

Norman K Thurston proposes the following substitute bill:

Massage Therapy Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- amends the licensure requirements for massage therapy;
- specifies requirements for a criminal background check for an individual performing massage therapy;
- specifies requirements for a massage establishment to register;
- provides the circumstances under which an individual must perform massage therapy in a registered massage establishment;
- provides for the expiration and renewal of registration and licensure;
- specifies identification, signage, and disclosure requirements;
- creates standards for unlawful and unprofessional conduct by a massage establishment;
- establishes penalties for a massage establishment that engages in unlawful or unprofessional conduct;
- specifies when a massage establishment can be denied registration;
- specifies requirements for a criminal background check for massage establishment owners;
- creates a safe harbor provision for a credentialed individual renting or leasing to a sole practitioner;
- 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;

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

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **58-1-301.5**, as last amended by Laws of Utah 2024, Chapter 420
- 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-302.1**, as enacted by Laws of Utah 2023, Chapter 225
- 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-401.1**, Utah Code Annotated 1953
- 58 **58-47b-501.1**, Utah Code Annotated 1953
- 59 **58-47b-502.1**, Utah Code Annotated 1953
- 60 **58-47b-503.1**, Utah Code Annotated 1953
- 61 **58-47b-504**, Utah Code Annotated 1953
- 62 **58-47b-601**, Utah Code Annotated 1953

63 REPEALS AND REENACTS:

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

65

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

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

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

69 (1) The division shall have direct access to local files maintained by the Bureau of Criminal
70 Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for
71 background screening of individuals who are applying for licensure or certification, or
72 with respect to a license or certification, renewal, reinstatement, or relicensure or
73 recertification, as required in:

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

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

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

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

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

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

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

83 (h) Sections 58-60-103.1, 58-60-205, 58-60-305, 58-60-405, and 58-60-506 of Chapter
84 60, Mental Health Professional Practice Act;

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

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

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

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

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

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

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

92 (a) shall meet the requirements of Section 53-10-108; and

93 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere
94 held in abeyance, dismissed charges, and charges without a known disposition.

95 (3) The division may not disseminate outside of the division any criminal history record
96 information that the division obtains from the Bureau of Criminal Identification or the

97 Federal Bureau of Investigation under the criminal background check requirements of
98 this section.

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

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

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

102 (1) "Board" means the Board of Massage Therapy and Acupuncture created in Section
103 58-47b-201.

104 (2)(a) "Breast" means the female mammary gland~~[and]~~ .

105 (b) "Breast" does not include the muscles, connective tissue, or other soft tissue of the
106 upper chest.

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

109 (4) "Clinical massage therapy" means:

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

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

114 (c) work on an acute or subacute injury.

115 (5) "Clinical massage therapy supervisor" means:

116 (a)(i) before June 1, 2027, a massage therapist or a clinical massage therapist who has
117 engaged in the lawful practice of massage therapy for at least 3,000 hours; and

118 (ii) beginning June 1, 2027, a clinical massage therapist who has engaged in the
119 lawful practice of massage therapy for at least 3,000 hours;

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

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

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

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

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

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

129 (7) "Credentialed individual" means an individual who is:

130 (a) a massage therapist licensed before June 1, 2027, a massage apprentice, a massage

- 131 assistant, a massage assistant-in-training, or a clinical massage therapist; or
132 (b) a registered massage therapist.
- 133 [~~(3)~~] (8) "Homeostasis" means [~~maintaining, stabilizing, or returning~~] the maintenance, the
134 stabilization, or the return of the muscular system to equilibrium[~~the muscular system~~].
- 135 (9)(a) "Limited clinical massage therapy" means:
- 136 (i) the systematic manual manipulation of the soft tissue of the body for the purpose
137 of promoting the therapeutic health and well-being of a client, enhancing the
138 circulation of the blood and lymph, relaxing and lengthening muscles, relieving
139 pain, restoring metabolic balance, relaxation, or achieving homeostasis;
- 140 (ii) seated chair massage;
- 141 (iii) the use of body wraps;
- 142 (iv) aromatherapy;
- 143 (v) reflexology; or
- 144 (vi) in connection with an activity described in this Subsection (9), the use of:
- 145 (A) the hands;
- 146 (B) a towel;
- 147 (C) a stone;
- 148 (D) a shell;
- 149 (E) a bamboo stick; or
- 150 (F) an herbal ball compress.
- 151 (b) "Limited clinical massage therapy" does not include the examination, assessment,
152 and evaluation of the soft tissue structures of the body for the purpose of devising a
153 treatment plan to promote homeostasis.
- 154 [~~(4)~~] (10) "Massage apprentice" means an individual licensed under this chapter as a
155 massage apprentice to perform massage therapy under the direct supervision of a clinical
156 massage therapy supervisor.
- 157 [~~(5)~~] (11) "Massage assistant" means an individual licensed under this chapter as a massage
158 assistant[~~-~~] to perform limited clinical massage therapy under the indirect supervision of
159 a clinical massage therapy supervisor.
- 160 [~~(6)~~] (12) "Massage assistant in-training" means an individual licensed under this chapter as
161 a [~~massage assistant in-training~~] massage assistant-in-training to perform limited clinical
162 massage therapy under the direct supervision of a clinical massage therapy supervisor.
- 163 (13)(a) "Massage establishment" means a place where massage therapy is performed by
164 one or more individuals required to be credentialed under this chapter.

- 165 (b) "Massage establishment" does not include:
166 (i) a location used by a sole practitioner to practice massage therapy;
167 (ii) an out-call location; or
168 (iii) a massage school.
- 169 (14) "Massage therapist" means an individual licensed before June 1, 2027, under this
170 chapter as a massage therapist that may perform massage therapy.
- 171 (15) "Massage therapy" means clinical massage therapy, limited clinical massage therapy,
172 or non-clinical massage therapy.
- 173 (16)(a) "Non-clinical massage therapy" means:
174 (i) the examination, assessment, and evaluation of the soft tissue structures of the
175 body for the purpose of devising a treatment plan to promote homeostasis;
176 (ii) the systematic manual or mechanical manipulation of the soft tissue of the body
177 for the purpose of promoting the therapeutic health and well-being of a client,
178 enhancing the circulation of the blood and lymph, relaxing and lengthening
179 muscles, relieving pain, restoring metabolic balance, or achieving homeostasis, or
180 for any other purpose;
181 (iii) the use of the hands or a mechanical or electrical apparatus in connection with
182 this Subsection (16);
183 (iv) the use of rehabilitative procedures involving the soft tissue of the body;
184 (v) range of motion movements or movements without spinal adjustment as set forth
185 in Section 58-73-102;
186 (vi) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower,
187 steam, and cabinet baths;
188 (vii) manual traction and stretching exercise;
189 (viii) correction of muscular distortion by treatment of the soft tissues of the body;
190 (ix) counseling, education, and other advisory services to reduce the incidence and
191 severity of physical disability, movement dysfunction, and pain;
192 (x) activities and modality techniques similar or related to the activities and
193 techniques described in this Subsection (16); or
194 (xi) providing, offering, or advertising a paid service using the term massage or a
195 derivative of the word massage, regardless of whether the service includes
196 physical contact.
- 197 (b) "Non-clinical massage therapy" does not include:
198 (i) a massage service that is intended to be billed to an insurance company;

- 199 (ii) a massage service that is included in a physical therapy or occupational therapy
 200 care plan; or
- 201 (iii) work on an acute or subacute injury.
- 202 [~~(7) "Massage therapist" means an individual licensed under this chapter as a massage~~
 203 ~~therapist.~~]
- 204 [~~(8) "Massage therapy supervisor" means:~~]
- 205 ~~[(a) a massage therapist who has at least three years of experience as a massage therapist~~
 206 ~~and has engaged in the lawful practice of massage therapy for at least 3,000 hours;]~~
- 207 ~~[(b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;]~~
- 208 ~~[(c) a physician licensed under Chapter 67, Utah Medical Practice Act;]~~
- 209 ~~[(d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical~~
 210 ~~Practice Act;]~~
- 211 ~~[(e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or]~~
- 212 ~~[(f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice~~
 213 ~~Act.]~~
- 214 (17) "Out-call location" means a location:
- 215 (a) where massage therapy is provided; and
- 216 (b) that a sole practitioner or a massage establishment does not own, lease, or rent.
- 217 (18)(a) "Owner" means an individual who controls the operation of a massage
 218 establishment.
- 219 (b) "Owner" includes:
- 220 (i) a shareholder, as defined in Section 16-10a-102, who owns, directly or indirectly
 221 through an entity controlled by the individual, any of the outstanding shares of an
 222 entity that owns, leases, or otherwise operates a massage establishment that:
- 223 (A) is a corporation; or
- 224 (B) is not publicly listed or traded;
- 225 (ii) an individual who owns, directly or indirectly through an entity controlled by the
 226 individual, any part of an entity that is not a corporation and that owns, leases, or
 227 otherwise operates a massage establishment;
- 228 (iii) an individual:
- 229 (A) in whose name a certificate of occupancy has been issued for a massage
 230 establishment; or
- 231 (B) that operates a massage establishment under a lease, operating agreement,
 232 franchise, or other arrangement; and

- 233 (iv) a sublessee or other legal possessor.
- 234 [(9)(a) "Practice of limited massage therapy" means:]
- 235 (i) ~~the systematic manual manipulation of the soft tissue of the body for the purpose~~
- 236 of promoting the therapeutic health and well-being of a client, enhancing the
- 237 circulation of the blood and lymph, relaxing and lengthening muscles, relieving
- 238 pain, restoring metabolic balance, relaxation, or achieving homeostasis;]
- 239 (ii) ~~seated chair massage;~~
- 240 (iii) ~~the use of body wraps;~~
- 241 (iv) ~~aromatherapy;~~
- 242 (v) ~~reflexology; or~~
- 243 (vi) ~~in connection with an activity described in this Subsection (9), the use of:]~~
- 244 [(A) ~~the hands;~~
- 245 [(B) ~~a towel;~~
- 246 [(C) ~~a stone;~~
- 247 [(D) ~~a shell;~~
- 248 [(E) ~~a bamboo stick; or~~
- 249 [(F) ~~an herbal ball compress.]~~
- 250 (b) ~~"Practice of limited massage therapy" does not include work on an acute or subacute~~
- 251 injury.]
- 252 [(10) "Practice of massage therapy" means:]
- 253 (a) ~~the examination, assessment, and evaluation of the soft tissue structures of the body~~
- 254 for the purpose of devising a treatment plan to promote homeostasis;]
- 255 (b) ~~the systematic manual or mechanical manipulation of the soft tissue of the body for~~
- 256 the purpose of promoting the therapeutic health and well-being of a client, enhancing
- 257 the circulation of the blood and lymph, relaxing and lengthening muscles, relieving
- 258 pain, restoring metabolic balance, or achieving homeostasis, or for any other purpose;]
- 259 (c) ~~the use of the hands or a mechanical or electrical apparatus in connection with this~~
- 260 Subsection (10);]
- 261 (d) ~~the use of rehabilitative procedures involving the soft tissue of the body;]~~
- 262 (e) ~~range of motion or movements without spinal adjustment as set forth in Section~~
- 263 58-73-102;]
- 264 (f) ~~the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam,~~
- 265 and cabinet baths;]
- 266 (g) ~~manual traction and stretching exercise;]~~

- 267 ~~[(h) correction of muscular distortion by treatment of the soft tissues of the body;]~~
 268 ~~[(i) counseling, education, and other advisory services to reduce the incidence and~~
 269 ~~severity of physical disability, movement dysfunction, and pain;]~~
 270 ~~[(j) activities and modality techniques similar or related to the activities and techniques~~
 271 ~~described in this Subsection (10);]~~
 272 ~~[(k) a practice described in this Subsection (10) on an animal to the extent permitted by:]~~
 273 ~~[(i) Subsection 58-28-307(12);]~~
 274 ~~[(ii) the provisions of this chapter; and]~~
 275 ~~[(iii) division rule made in accordance with Title 63G, Chapter 3, Utah~~
 276 ~~Administrative Rulemaking Act; or]~~
 277 ~~[(l) providing, offering, or advertising a paid service using the term massage or a~~
 278 ~~derivative of the word massage, regardless of whether the service includes physical~~
 279 ~~contact.]~~

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

283 (20) "Registered massage therapist" means an individual registered under this chapter to
 284 perform non-clinical massage therapy.

285 [(H)] (21) "Soft tissue" means the muscles and related connective tissue.

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

287 (a) an out-call location;

288 (b) the credentialed individual's residence, if the credentialed individual does not employ
 289 or contract with another credentialed individual; or

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

293 [(I2)] (23) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501[
 294 and] , 58-47b-501, and 58-47b-501.1.

295 [(I3)] (24) "Unprofessional conduct" means the same as that term is defined in Sections
 296 58-1-501[-and] , 58-47b-502, and 58-47b-502.1 and as may be further defined by
 297 division rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 298 Rulemaking Act.

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

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

- 301 ~~[(1) An individual shall hold a license issued under this chapter in order to engage in the~~
 302 ~~practice of massage therapy or the practice of limited massage therapy, except as~~
 303 ~~specifically provided in Section 58-1-307 or 58-47b-304.]~~
- 304 ~~[(2)]~~ (1)(a) An individual shall hold a license to perform clinical massage therapy or limited clinical
 305 massage therapy.
- 306 (b) An individual shall hold a license or registration to practice non-clinical massage
 307 therapy.
- 308 (2) An individual shall have a license ~~[in order]~~to:
- 309 (a) represent oneself as a clinical massage therapist, massage apprentice, massage
 310 assistant, ~~[or massage assistant in-training]~~ massage assistant-in-training, or a
 311 massage therapist;
- 312 (b)(i) represent oneself as providing a service that is within the practice of clinical
 313 massage therapy~~[-or the practice of limited massage therapy]~~ ; or
- 314 (ii) use the words "clinical massage" or any other ~~[word]~~ similar wording to describe
 315 the ~~[services]~~ service; or
- 316 (c) charge or receive a fee or any consideration for providing a service that is within the
 317 practice of clinical massage therapy~~[-or the practice of limited massage therapy]~~.
- 318 (3) A credentialed individual, other than a sole practitioner, may only perform massage
 319 therapy in:
- 320 (a) a registered massage establishment;
- 321 (b) an out-call location; or
- 322 (c) a location exempt from registration under Section 58-47b-304.1.
- 323 (4) An individual shall register with the division to perform non-clinical massage therapy,
 324 except as specifically provided in Section 58-1-307 or 58-47b-304.
- 325 Section 4. Section **58-47b-301.1** is enacted to read:
- 326 **58-47b-301.1 . Massage establishment registration required -- Maintenance of**
registration.
- 327 (1) An owner shall register a massage establishment with the division.
- 328 (2)(a) Each place of business shall register separately.
- 329 (b) If multiple massage establishments exist at the same address, each massage
 330 establishment shall register separately.
- 331 (3) A massage establishment shall provide the physical address where the massage
 332 establishment operates to the division.
- 333 (4) Unless exempt under Section 58-47b-304.1, a massage establishment may not allow for

334 the practice of massage therapy on the massage establishment's premises unless the
 335 massage establishment is registered in accordance with this section.

336 (5)(a) A registered massage establishment shall ensure only properly credentialed
 337 individuals perform massage therapy.

338 (b) A registered massage establishment shall maintain documentation of the employment
 339 or contract relationship and make the documentation available during an inspection
 340 or investigation by the division.

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

342 (7) Upon the sale, sublease, or change of legal possession of a registered massage
 343 establishment, the owner, lessee, or legal possessor of the massage establishment shall
 344 apply for and obtain a new registration within 30 days after the day on which the
 345 ownership, lessee, or legal possession changes.

346 (8) Whenever statute or rule requires or prohibits action by a registered massage
 347 establishment, any owner of the registered massage establishment is responsible for all
 348 activities of the registered massage establishment, regardless of the form of the business
 349 organization.

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

351 **58-47b-302 . License classifications -- Qualifications for registration and**
 352 **licensure -- Individuals.**

353 (1) An applicant for registration as a registered massage therapist shall:

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

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

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

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

359 (ii) provide satisfactory evidence to the division that the applicant will practice as a
 360 massage assistant-in-training only under the direct supervision of a clinical
 361 massage therapy supervisor.

362 (b)(i) A clinical massage therapy supervisor with fewer than 6,000 hours of
 363 experience may supervise up to two massage assistants-in-training at one time.

364 (ii) A clinical massage therapy supervisor with at least 6,000 hours of experience
 365 may supervise up to six massage assistants-in-training at one time.

366 (3)(a) An applicant for a massage assistant license shall have:

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

- 368 (ii) 150 hours of education or 150 hours of practice while licensed as a massage
369 assistant-in-training under the direct supervision of a clinical massage therapist;
370 and
- 371 (iii) 150 hours of education or 150 hours of practice while licensed as an
372 assistant-in-training under the indirect supervision of a clinical massage therapy
373 supervisor.
- 374 (b)(i) A clinical massage therapy supervisor with fewer than 6,000 hours of
375 experience may supervise up to two massage assistants at one time.
- 376 (ii) A clinical massage therapy supervisor with at least 6,000 hours of experience
377 may supervise up to six massage assistants at one time.
- 378 (4)(a) An application for a massage apprentice license shall:
- 379 (i) have a massage safety permit in accordance with Subsection (6);
- 380 (ii) provide satisfactory evidence to the division that the applicant will practice as a
381 massage apprentice only under the direct supervision of a clinical massage therapy
382 supervisor; and
- 383 (iii) pass an examination as the division requires by rule.
- 384 (b)(i) A clinical massage therapy supervisor with fewer than 6,000 hours of
385 experience may supervise up to two massage apprentices at one time.
- 386 (ii) A clinical massage therapy supervisor with at least 6,000 hours of experience
387 may supervise up to six massage apprentices at one time.
- 388 (5)(a) An applicant for a clinical massage therapist license shall:
- 389 (i) submit an application in a form the division approves;
- 390 (ii) pay a fee determined by the department under Section 63J-1-504;
- 391 (iii) be 18 years old or older;
- 392 (iv) have graduated from a school of massage having a curriculum that:
- 393 (A) meets the standards established by the division; and
- 394 (B) includes the training on the activities described in Subsection (6)(d);
- 395 (v)(A) have completed equivalent education and training in compliance with the
396 division; or
- 397 (B) have completed a massage apprenticeship program consisting of a minimum
398 of 1,000 hours of supervised training and in accordance with standards
399 established by the division; and
- 400 (vi) pass an examination as the division requires by rule.
- 401 (b) An individual licensed as a massage therapist shall, upon renewal, apply:

- 402 (i) as a clinical massage therapist; or
- 403 (ii) as a registered massage therapist.
- 404 (c) A clinical massage therapist may perform massage therapy with no supervision.
- 405 (6) An applicant for a massage safety permit shall:
- 406 (a) submit an application in a form the division approves;
- 407 (b) pay a fee determined by the department under Section 63J-1-504;
- 408 (c) be 18 years old or older; and
- 409 (d) complete an educational module as required by the division that includes:
- 410 (i) practicing physical boundaries;
- 411 (ii) draping;
- 412 (iii) gaining consent; and
- 413 (iv) taking a medical history.
- 414 (7) Under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall
- 415 make rules establishing:
- 416 (a) the examination that covers contraindications of massage;
- 417 (b) the examination for a massage apprentice;
- 418 (c) the standards for a clinical massage therapist curriculum;
- 419 (d) the equivalent education and training for a massage therapist;
- 420 (e) the standards of a massage apprenticeship program;
- 421 (f) the examination for a clinical massage therapist; and
- 422 (g) the educational module described in Subsection (6)(d).
- 423 Section 6. Section **58-47b-302.1** is amended to read:
- 424 **58-47b-302.1 . Criminal background check -- Individuals.**
- 425 (1) An applicant for licensure or registration under this chapter [~~who requires a criminal~~
- 426 ~~background check~~] shall:
- 427 (a) submit fingerprint cards in a form acceptable to the division at the time the license
- 428 application is filed; and
- 429 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
- 430 Identification and the Federal Bureau of Investigation regarding the application.
- 431 (2) The division shall:
- 432 (a) in addition to other fees authorized by this chapter, collect from each applicant
- 433 submitting fingerprints in accordance with this section the fee that the Bureau of
- 434 Criminal Identification is authorized to collect for the services provided under
- 435 Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for

- 436 fingerprint processing for the purpose of obtaining federal criminal history record
437 information;
- 438 (b) submit from each applicant the fingerprint card and the fees described in Subsection
439 (2)(a) to the Bureau of Criminal Identification; and
- 440 (c) obtain and retain in division records a signed waiver approved by the Bureau of
441 Criminal Identification in accordance with Section 53-10-108 for each applicant.
- 442 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
443 Section 53-10-108:
- 444 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state
445 and regional criminal records databases;
- 446 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal
447 history background check; and
- 448 (c) provide the results from the state, regional, and nationwide criminal history
449 background checks to the division.
- 450 (4) For purposes of conducting a criminal background check required under this section, the
451 division shall have direct access to criminal background information maintained under
452 Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- 453 (5) The division may not disseminate outside of the division any criminal history record
454 information that the division obtains from the Bureau of Criminal Identification or the
455 Federal Bureau of Investigation under the criminal background check requirements of
456 this section.
- 457 (6)(a) A new license issued under this chapter is conditional pending completion of the
458 criminal background check.
- 459 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
460 criminal background check required in [~~Subsection 58-47b-302(7)~~] Section
461 58-47b-302.1 demonstrates the applicant has failed to accurately disclose a criminal
462 history, the license is immediately and automatically revoked upon notice to the
463 licensee by the division.
- 464 (c) A person whose conditional license is revoked under Subsection (6)(b) is entitled to a
465 postrevocation hearing to challenge the revocation.
- 466 (d) The division shall conduct a postrevocation hearing in accordance with Title 63G,
467 Chapter 4, Administrative Procedures Act.
- 468 (7) An applicant who successfully completes a background check under this section may
469 not be required by any other state or local government body to submit to a second

470 background check as a condition of lawfully [~~engaging in the practice of~~] performing
471 massage therapy[~~or the practice of limited-massage therapy in this state~~].

472 Section 7. Section **58-47b-302.2** is enacted to read:

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

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

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

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

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

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

480 (c) provide satisfactory documentation:

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

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

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

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

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

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

495 (f) submit fingerprints for each individual who:

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

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

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

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

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

503 (iv) serves as:

- 504 (A) an elected officer of the entity; or
 505 (B) a general manager of the entity;
 506 (g) submit the following information for each individual for whom fingerprints are
 507 required by Subsection (2)(f):
 508 (i) full name;
 509 (ii) any other name used;
 510 (iii) date of birth;
 511 (iv) social security number or other satisfactory evidence of the applicant's identity
 512 permitted by rule made by the division in accordance with Title 63G, Chapter 3,
 513 Utah Administrative Rulemaking Act;
 514 (v) address;
 515 (vi) phone number;
 516 (vii) email address;
 517 (viii) license number, if licensed under this chapter;
 518 (ix) registration number, if registered under this chapter; and
 519 (x) a recent color photograph of each owner;
 520 (h) allow the Department of Commerce to verify that the applicant and each individual
 521 listed in Subsection (2)(f), is legally present in the United States;
 522 (i) submit a signed attestation in a form the division approves by rule attesting that the
 523 massage establishment does not engage in illegal activities including human
 524 trafficking, sex advertising, or unlicensed practice; and
 525 (j) meet with the division or board if requested by the division or board.
 526 (3) A minor who is an owner of the massage establishment is exempt from Subsection (2)(f).
 527 (4) The division may require an owner to prove continuing right of possession at any time
 528 during the registration period.

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

530 **58-47b-303 . Term of license and registration -- Expiration -- Renewal --**

531 **Individuals.**

- 532 (1)(a) Except as provided in Subsection (3), the division shall [~~issue a license~~] provide
 533 credentialing under this chapter in accordance with a two-year renewal cycle
 534 established by division rule made in accordance with Title 63G, Chapter 3, Utah
 535 Administrative Rulemaking Act.
 536 (b) [~~A~~] The division may extend or shorten a license or registration renewal period [~~may~~
 537 be extended or shortened] by as much as one year to maintain established renewal

- 538 cycles or to change an established renewal cycle.
- 539 (2) Subject to Subsection (3), a license or a registration automatically expires on the
 540 expiration date shown on the license or registration unless renewed by the [licensee]
 541 credentialed individual in accordance with Section 58-1-308.
- 542 (3)(a) A massage apprentice license expires 24 months after the day on which the
 543 division issues the massage apprentice license.
- 544 (b) A massage [~~assistant in-training~~] assistant-in-training license expires six months after
 545 the day on which the division issues the [~~massage assistant in-training~~] massage
 546 assistant-in-training license.
- 547 (c) The division may not renew or extend a massage apprentice or massage
 548 assistant-in-training license unless:
- 549 (i) a circumstance or hardship arose beyond the individual's control that prevented the
 550 individual from completing the process;
- 551 (ii) the division grants the renewal or extension for a period proportionate to the
 552 circumstance or hardship; and
- 553 (iii) the individual's clinical massage therapy supervisor consents in writing to the
 554 renewal or extension.
- 555 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 556 division may make rules establishing the evidence an applicant shall present to renew a
 557 license.

558 Section 9. Section **58-47b-303.1** is enacted to read:

559 **58-47b-303.1 . Term of registration -- Expiration -- Renewal -- Massage**
 560 **establishments.**

- 561 (1)(a) Except as provided in Subsection (3), the division shall issue a registration under
 562 this chapter in accordance with a two-year renewal cycle.
- 563 (b) The division may extend or shorten a renewal period by as much as one year to
 564 maintain established renewal cycles or to change an established renewal cycle.
- 565 (2) A registration automatically expires on the expiration date shown on the registration
 566 unless the registrant renews.
- 567 (3) At the time of renewal, a registered massage therapy establishment shall:
- 568 (a) complete and submit an application for renewal in the form the division approves;
 569 and
- 570 (b) pay a renewal fee established by the department under Section 63J-1-504.

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

572 **58-47b-304 . Exemptions from credentialing -- Individuals.**

- 573 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
574 individuals may [~~engage in the practice of~~] perform massage therapy[~~or the practice of~~
575 ~~limited massage therapy~~], subject to the stated circumstances and limitations, without
576 being [~~licensed~~] credentialed under this chapter:
- 577 (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;
 - 578 (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;
 - 579 (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a, Nurse
580 Midwife Practice Act;
 - 581 (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
 - 582 (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice
583 Act, while under the general supervision of a physical therapist;
 - 584 (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic
585 Medical Practice Act;
 - 586 (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice
587 Act;
 - 588 (h) a hospital staff member employed by a hospital, who practices massage as part of the
589 staff member's responsibilities;
 - 590 (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
 - 591 (j) a student in training enrolled in a massage therapy school approved by the division;
 - 592 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice
593 Act;
 - 594 (l)(i) an occupational therapist licensed under Chapter 42a, Occupational Therapy
595 Practice Act; and
 - 596 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational
597 Therapy Practice Act, while under the general supervision of an occupational
598 therapist;
 - 599 (m) an individual performing animal massage therapy under the rules made by the
600 division in accordance with Subsection 58-28-307(12);
 - 601 (n) an individual performing gratuitous massage; [and]
 - 602 (o) an individual:
 - 603 (i) certified by or through, and in good standing with, an industry organization that is
604 recognized by the division and that represents a profession with established
605 standards and ethics;

- 606 (A) who is certified to practice reflexology and whose practice is limited to the
 607 scope of practice of reflexology;
- 608 (B) who is certified to practice a type of zone therapy, including foot zone
 609 therapy, and whose practice is limited to the scope of practice for which the
 610 individual is certified;
- 611 (C) who is certified to practice ortho-bionomy and whose practice is limited to the
 612 scope of practice of ortho-bionomy;
- 613 (D) who is certified to practice bowerwork and whose practice is limited to the
 614 scope of practice of bowerwork; or
- 615 (E) who is certified to practice a type of brain integration and whose practice is
 616 limited to the scope of practice for which the individual is certified;
- 617 (ii) whose clients remain fully clothed from the shoulders to the knees; and
- 618 (iii) whose clients do not receive gratuitous massage from the individual[-]; and
- 619 (p)(i) an individual performing massage therapy who:
- 620 (A) holds a valid license, permit, certificate, or registration, for massage therapy
 621 issued by any other jurisdiction of the United States or by a foreign country; or
- 622 (B) holds a certification from a nationally recognized massage therapy
 623 organization if the nonresident individual is from a jurisdiction of the United
 624 States that does not regulate massage therapy; and
- 625 (ii) is temporarily performing massage therapy in this state for a period that does not
 626 exceed 30 days for the purpose of:
- 627 (A) presenting educational or clinical programs, lectures, seminars, or workshops;
- 628 (B) providing massage services during an emergency as part of a disaster response
 629 team; or
- 630 (C) consulting with a credentialed individual regarding massage therapy.
- 631 (2) An individual described in Subsection (1) may not represent oneself as a massage
 632 therapist, massage apprentice, massage assistant, or [~~massage assistant in-training~~]
 633 massage assistant-in-training.
- 634 (3) This chapter may not be construed to:
- 635 (a) authorize any individual licensed under this chapter to engage in any manner in the
 636 practice of medicine as defined by the laws of this state;
- 637 (b) require insurance coverage or reimbursement for massage therapy [~~or limited~~
 638 ~~massage therapy~~]from third party payors; or
- 639 (c) prevent an insurance carrier from offering coverage for massage therapy[~~or limited~~

640 massage therapy].

641 Section 11. Section **58-47b-304.1** is enacted to read:

642 **58-47b-304.1 . Exemptions from registration -- Massage establishments.**

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

645 (1) hospitals or medical clinics;

646 (2) physician offices;

647 (3) physical therapy facilities;

648 (4) chiropractic offices;

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

651 (6) other facilities as defined by rule.

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

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

654 (1)(a) The division is the only agency authorized to license and register individuals to [
655 engage in the practice of] perform massage therapy [or the practice of limited massage
656 therapy] within the state or any of the state's political subdivisions.

657 (b) This chapter does not prevent any political subdivision of the state from enacting:

658 (i) subject to Subsection (1)(b)(ii), ordinances governing the operation of
659 establishments offering massages; or

660 (ii) ordinances regulating the practice of massage therapy [or the practice of limited
661 massage therapy,] if:

662 (A) [-] except as provided in Subsection (1)(b)(ii)(B), the ordinances are [not less]
663 at least as stringent [than] as this chapter[-] ; and

664 (B) the ordinances do not require background checks prohibited by Section
665 58-47b-307.

666 (2) This chapter does not prohibit any political subdivision of the state from prosecuting:

667 (a) an [unlicensed] individual who is engaged in [the practice of] massage therapy [or
668 the practice of limited massage therapy] without the required license or registration; or

669 (b) a [licensed] credentialed individual [-who] , or a registered massage establishment that
670 is engaged in unlawful conduct.

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

672 **58-47b-306 . Required identification and disclosures -- Individuals.**

673 [(1) As used in this section, "massage establishment" means an establishment in which an

674 individual lawfully engages in the practice of massage therapy or the practice of limited
675 massage therapy.]

676 [~~(2) If a massage assistant or massage assistant in-training engages in the practice of limited~~
677 ~~massage therapy at a massage establishment, the massage establishment shall~~
678 ~~prominently display to the public a sign that indicates certain massage services offered~~
679 ~~at the massage establishment are performed by a massage assistant or a massage~~
680 ~~assistant in-training.~~]

681 [~~(3)~~] (1)(a) A credentialed individual shall obtain from the client a completed and signed
682 intake form before the individual provides a massage therapy to the client.

683 (b) The division may further define the intake form by rule made in accordance with
684 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

685 (2) A credentialed individual under this chapter, while performing massage therapy:

686 (a) shall display through an identification badge, name tag, or embroidery showing the
687 credentialed individual's classification; and

688 (b) [If an individual requests a massage service that is performed by a massage assistant
689 or a massage assistant in-training, the licensee performing or the massage therapy
690 supervisor supervising the massage service shall ensure that the individual is notified
691 before scheduling or agreeing to the massage service that the massage service is
692 performed by a massage assistant or massage assistant in-training.] may not identify
693 to any person in connection with massage therapy other than as the individual's
694 licensed or registered classification.

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

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

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

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

701 Section 14. Section **58-47b-306.1** is enacted to read:

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

703 (1) A massage establishment shall display prominently:

704 (a) the massage establishment registration;

705 (b) a copy of the state issued license or registration for each credentialed individual
706 contracted with or employed by the establishment;

707 (c) division resources required by rule made in accordance with Title 63G, Chapter 3,

- 708 Utah Administrative Rulemaking Act; and
 709 (d) a sign that states some massage therapy offered at the registered massage
 710 establishment are performed by a massage apprentice, a massage assistant, or a
 711 massage assistant-in-training if the massage establishment employs or contracts with
 712 a massage apprentice, a massage assistant, or a massage assistant-in-training.
 713 (2) If the provider has a reasonable belief a credentialed individual's safety may be
 714 compromised, the displayed license or registration shall only give the first name and last
 715 initial for each credentialed individual.
 716 (3) The massage establishment shall display signage that:
 717 (a) states the massage establishment has verified that all providers are credentialed
 718 individuals under Section 58-47b-302; and
 719 (b) informs consumers of:
 720 (i) the right to request the provider's first name and license type; and
 721 (ii) methods for reporting complaints to the division.

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

723 **58-47b-401 . Grounds for denial of license -- Individuals.**

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

- 727 (1) [~~refusal to issue a license to~~] refuse to license or register an applicant;
 728 (2) [~~refusal-~~] refuse to renew the [license of a licensee] license or registration for a
 729 credentialed individual;
 730 (3) [~~revocation, suspension, restriction, or placement-~~] revoke, suspend, restrict, or place on
 731 probation of a license or registration for a credentialed individual;
 732 (4) [~~issuance of-~~] issue a public or private reprimand to [a licensee; and] a credentialed
 733 individual; or
 734 (5) [~~issuance of-~~] issue a cease and desist order.

735 Section 16. Section **58-47b-401.1** is enacted to read:

736 **58-47b-401.1 . Grounds for denial of registration -- Massage establishments.**

737 The division shall deny an application for registration of a massage establishment under
 738 this chapter if:

- 739 (1) the location in the registration application has had a registration revoked or surrendered
 740 for cause within the last two years;
 741 (2) the application is for a location that has advertised in a manner that reasonably implies

- 742 sexual services are offered at the location;
 743 (3) within two years before the date of the application, an owner had a previous license or
 744 registration issued under this chapter suspended or revoked; or
 745 (4) an owner has a criminal conviction or pending criminal charges for any crime under
 746 Title 76, Chapter 5, Part 4, Sexual Offenses.

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

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

- 749 (1) "Unlawful conduct" for an individual includes:
- 750 (a) [~~practicing, engaging in, or attempting to practice or engage in the practice of~~
 751 ~~performing~~ massage therapy without [holding a current license as a massage therapist
 752 or a massage apprentice under this chapter] being a credentialed individual or an
 753 exempt individual;
- 754 (b) advertising or representing oneself as [~~engaging in the practice of~~] performing
 755 massage therapy [when not licensed to do so] without being a credentialed individual
 756 or an exempt individual;
- 757 (c) performing massage therapy outside the authorized massage therapy the credentialed
 758 individual may perform;
- 759 [~~(e) practicing, engaging in, or attempting to practice or engage in the practice of limited~~
 760 ~~massage therapy without holding a current license as a massage therapist, massage~~
 761 ~~apprentice, massage assistant, or massage assistant in-training under this chapter;]~~
- 762 [~~(d) advertising or representing oneself as engaging in the practice of limited massage~~
 763 ~~therapy when not licensed to do so; and]~~
- 764 [~~(e)] (d) massaging, touching, or applying any instrument or device [by a licensee] in the~~
 765 ~~course [of engaging in the practice]of massage therapy [or the practice of limited~~
 766 ~~massage therapy-]to the:~~
- 767 (i) genitals;
 768 (ii) anus; or
 769 (iii) except as provided in Subsection (2), breasts of a female [patron] client.
- 770 (2)(a) Subsection [~~(1)(e)(iii)] (1)(d)(iii) does not apply if a female [patron] client:~~
- 771 (i) requests breast massage, as may be further defined by division rule made in
 772 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 773 (ii) subject to Subsection (2)(b), signs a written consent form before each time the
 774 procedure is performed.
- 775 (b) If the female [patron] client is a minor, the female [patron's] client's parent or legal

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

777 Section 18. Section **58-47b-501.1** is enacted to read:

778 **58-47b-501.1 . Unlawful conduct -- Massage establishments.**

779 "Unlawful conduct" for a massage establishment in accordance with Section

780 58-47b-301.1 includes:

781 (1) operating without a valid registration;

782 (2) offering massage therapy without a credentialed individual on site;

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

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

787 (5) permitting an individual who is not credentialed or exempt to perform clinical massage
788 therapy;

789 (6) permitting an individual who is not credentialed or exempt to:

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

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

792 (7) permitting an individual who is not credentialed or exempt, or a client the use or
793 possession of adult-oriented merchandise while at the registered massage establishment;

794 (8) advertising on a sexually oriented website;

795 (9) advertising services in a manner that may be reasonably construed as sexual in nature;

796 (10) refusing inspection by the Division of Professional Licensing as authorized under
797 Section 58-47b-601;

798 (11) arranging or allowing for any of the unlawful acts described in Section 58-47b-501;

799 (12) failing to immediately report to a local police department any disorderly conduct,
800 sexual acts, or other criminal activity occurring on or within the registered massage
801 establishment's premises;

802 (13) concealing an individual in the massage establishment;

803 (14) refusing to provide identification to inspectors or law enforcement; or

804 (15) attempting to elude an inspector by leaving the massage establishment or remaining
805 behind locked doors in the massage establishment during an inspection.

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

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

808 "Unprofessional conduct" for an individual includes the following and may be

809 further defined by division rule made in accordance with Title 63G, Chapter 3, Utah

810 Administrative Rulemaking Act:

- 811 (1) maintaining, operating, or assisting in the establishment or operation of any place of
 812 business for the purpose of performing~~[-the practice of]~~ massage therapy~~[-or the practice~~
 813 ~~of limited massage therapy]~~ without first obtaining a business license, if a license is
 814 required;
- 815 (2) failing to comply with any applicable ordinances relating to the regulation of massage
 816 establishment;
- 817 (3) failing to comply with all applicable state and local health or sanitation codes;
- 818 (4) failing of a clinical massage therapist supervisor to properly supervise a massage
 819 apprentice, massage assistant, or [massage assistant in-training] a massage
 820 assistant-in-training;
- 821 (5) failing to maintain mechanical or electrical equipment in a safe operating condition;
- 822 (6) failing to adequately monitor [~~patrons~~] clients utilizing steam rooms, dry heat cabinets,
 823 or water baths;
- 824 (7) prescribing or administering medicine or drugs;
- 825 (8) engaging in any act or practice in a professional capacity that is outside of the practice
 826 of massage therapy~~[-or the practice of limited massage therapy]~~; and
- 827 (9) engaging in any act or practice in a professional capacity for which the [~~licensee~~]
 828 credentialed individual is not competent to perform through training or experience.

829 Section 20. Section **58-47b-502.1** is enacted to read:

830 **58-47b-502.1 . Unprofessional conduct -- Massage establishments.**

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

- 834 (1) failing to comply with employee or client recordkeeping requirements as established in
 835 rule;
- 836 (2) failing to comply with all applicable state and local health or sanitation codes and
 837 requirements as established by rule;
- 838 (3) failing to comply with facility requirements as established by rule;
- 839 (4) maintaining, operating, or assisting in the establishment or operation of any place of
 840 business for the purpose of performing the practice of massage therapy without first
 841 obtaining a business license, if a license is required;
- 842 (5) failing to comply with any applicable ordinances relating to the regulation of massage
 843 establishment;

- 844 (6) failing to maintain mechanical or electrical equipment in a safe operating condition; and
 845 (7) failing to adequately monitor a client utilizing steam rooms, dry heat cabinets, or water
 846 baths.

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

848 **58-47b-503 . Penalties -- Individuals.**

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

853 Section 22. Section **58-47b-503.1** is enacted to read:

854 **58-47b-503.1 . Penalties -- Massage establishments.**

- 855 (1) For acts of unprofessional conduct or unlawful conduct by a massage establishment, the
 856 division may:
 857 (a) assess administrative penalties; and
 858 (b) take any other appropriate administrative action, which may include sending letters
 859 of concern to:
 860 (i) the municipality and the police department for the municipality in which the
 861 massage establishment is located; or
 862 (ii) the property owner or manager from which the massage establishment is leasing
 863 space.
 864 (2) The division shall deposit an administrative penalty imposed in accordance with this
 865 section into the General Fund.
 866 (3) If a massage establishment owner has been convicted of violating Section 58-47b-501.1,
 867 before an administrative finding of a violation of the same section, the massage
 868 establishment owner may not be assessed an administrative penalty under this chapter
 869 for the same incident for which the conviction was obtained.
 870 (4) If, upon inspection or investigation, the division concludes that a person has violated the
 871 provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501,
 872 58-47b-501.1, 58-47b-502, or 58-47b-502.1, or any rule or order issued with respect to
 873 these provisions, and that disciplinary action is appropriate, the director or the director's
 874 designee from within the division shall:
 875 (a) promptly issue a citation to the person according to this chapter and any pertinent
 876 rules; and
 877 (b)(i) attempt to negotiate a stipulated settlement; or

- 878 (ii) notify the person to appear before an adjudicative proceeding conducted under
879 Title 63G, Chapter 4, Administrative Procedures Act.
- 880 (c) A citation shall:
- 881 (i) be in writing and describe with particularity the nature of the violation, including
882 a reference to the provision of the chapter, rule, or order alleged to have been
883 violated; and
- 884 (ii) state that the person to which the citation is issued shall notify the division in
885 writing within 20 calendar days of service of the citation in order to contest the
886 citation at a hearing conducted under Title 63G, Chapter 4, Administrative
887 Procedures Act;
- 888 (iii) explain the consequences of failure to timely contest the citation or to make
889 payment of any fines assessed by the citation within the time specified in the
890 citation.
- 891 (d) The division may serve a citation issued under this section, or a copy of each citation,
892 upon any person upon which a summons may be served:
- 893 (i) in accordance with the Utah Rules of Civil Procedure;
- 894 (ii) personally or upon the person's agent by a division investigator or by any person
895 specially designated by the director; or
- 896 (iii) by mail.
- 897 (e)(i) If, within 20 calendar days after the day of service of a citation, the person to
898 whom the citation is issued fails to request a hearing to contest the citation, the
899 citation becomes the final order of the division and is not subject to further agency
900 review.
- 901 (ii) The division may extend the period to contest the citation for cause.
- 902 (f) The division shall suspend, revoke, place on probation, or refuse to issue or renew the
903 registration of a registered massage establishment that fails to comply with the
904 citation after the citation becomes final.
- 905 (g) Failure of an applicant for registration to comply with a citation after the citation
906 becomes final is a ground for denial of registration.
- 907 (h) The division may not issue a citation under this section after one year from the date
908 on which the violation that is the subject of the citation is reported to the division.
- 909 (i) In addition to or in lieu of an administrative penalty, the division may assess a fine
910 to any person that is in violation of the provisions of Chapter 1, Division of
911 Professional Licensing Act, Section 58-47b-501 or 58-47b-501.1, or any rule or

- 912 order issued with respect to these provisions, as evidenced by an uncontested
 913 citation, a stipulated settlement, or a finding of violation in an adjudicative
 914 proceeding.
- 915 (ii) The fine may be in an amount equal to the greater of up to \$10,000 per single
 916 violation or up to \$2,000 per day of ongoing violation in accordance with a fine
 917 schedule established by rule.
- 918 (iii) In addition to or in lieu of a fine, the division may order the person to cease and
 919 desist from violating the provisions of Chapter 1, Division of Professional
 920 Licensing Act, Section 58-47b-501, 58-47b-501.1, or 58-47b-502.1, or any rule or
 921 order issued with respect to these provisions.
- 922 (5)(a) The director may collect a fine that is not paid by:
- 923 (i) referring the matter to a collection agency; or
 924 (ii) bringing an action in the district court of the county where the person against
 925 whom the penalty is imposed resides or in the county where the office of the
 926 director is located.
- 927 (b) The division may consult with the county attorney or the attorney general of the state
 928 for legal assistance and advice in an action to collect a penalty.
- 929 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
 930 action brought by the division to collect a penalty.
- 931 (6) The division may suspend a registered massage establishment's registration without
 932 notice if:
- 933 (a)(i) there is a pattern of credible facts that the registered massage establishment is
 934 attempting to operate a prostitution enterprise; or
 935 (ii) the registered massage establishment is engaged in any form of human trafficking
 936 whether there is a violation of any other specific law, rule, or code.
- 937 (b) If the division suspends the registration without notice, the division shall hold a
 938 hearing within 15 days.
- 939 Section 23. Section **58-47b-504** is enacted to read:
- 940 **58-47b-504 . Renting or leasing to a sole practitioner.**
- 941 A credentialed individual renting or leasing to a sole practitioner may not be held liable
 942 for the actions of the sole practitioner so long as the credentialed individual:
- 943 (1) verifies that the sole practitioner is a credentialed individual and in good standing in the
 944 state of Utah at the time of the rental or lease;
- 945 (2) verifies that the sole practitioner has a valid Department of Commerce issued business

946 license; and

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

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

949 (b) the sole practitioner's Department of Commerce issued business license; and

950 (c) rental agreement.

951 Section 24. Section **58-47b-601** is enacted to read:

952 **Part 6. Enforcement**

953 **58-47b-601 . Inspection.**

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

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

957 (a) give proper identification;

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

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

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

962 (3) If during the inspection, the inspector has reasonable expectation that an occupant of a
963 room is not fully clothed, the inspector shall allow the occupant a reasonable amount of
964 time to dress before the inspector enters the room.

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

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

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

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

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

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

977 (i) all areas of the massage establishment;

978 (ii) all personnel; and

979 (iii) all records requested by the inspector.

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

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

985 **63I-1-258 . Repeal dates: Title 58.**

- 986 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed
 987 July 1, 2026.
- 988 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
- 989 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.
- 990 (4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.
- 991 (5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is
 992 repealed July 1, 2032.
- 993 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.
- 994 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
 995 repealed July 1, 2029.
- 996 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1,
 997 2033.
- 998 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.
- 999 (10) Subsection 58-47b-102(12), defining massage assistant, is repealed July 1, 2029.
- 1000 (11) Subsection 58-47b-102(13), defining massage assistant-in-training, is repealed July 1,
 1001 2029.
- 1002 (12) Subsection 58-47b-302(2), regarding applicant for a massage assistant-in-training, is
 1003 repealed July 1, 2029.
- 1004 (13) Subsection 58-47b-302(3), regarding applicant for a massage assistant, is repealed July
 1005 1, 2029.
- 1006 (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training
 1007 license, is repealed July 1, 2029.
- 1008 (15) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing
 1009 Advisory Board, is repealed July 1, 2027.
- 1010 [(H)] (16) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1,
 1011 2026.

1012 Section 26. **Effective Date.**

1013 This bill takes effect on May 7, 2025.