practice of reflexology;
 - 501 (B) who is certified to practice a type of zone therapy, including foot zone

- 502 therapy, and whose practice is limited to the scope of practice for which the
 503 individual is certified;
- 504 (C) who is certified to practice ortho-bionomy and whose practice is limited to the
 505 scope of practice of ortho-bionomy;
- 506 (D) who is certified to practice bowenwork and whose practice is limited to the
 507 scope of practice of bowenwork; or
- 508 (E) who is certified to practice a type of brain integration and whose practice is
 509 limited to the scope of practice for which the individual is certified;
- 510 (ii) whose clients remain fully clothed from the shoulders to the knees; and
- 511 (iii) whose clients do not receive gratuitous massage from the individual[-] ; and
- 512 (p)(i) a nonresident individual engaging in the practice of massage therapy who:
- 513 (A) holds a valid license, permit, certificate, or registration, for massage therapy
 514 issued by any other jurisdiction of the United States or by a foreign country;
- 515 (B) holds a certification from a nationally recognized massage therapy
 516 organization if the nonresident individual is from a jurisdiction of the United
 517 States that does not regulate massage therapy; or
- 518 (C) meets another exemption under this section; and
- 519 (ii) is temporarily engaging in the practice of massage therapy in this state for a
 520 period that does not exceed 30 days for the purpose of:
- 521 (A) presenting educational or clinical programs, lectures, seminars, or workshops;
 522 (B) providing massage services during an emergency as part of a disaster response
 523 team; or
- 524 (C) consulting with a massage therapist regarding massage practices or services.
- 525 (2) An individual described in Subsection (1) may not represent oneself as a massage
 526 therapist, massage apprentice, massage assistant, or [~~massage assistant in-training~~]
 527 massage assistant-in-training.
- 528 (3) This chapter may not be construed to:
- 529 (a) authorize any individual licensed under this chapter to engage in any manner in the
 530 practice of medicine as defined by the laws of this state;
- 531 (b) require insurance coverage or reimbursement for massage therapy or limited massage
 532 therapy from third party payors; or
- 533 (c) prevent an insurance carrier from offering coverage for massage therapy or limited
 534 massage therapy.
- 535 Section 9. Section **58-47b-304.1** is enacted to read:

536 **58-47b-304.1 . Exemptions from registration -- Massage establishments.**

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

- 539 (1) hospitals or medical clinics;
 540 (2) physician offices;
 541 (3) physical therapy facilities;
 542 (4) chiropractic offices;
 543 (5) athletic training facilities or institutions of secondary or higher education when massage
 544 therapy is practiced in connection with employment related to athletic teams; and
 545 (6) other facilities as defined by rule.

546 Section 10. Section **58-47b-305** is amended to read:

547 **58-47b-305 . State and local jurisdiction.**

- 548 (1)(a) The division is the only agency authorized to license individuals to engage in the
 549 practice of massage therapy or the practice of limited massage therapy within the
 550 state or any of the state's political subdivisions.
- 551 (b) This chapter does not prevent any political subdivision of the state from enacting:
 552 (i) subject to Subsection (1)(b)(ii), ordinances governing the operation of
 553 establishments offering massages; or
 554 (ii) ordinances regulating the practice of massage therapy or the practice of limited
 555 massage therapy[;] if:
 556 (A) [-] except as provided in Subsection (1)(b)(ii)(B), the ordinances are [not less]
 557 at least as stringent [~~than~~] as this chapter[-] ; and
 558 (B) the ordinances do not require background checks prohibited by Section
 559 58-47b-307.
- 560 (2) This chapter does not prohibit any political subdivision of the state from prosecuting:
 561 (a) an unlicensed individual who is engaged in the practice of massage therapy or the
 562 practice of limited massage therapy;[-or]
 563 (b) a licensed individual[~~who~~] or a registered massage establishment that is engaged in
 564 unlawful conduct[-] ;or
 565 (c) conduct by any person that is defined as unlawful under this chapter, including
 566 aiding or abetting any other person to violate any statute or rule regulating a
 567 profession under this chapter.

568 Section 11. Section **58-47b-306** is amended to read:

569 **58-47b-306 . Required identification and disclosures -- Individuals.**

- 570 [(1) As used in this section, "message establishment" means an establishment in which an
 571 individual lawfully engages in the practice of massage therapy or the practice of limited
 572 massage therapy.]
- 573 [~~(2) If a massage assistant or massage assistant in-training engages in the practice of limited
 574 massage therapy at a massage establishment, the massage establishment shall prominently
 575 display to the public a sign that indicates certain massage services offered at the massage
 576 establishment are performed by a massage assistant or a massage assistant in-training.~~]
- 577 [(3)] (1)(a) If the licensee is a licensed massage apprentice, a licensed massage assistant,
 578 or a licensed massage assistant-in-training, the licensee shall obtain from the client a
 579 completed and signed intake form before the licensee provides a service regulated by
 580 this chapter.
- 581 (b) The division may further define the intake form by rule made in accordance with
 582 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 583 (2) A massage apprentice, a massage assistant, or a massage assistant-in-training
 584 licensed under this chapter, while engaging in the practice of massage therapy:
- 585 (a) shall wear an identification badge showing the licensee's name, license classification,
 586 and license number; and
- 587 (b) may not identify to any person in connection with activities allowed under this
 588 chapter other than as the individual's license classification.
- 589 (3) If an individual requests a massage service that is performed by a massage apprentice, a
 590 massage assistant, or a [massage assistant in-training] massage assistant-in-training, the
 591 licensee performing or the massage therapy supervisor supervising the massage service
 592 shall ensure that the individual is notified before scheduling or agreeing to the massage
 593 service that the massage service is performed by a massage apprentice, a massage
 594 assistant, or [massage assistant in-training] a massage assistant-in-training.
- 595 Section 12. Section **58-47b-306.1** is enacted to read:
- 596 **58-47b-306.1 . Required signage and disclosures -- Massage establishments.**
- 597 A massage establishment shall display prominently:
- 598 (1) the massage establishment registration;
- 599 (2) a copy of the state issued license for each licensee licensed under this chapter and
 600 contracted with or employed by the establishment;
- 601 (3) Division of Professional Licensing resources required by rule; and
- 602 (4) a sign that states some massage services offered at the massage establishment are
 603 performed by a massage apprentice, a massage assistant, or a massage

604 assistant-in-training if the massage establishment employs or contracts with a massage
605 apprentice, a massage assistant, or a massage assistant-in-training.

606 Section 13. Section **58-47b-307.1** is enacted to read:

607 **58-47b-307.1 . Criminal background checks -- Massage establishments.**

608 (1) Each applicant for registration in accordance with Section 58-47b-301.1:

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

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

611 (c) may not have been convicted of a crime under Section 76-5-4;

612 (d) shall submit to and pass a background check in accordance with this section and
613 requirements the division establishes by rule made in accordance with Title 63G,
614 Chapter 3, Utah Administrative Rulemaking Act; and

615 (e) shall meet with the division if requested.

616 (2) Each applicant shall submit, for all individuals described in Subsection
617 58-47b-302.2(2)(f), the information described in Section 58-47b-302.2.

618 (3) The division shall:

619 (a) in addition to other fees authorized by this chapter, collect from each applicant
620 submitting fingerprints in accordance with this section:

621 (i) the fee, for each set of fingerprints, that the Bureau of Criminal Identification is
622 authorized to collect for the services provided under Section 53-10-108; and

623 (ii) the fee, for each set of fingerprints, charged by the Federal Bureau of
624 Investigation for fingerprint processing for the purpose of obtaining federal
625 criminal history record information;

626 (b) submit, from each individual who requires a background check under Subsection
627 58-47b-302.2(2)(f), the fingerprint card and the fees described in Subsection (3)(a) to
628 the Bureau of Criminal Identification; and

629 (c) obtain and retain in division records, from each individual who requires a
630 background check under Subsection 58-47b-302.2(2)(f), a signed waiver approved by
631 the Bureau of Criminal Identification in accordance with Section 53-10-108.

632 (4) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal
633 Identification shall:

634 (a) check the fingerprints submitted under this section against the applicable state and
635 regional criminal records databases;

636 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal
637 history background check; and

638 (c) provide the results from the state, regional, and nationwide criminal history
 639 background checks to the division.

640 (5) For purposes of conducting the criminal background check required in this section, the
 641 division shall have direct access to criminal background information maintained under
 642 Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

643 (6) The division may not disseminate outside of the division any criminal history record
 644 information that the division obtains from the Bureau of Criminal Identification or the
 645 Federal Bureau of Investigation under the criminal background check requirements of
 646 this section.

647 (a) A new registration issued under this section is conditional, pending completion of the
 648 criminal background checks.

649 (b)(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
 650 criminal background check required in this section discloses that the applicant or
 651 any individual required to be fingerprinted has failed to accurately disclose a
 652 criminal history, the registration is automatically revoked upon notice to the
 653 applicant by the division.

654 (ii) An owner that has a massage establishment's conditional registration revoked
 655 under this Subsection (6)(b) is entitled to a postrevocation hearing to challenge the
 656 revocation.

657 (iii) The division shall conduct a postrevocation hearing in accordance with Title
 658 63G, Chapter 4, Administrative Procedures Act.

659 Section 14. Section **58-47b-401** is amended to read:

660 **58-47b-401 . Grounds for denial of license -- Individuals.**

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

- 664 (1) refusal to issue a license to an applicant;
 665 (2) refusal to renew the license of a licensee;
 666 (3) revocation, suspension, restriction, or placement on probation of a license;
 667 (4) issuance of a public or private reprimand to a licensee; and
 668 (5) issuance of a cease and desist order.

669 Section 15. Section **58-47b-401.1** is enacted to read:

670 **58-47b-401.1 . Grounds for denial of registration -- Massage establishments.**

671 The division shall deny an application for registration under this chapter if:

- 672 (1) the location where the registration is applied for has had a similar registration revoked
 673 or surrendered for cause within the last two years;
 674 (2) the application is for a location that has advertised in a manner that reasonably implies
 675 sexual services are offered at the location;
 676 (3) within two years before the date of the application, an owner had a previous license or
 677 registration issued under this chapter suspended or revoked; or
 678 (4) an owner has a criminal conviction or pending criminal charges for any crime under
 679 Title 76, Chapter 5, Part 4, Sexual Offenses.

680 Section 16. Section **58-47b-501** is amended to read:

681 **58-47b-501 . Unlawful conduct -- Individuals.**

- 682 (1) "Unlawful conduct" for an individual includes:
- 683 (a) practicing, engaging in, or attempting to practice or engage in the practice of
 684 massage therapy without holding a current license as a massage therapist or a
 685 massage apprentice under this chapter;
- 686 (b) advertising or representing oneself as engaging in the practice of massage therapy
 687 when not licensed to do so;
- 688 (c) practicing, engaging in, or attempting to practice or engage in the practice of limited
 689 massage therapy without holding a current license as a massage therapist, massage
 690 apprentice, massage assistant, or [~~massage assistant in training~~] massage
 691 assistant-in-training under this chapter;
- 692 (d) advertising or representing oneself as engaging in the practice of limited massage
 693 therapy when not licensed to do so; and
- 694 (e) massaging, touching, or applying any instrument or device by a licensee in the course
 695 of engaging in the practice of massage therapy or the practice of limited massage
 696 therapy to the:
- 697 (i) genitals;
- 698 (ii) anus; or
- 699 (iii) except as provided in Subsection (2), breasts of a female [~~patron~~] client.
- 700 (2)(a) Subsection (1)(e)(iii) does not apply if a female [~~patron~~] client:
- 701 (i) requests breast massage, as may be further defined by division rule made in
 702 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 703 (ii) subject to Subsection (2)(b), signs a written consent form before each time the
 704 procedure is performed.
- 705 (b) If the female [~~patron~~] client is a minor, the female [~~patron's~~] client's parent or legal

706 guardian shall sign the written consent form described in Subsection (2)(a).

707 Section 17. Section **58-47b-501.1** is enacted to read:

708 **58-47b-501.1 . Unlawful conduct -- Massage establishments.**

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

710 Section 58-47b-301.1 includes:

- 711 (1) operating without a valid registration;
- 712 (2) being open for business without a licensee regulated by this chapter on site;
- 713 (3) permitting the use of a registered massage establishment for housing, sheltering, or
 714 harboring any individual;
- 715 (4) permitting an individual to engage in the practice of massage therapy without a license;
- 716 (5) permitting a licensee to provide massage services without being fully clothed;
- 717 (6) permitting a licensee to perform a sexual act or arranging for a sexual act;
- 718 (7) permitting a licensee or client the use or possession of adult-oriented merchandise while
 719 at the registered massage establishment;
- 720 (8) advertising on a sexually oriented website;
- 721 (9) advertising services in a manner that may be reasonably construed as sexual in nature;
- 722 (10) refusing inspection by the Division of Professional Licensing as authorized under
 723 Section 58-47b-601;
- 724 (11) arranging or allowing for any of the unlawful acts described in Section 58-47b-501;
- 725 (12) failing to immediately report to a local police department any disorderly conduct,
 726 sexual acts, or other criminal activity occurring on or within the registered massage
 727 establishment's premises; or
- 728 (13)(a) concealing an individual in the massage establishment;
- 729 (b) refusing to provide identification to inspectors or law enforcement; or
- 730 (c) attempting to elude an inspector by leaving the massage establishment or remaining
 731 behind locked doors in the massage establishment during an inspection

732 Section 18. Section **58-47b-502** is amended to read:

733 **58-47b-502 . Unprofessional conduct -- Individuals.**

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

- 737 (1) maintaining, operating, or assisting in the establishment or operation of any place of
 738 business for the purpose of performing the practice of massage therapy or the practice of
 739 limited massage therapy without first obtaining a business license, if a license is

- 740 required;
- 741 (2) failing to comply with any applicable ordinances relating to the regulation of massage
742 establishment;
- 743 (3) failing to comply with all applicable state and local health or sanitation codes;
- 744 (4) failing of a massage therapist to properly supervise a massage apprentice, massage
745 assistant, or [~~massage assistant in training~~] a massage assistant-in-training;
- 746 (5) failing to maintain mechanical or electrical equipment in a safe operating condition;
- 747 (6) failing to adequately monitor [~~patrons~~] clients utilizing steam rooms, dry heat cabinets,
748 or water baths;
- 749 (7) prescribing or administering medicine or drugs;
- 750 (8) engaging in any act or practice in a professional capacity that is outside of the practice
751 of massage therapy or the practice of limited massage therapy; and
- 752 (9) engaging in any act or practice in a professional capacity for which the licensee is not
753 competent to perform through training or experience.

754 Section 19. Section **58-47b-502.1** is enacted to read:

755 **58-47b-502.1 . Unprofessional conduct -- Massage establishments.**

756 "Unprofessional conduct" for a massage establishment includes the following and may
757 be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah
758 Administrative Rulemaking Act:

- 759 (1) failing to comply with employee recordkeeping requirements as established in rule;
- 760 (2) failing to comply with client recordkeeping requirements as established in rule;
- 761 (3) failing to comply with all applicable state and local health or sanitation codes and
762 requirements as established by rule;
- 763 (4) failing to comply with facility requirements as established by rule;
- 764 (5) maintaining, operating, or assisting in the establishment or operation of any place of
765 business for the purpose of performing the practice of massage therapy or the practice of
766 limited massage therapy without first obtaining a business license, if a license is
767 required;
- 768 (6) failing to comply with any applicable ordinances relating to the regulation of massage
769 establishment;
- 770 (7) failing to maintain mechanical or electrical equipment in a safe operating condition; and
- 771 (8) failing to adequately monitor a client utilizing steam rooms, dry heat cabinets, or water
772 baths.

773 Section 20. Section **58-47b-503** is amended to read:

774 **58-47b-503 . Penalties -- Individuals.**

- 775 (1) Except as provided in Subsection (2), [any] an individual who commits an act of
776 unlawful conduct under Section 58-47b-501 is guilty of a class A misdemeanor.
- 777 (2) Sexual conduct that violates Section 58-47b-501 and Title 76, Utah Criminal Code,
778 shall be subject to the applicable penalties in Title 76, Utah Criminal Code.

779 Section 21. Section **58-47b-503.1** is enacted to read:

780 **58-47b-503.1 . Penalties -- Massage establishments.**

- 781 (1) For acts of unprofessional conduct or unlawful conduct by a massage establishment, the
782 division may:
- 783 (a) assess administrative penalties; and
- 784 (b) take any other appropriate administrative action, which may include sending letters
785 of concern to:
- 786 (i) the municipality in which the massage establishment is located and the police
787 department for the municipality; or
- 788 (ii) the property owner or manager from which the massage establishment is leasing
789 space.
- 790 (2) The division shall deposit an administrative penalty imposed in accordance with this
791 section into the General Fund.
- 792 (3) If a massage establishment has been convicted of violating Section 58-47b-501.1 before
793 an administrative finding of a violation of the same section, the massage establishment
794 may not be assessed an administrative penalty under this chapter for the same incident
795 for which the conviction was obtained.
- 796 (4)(a) If, upon inspection or investigation, the division concludes that a person has
797 violated the provisions of Chapter 1, Division of Professional Licensing Act, Section
798 58-47b-501, 58-47b-501.1, 58-47b-502, or 58-47b-502.1, or any rule or order issued
799 with respect to these provisions, and that disciplinary action is appropriate, the
800 director or the director's designee from within the division shall:
- 801 (i) promptly issue a citation to the person according to this chapter and any pertinent
802 rules; and
- 803 (ii)(A) attempt to negotiate a stipulated settlement; or
- 804 (B) notify the person to appear before an adjudicative proceeding conducted under
805 Title 63G, Chapter 4, Administrative Procedures Act.
- 806 (b)(i) In addition to or in lieu of an administrative penalty, the division may assess a
807 fine in accordance with Subsection (5) to any person that is in violation of the

- 808 provisions of Chapter 1, Division of Professional Licensing Act, Section
809 58-47b-501 or 58-47b-501.1, or any rule or order issued with respect to these
810 provisions, as evidenced by an uncontested citation, a stipulated settlement, or a
811 finding of violation in an adjudicative proceeding.
- 812 (ii) The fine may be in an amount equal to the greater of up to \$10,000 per single
813 violation or up to \$2,000 per day of ongoing violation in accordance with a fine
814 schedule established by rule.
- 815 (iii) In addition to or in lieu of a fine, the division may order the person to cease and
816 desist from violating the provisions of Chapter 1, Division of Professional
817 Licensing Act, Section 58-47b-501, 58-47b-501.1, or 58-47b-502.1, or any rule or
818 order issued with respect to these provisions.
- 819 (c) A citation shall:
- 820 (i) be in writing and describe with particularity the nature of the violation, including
821 a reference to the provision of the chapter, rule, or order alleged to have been
822 violated;
- 823 (ii) state that the person to which the citation is issued shall notify the division in
824 writing within 20 calendar days of service of the citation in order to contest the
825 citation at a hearing conducted under Title 63G, Chapter 4, Administrative
826 Procedures Act;
- 827 (iii) explain the consequences of failure to timely contest the citation or to make
828 payment of any fines assessed by the citation within the time specified in the
829 citation.
- 830 (d) The division may serve a citation issued under this section, or a copy of each
831 citation, upon any person upon which a summons may be served:
- 832 (i) in accordance with the Utah Rules of Civil Procedure;
- 833 (ii) personally or upon the person's agent by a division investigator or by any person
834 specially designated by the director; or
- 835 (iii) by mail.
- 836 (e)(i) If, within 20 calendar days after the day of service of a citation, the person to
837 whom the citation is issued fails to request a hearing to contest the citation, the
838 citation becomes the final order of the division and is not subject to further agency
839 review.
- 840 (ii) The period to contest the citation may be extended by the division for cause.
- 841 (f) The division shall suspend, revoke, place on probation, or refuse to issue or renew the

- 842 registration of a registered massage establishment that fails to comply with the
 843 citation after the citation becomes final.
- 844 (g) Failure of an applicant for registration to comply with a citation after the citation
 845 becomes final is a ground for denial of registration.
- 846 (h) The division may not issue a citation under this section after one year from the date
 847 on which the violation that is the subject of the citation is reported to the division.
- 848 (5)(a) The director may collect a penalty that is not paid by:
- 849 (i) referring the matter to a collection agency; or
 850 (ii) bringing an action in the district court of the county where the person against
 851 whom the penalty is imposed resides or in the county where the office of the
 852 director is located.
- 853 (b) A county attorney or the attorney general of the state shall provide legal assistance
 854 and advice to the director in an action to collect a penalty.
- 855 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
 856 action brought by the division to collect a penalty.
- 857 (6) The division may summarily suspend a registered massage establishment's registration
 858 with a hearing to be scheduled within 15 days, under Sections 58-1-108 and 63G-4-502,
 859 when the director finds that a pattern of credible facts emerges that the registered
 860 massage establishment is attempting to operate a prostitution enterprise, or is engaged in
 861 any form of human trafficking whether there is a violation of any other specific law,
 862 rule, or code.

863 Section 22. Section **58-47b-504** is enacted to read:

864 **58-47b-504 . Renting or leasing to a sole practitioner.**

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

- 867 (1) verifies that the sole practitioner is a licensed massage therapist in good standing in the
 868 state of Utah at the time of the rental or lease;
- 869 (2) verifies that the sole practitioner has a valid business registration with the Department
 870 of Commerce; and
- 871 (3) produces copies of the following for the sole practitioner if requested by the division:
- 872 (a) Utah state issued massage therapist license;
 873 (b) Utah state issued business license; and
 874 (c) rental agreement.

875 Section 23. Section **58-47b-601** is enacted to read:

876

Part 6. Enforcement

877

58-47b-601 . Inspection.

878

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

879

880

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

881

(a) give proper identification;

882

(b) request the registration for the massage establishment;

883

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

884

(d) provide upon request, the authority of the division to conduct the inspection and the penalty for refusing to permit the inspection as provided in Section 58-47b-503.1.

885

886

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

887

888

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

889

890

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

891

892

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

893

(4)(a) The division or the division's agent may conduct an operation inspection or investigation at any time during the normal operating hours of the massage establishment without prior notice.

894

895

896

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

897

898

(i) all areas of the massage establishment;

899

(ii) all personnel; and

900

(iii) all records requested by the inspector.

901

(5) If upon inspection the division concludes that a person has violated the provisions of this chapter, or a rule or order issued with respect to this chapter and that disciplinary action is appropriate, the director or the director's designee shall issue a fine or citation to the registrant.

902

903

904

905

Section 24. Section **63I-1-258** is amended to read:

906

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

907

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

908

909

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

- 910 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.
- 911 (4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.
- 912 (5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is
913 repealed July 1, 2032.
- 914 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.
- 915 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
916 repealed July 1, 2029.
- 917 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1,
918 2033.
- 919 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.
- 920 (10) Subsection 58-47b-102(5), defining massage assistant, is repealed July 1, 2029.
- 921 (11) Subsection 58-47b-102(6), defining massage assistant-in-training, is repealed July 1,
922 2029.
- 923 (12) Subsection 58-47b-301(3), regarding representing oneself as a massage assistant or a
924 massage assistant-in-training, is repealed July 1, 2029.
- 925 (13) Subsection 58-47b-301(4), regarding requirement for a massage assistant or a massage
926 assistant-in-training to work in a registered massage establishment, is repealed July 1,
927 2029.
- 928 (14) Subsection 58-47b-302(1)(c), regarding the division licensing a massage assistant, is
929 repealed July 1, 2029.
- 930 (15) Subsection 58-47b-302(1)(d), regarding the division licensing a massage
931 assistant-in-training, is repealed July 1, 2029.
- 932 (16) Subsection 58-47b-302(4), regarding applicant for massage assistant licensure, is
933 repealed July 1, 2029.
- 934 (17) Subsection 58-47b-302(5), regarding applicant for a massage assistant-in-training, is
935 repealed July 1, 2029.
- 936 (18) Subsection 58-47b-302(6), regarding supervision for a massage assistant or a massage
937 assistant-in-training, is repealed July 1, 2029.
- 938 (19) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training
939 license, is repealed July 1, 2029.
- 940 (20) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing
941 Advisory Board, is repealed July 1, 2027.
- 942 [(H)] (21) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1,
943 2026.

944 Section 1. **Effective Date.**

945 This bill takes effect on May 7, 2025.