

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 performing massage therapy, including creating a registration requirement for massage therapy establishments.

Highlighted Provisions:

This bill:

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

- schedules the repeal of provisions related to a massage assistant and massage assistant-in-training;
- includes a coordination clause to coordinate enactment of provisions with S.B. 44, Professional Licensure Amendments; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides coordination clauses.

Utah Code Sections Affected:**AMENDS:**

- 58-1-301.5**, as last amended by Laws of Utah 2024, Chapter 420
- 58-47b-102**, as last amended by Laws of Utah 2024, Chapter 507
- 58-47b-301**, as last amended by Laws of Utah 2023, Chapter 225
- 58-47b-302.1**, as enacted by Laws of Utah 2023, Chapter 225
- 58-47b-303**, as last amended by Laws of Utah 2023, Chapter 225
- 58-47b-304**, as last amended by Laws of Utah 2024, Chapter 455
- 58-47b-305**, as last amended by Laws of Utah 2023, Chapter 225
- 58-47b-306**, as enacted by Laws of Utah 2023, Chapter 225
- 58-47b-401**, as enacted by Laws of Utah 1996, Chapter 76
- 58-47b-501**, as last amended by Laws of Utah 2023, Chapter 225
- 58-47b-502**, as last amended by Laws of Utah 2023, Chapter 225
- 58-47b-503**, as last amended by Laws of Utah 2000, Chapter 309
- 63I-1-258**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

ENACTS:

- 58-47b-301.1**, Utah Code Annotated 1953
- 58-47b-302.2**, Utah Code Annotated 1953
- 58-47b-303.1**, Utah Code Annotated 1953
- 58-47b-304.1**, Utah Code Annotated 1953
- 58-47b-306.1**, Utah Code Annotated 1953
- 58-47b-401.1**, Utah Code Annotated 1953
- 58-47b-501.1**, Utah Code Annotated 1953
- 58-47b-502.1**, Utah Code Annotated 1953

63 **58-47b-503.1**, Utah Code Annotated 1953

64 **58-47b-504**, Utah Code Annotated 1953

65 **58-47b-601**, Utah Code Annotated 1953

66 REPEALS AND REENACTS:

67 **58-47b-302**, as last amended by Laws of Utah 2024, Chapter 137

68 **Utah Code Sections affected by Coordination Clause:**

69 **58-1-301.5**, as last amended by Laws of Utah 2024, Chapter 420

70 **58-47b-302**, as last amended by Laws of Utah 2024, Chapter 137

71

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

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

74 **58-1-301.5 . Division access to Bureau of Criminal Identification records.**

75 (1) The division shall have direct access to local files maintained by the Bureau of Criminal

76 Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for

77 background screening of individuals who are applying for licensure~~[or certification]~~ ,

78 certification, or registration, or with respect to a license or certification, renewal,

79 reinstatement, or relicensure or recertification, as required in:

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

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

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

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

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

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

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

89 (h) Sections 58-60-103.1, 58-60-205, 58-60-305, 58-60-405, and 58-60-506~~[of Chapter~~
90 ~~60, Mental Health Professional Practice Act]~~;

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

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

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

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

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

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

Act].

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

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

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

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

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

58-47b-102 . Definitions.

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

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

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

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

(3) "Clinical massage therapy" means:

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

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

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

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

(e) work on an acute or subacute injury.

(4) "Credentialed individual" means an individual who is:

(a) a registered massage practitioner; or

(b) a massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage therapist.

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

~~[(3)]~~ (6) "Homeostasis" means ~~[maintaining, stabilizing, or returning]~~ the maintenance, the

131 stabilization, or the return of the muscular system to equilibrium~~[the muscular system]~~.

132 (7) "Licensed massage therapist" means an individual licensed under this chapter to
133 perform massage therapy without supervision.

134 (8)(a) "Limited massage therapy" means:

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

139 (ii) seated chair massage;

140 (iii) the use of body wraps;

141 (iv) aromatherapy;

142 (v) reflexology; or

143 (vi) in connection with an activity described in Subsections (8)(a)(i) through (v), the
144 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 massage therapy" does not include the examination, assessment, and
152 evaluation of the soft tissue structures of the body for the purpose of devising a
153 treatment plan to promote homeostasis.

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

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

158 [(6)] (11) "Massage ~~assistant-in-training~~ assistant-in-training" means an individual licensed
159 under this chapter as a ~~[massage assistant in-training]~~ massage assistant-in-training.

160 (12)(a) "Massage establishment" means a place where massage therapy is performed by
161 one or more credentialed individuals.

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

164 (c) "Massage establishment" does not include:

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

(ii) an out-call location; or

(iii) a massage school where a credentialed individual only performs massage therapy
for an educational purpose.

(13) "Massage therapy" means clinical massage therapy, limited massage therapy, or
non-clinical massage therapy.

(14) "Massage therapy supervisor" means:

(a) a licensed massage therapist who has lawfully engaged in massage therapy for at
least 3,000 hours;

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

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

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

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

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

(15)(a) "Non-clinical massage therapy" means:

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

(ii) the use of the hands or a mechanical or electrical apparatus in connection with
this Subsection (15)(a);

(iii) the use of rehabilitative procedures involving the soft tissue of the body;

(iv) range of motion movements or movements without spinal adjustment as
described in Section 58-73-102;

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

(vi) manual traction and stretching exercise;

(vii) correction of muscular distortion by treatment of the soft tissues of the body;

(viii) activities and modality techniques similar or related to the activities and
techniques described in this Subsection (15)(a); or

- (ix) providing, offering, or advertising a paid service using the term massage or a derivative of the word massage, regardless of whether the service includes physical contact.
- (b) "Non-clinical massage therapy" does not include:
- (i) massage therapy that is intended to be billed to an insurance company;
- (ii) massage therapy that is included in a physical therapy or occupational therapy care plan;
- (iii) the examination, assessment, and evaluation of the soft tissue structures of the body for the purpose of devising a treatment plan to promote homeostasis;
- (iv) counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain; or
- (v) work on an acute or subacute injury.
- [(7) "Massage therapist" means an individual licensed under this chapter as a massage therapist.]
- [(8) "Massage therapy supervisor" means:]
- (a) a massage therapist who has at least three years of experience as a massage therapist and has engaged in the lawful practice of massage therapy for at least 3,000 hours;
- (b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
- (c) a physician licensed under Chapter 67, Utah Medical Practice Act;
- (d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
- (e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or]
- (f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.]
- (16) "Out-call location" means a location:
- (a) where massage therapy is provided; and
- (b) that a sole practitioner or a massage establishment does not own, lease, or rent.
- (17)(a) "Owner" means an individual who controls the operation of a massage establishment.
- (b) "Owner" includes:
- (i) a shareholder, as defined in Section 16-10a-102, who owns, directly or indirectly through an entity controlled by the individual, any of the outstanding shares of an entity that owns, leases, or otherwise operates a massage establishment that:
- (A) is a corporation; or

- (B) is not publicly listed or traded;
- (ii) an individual who owns, directly or indirectly through an entity controlled by the individual, any part of an entity that is not a corporation and that owns, leases, or otherwise operates a massage establishment;
- (iii) an individual:
- (A) in whose name a certificate of occupancy has been issued for a massage establishment; or
- (B) that operates a massage establishment under a lease, operating agreement, franchise, or other arrangement; and
- (iv) a sublessee or other legal possessor.
- [(9)(a) "Practice of limited massage therapy" means:]
- [(i) ~~the systematic manual manipulation of the soft tissue of the body for the purpose of promoting the therapeutic health and well-being of a client, enhancing the circulation of the blood and lymph, relaxing and lengthening muscles, relieving pain, restoring metabolic balance, relaxation, or achieving homeostasis;~~]
- [(ii) ~~seated chair massage;~~]
- [(iii) ~~the use of body wraps;~~]
- [(iv) ~~aromatherapy;~~]
- [(v) ~~reflexology; or~~]
- [(vi) ~~in connection with an activity described in this Subsection (9), the use of:]~~
- [(A) ~~the hands;~~]
- [(B) ~~a towel;~~]
- [(C) ~~a stone;~~]
- [(D) ~~a shell;~~]
- [(E) ~~a bamboo stick; or~~]
- [(F) ~~an herbal ball compress.~~]
- [(b) ~~"Practice of limited massage therapy" does not include work on an acute or subacute injury.~~]
- [(10) "Practice of massage therapy" means:]
- [(a) ~~the examination, assessment, and evaluation of the soft tissue structures of the body for the purpose of devising a treatment plan to promote homeostasis;~~]
- [(b) ~~the systematic manual or mechanical manipulation of the soft tissue of the body for the purpose of promoting the therapeutic health and well-being of a client, enhancing the circulation of the blood and lymph, relaxing and lengthening muscles, relieving~~

- ~~pain, restoring metabolic balance, or achieving homeostasis, or for any other purpose;]~~
- ~~[(e) the use of the hands or a mechanical or electrical apparatus in connection with this Subsection (10);]~~
- ~~[(d) the use of rehabilitative procedures involving the soft tissue of the body;]~~
- ~~[(e) range of motion or movements without spinal adjustment as set forth in Section 58-73-102;]~~
- ~~[(f) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet baths;]~~
- ~~[(g) manual traction and stretching exercise;]~~
- ~~[(h) correction of muscular distortion by treatment of the soft tissues of the body;]~~
- ~~[(i) counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain;]~~
- ~~[(j) activities and modality techniques similar or related to the activities and techniques described in this Subsection (10);]~~
- ~~[(k) a practice described in this Subsection (10) on an animal to the extent permitted by:]~~
- ~~[(i) Subsection 58-28-307(12);]~~
- ~~[(ii) the provisions of this chapter; and]~~
- ~~[(iii) division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or]~~
- ~~[(l) providing, offering, or advertising a paid service using the term massage or a derivative of the word massage, regardless of whether the service includes physical contact.]~~

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

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

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

(21) "Sole practitioner" means a credentialed individual who:

(a) offers massage therapy from:

(i) an out-call location;

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

(iii) a location, other than the credentialed individual's residence, that the credentialed

individual owns, rents, or leases;
(b) does not employ or contract with an individual to offer massage therapy; and
(c) does not employ or contract with an individual who works at the sole practitioner's
location on a regular basis.
[(12)] (22) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501[
and] , 58-47b-501, and 58-47b-501.1.

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

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

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

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

[(2)] (1)(a) An individual shall hold a license to perform clinical massage therapy or
limited massage therapy.

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

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

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

(a) represent oneself as a [massage therapist, massage apprentice, massage assistant, or
massage assistant in-training] registered massage practitioner, a massage
assistant-in-training, a massage assistant, a massage apprentice, or a licensed massage
therapist;

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

(ii) use the word "massage" or any other [word] similar wording to describe the [
services] service; or

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

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

(a) a registered massage establishment;

(b) an out-call location; or

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

(4) Subject to Subsection 58-47b-502(9):

(a) a registered massage practitioner may perform non-clinical massage therapy without supervision after completing 300 hours under the indirect supervision of a massage therapy supervisor who is a licensed massage therapist;

(b) a massage assistant-in-training may perform limited massage therapy under the direct supervision of a massage therapy supervisor who is a licensed massage therapist and is permitted to complete 150 hours under the indirect supervision of a massage therapy supervisor who is a licensed massage therapist;

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

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

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

Section 4. Section **58-47b-301.1** is enacted to read:

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

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

(2)(a) Each place of business shall register separately.

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

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

(4) A massage establishment may not allow massage therapy on the massage establishment's premises unless the massage establishment is registered in accordance with this section.

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

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

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

- (7) Upon the sale, sublease, or change of legal possession of a registered massage establishment, the owner, lessee, or legal possessor of the massage establishment shall apply for and obtain a new registration within 30 days after the day on which the ownership, lessee, or legal possession changes.
- (8) Whenever statute or rule requires or prohibits action by a registered massage establishment, any owner of the registered massage establishment is responsible for all activities of the registered massage establishment, regardless of the form of the business organization.

The following section is affected by a coordination clause at the end of this bill.

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

58-47b-302 . Qualifications for registration and licensure -- Individuals.

- (1)(a) An applicant for registration as a registered massage practitioner shall:
- (i) have a massage safety permit in accordance with Subsection (6);
 - (ii) complete the initial 300 hours as a registered massage practitioner under the indirect supervision of a massage therapy supervisor who is a licensed massage therapist; and
 - (iii) pass an examination that covers contraindications of massage, as the division requires by rule.
- (b) A massage therapy supervisor who is a licensed massage therapist may supervise up to six registered massage practitioners at one time.
- (2)(a) An applicant for a massage assistant-in-training license shall:
- (i) have a massage safety permit in accordance with Subsection (6); and
 - (ii) provide satisfactory evidence to the division that the applicant will practice as a massage assistant-in-training only under the supervision of a massage therapy supervisor who is a licensed massage therapist.
- (b) A massage therapy supervisor who is a licensed massage therapist may supervise up to four massage assistants-in-training at one time.
- (3)(a) An applicant for a massage assistant license shall:
- (i) have a massage safety permit in accordance with Subsection (6);
 - (ii) provide satisfactory evidence to the division that the applicant will practice as a massage assistant only under the indirect supervision of a massage therapy supervisor;
 - (iii) subject to Subsection (3)(b), complete at least 300 hours of education and training the division approves by rule; and

- 403 (iv) pass an examination as the division requires by rule.
- 404 (b) The 300-hour education and training requirement described in Subsection (3)(a) shall
405 include:
- 406 (i) at least 300 hours of education and training while the applicant is enrolled in
407 massage school; or
- 408 (ii)(A) at least 150 hours of education and training while the applicant is licensed
409 as a massage assistant-in-training under the direct supervision of a massage
410 therapy supervisor who is a licensed massage therapist; and
- 411 (B) at least 150 hours of education and training while the applicant is licensed as a
412 massage assistant-in-training under the indirect supervision of a massage
413 therapy supervisor who is a licensed massage therapist.
- 414 (c) A massage therapy supervisor may supervise up to six massage assistants at one time.
- 415 (4)(a) An applicant for a massage apprentice license shall:
- 416 (i) have a massage safety permit in accordance with Subsection (6);
- 417 (ii) provide satisfactory evidence to the division that the applicant will practice as a
418 massage apprentice only under the indirect supervision of a massage therapy
419 supervisor who is a licensed massage therapist; and
- 420 (iii) pass an examination as the division requires by rule.
- 421 (b) A massage therapy supervisor who is a licensed massage therapist may supervise up
422 to four massage apprentices at one time.
- 423 (5) An applicant for a massage therapist license shall:
- 424 (a) submit an application in a form the division approves;
- 425 (b) pay a fee determined by the department under Section 63J-1-504;
- 426 (c) be 18 years old or older;
- 427 (d)(i) have graduated from a school of massage having a curriculum that meets the
428 standards the division establishes by rule and includes the training on the activities
429 described in Subsection (6)(d);
- 430 (ii) have completed equivalent education and training in compliance with standards
431 the division establishes by rule; or
- 432 (iii) have completed a massage apprenticeship program consisting of a minimum of
433 1,000 hours of directly supervised training and in accordance with standards the
434 division establishes by rule; and
- 435 (e) pass an examination as the division requires by rule.
- 436 (6) An applicant for a massage safety permit shall:

- (a) submit an application in a form the division approves;
- (b) pay a fee determined by the department under Section 63J-1-504;
- (c) be 18 years old or older; and
- (d) complete an educational module the division establishes by rule that includes:
 - (i) practicing physical boundaries;
 - (ii) draping;
 - (iii) gaining consent; and
 - (iv) taking a medical history.

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

- (a) submit an application in a form the division approves;
- (b) pay a fee determined by the department under Section 63J-1-504;
- (c) be 18 years old or older;
- (d) consent to, and complete, a criminal background check described in Section 58-47b-302.1;
- (e) meet any other standard related to the criminal background check described in Subsection (7)(d) as the division requires by rule; and
- (f) disclose any criminal history the division requests on a form the division approves.

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

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

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

58-47b-302.1 . Criminal background check.

- (1) An applicant for individual licensure or registration and an owner of a registered massage establishment~~[under this chapter who requires a criminal background check]~~

471 shall:

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

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

476 (2) The division shall:

477 (a) in addition to other fees authorized by this chapter, collect from each applicant
478 submitting fingerprints in accordance with this section the fee that the Bureau of
479 Criminal Identification is authorized to collect for the services provided under
480 Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for
481 fingerprint processing for the purpose of obtaining federal criminal history record
482 information;

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

485 (c) obtain and retain in division records a signed waiver approved by the Bureau of
486 Criminal Identification in accordance with Section 53-10-108 for each applicant.

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

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

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

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

495 (4) For purposes of conducting a criminal background check required under this section, the
496 division shall have direct access to criminal background information maintained under
497 Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

498 (5) The division may not disseminate outside of the division any criminal history record
499 information that the division obtains from the Bureau of Criminal Identification or the
500 Federal Bureau of Investigation under the criminal background check requirements of
501 this section.

502 (6)(a) A new license issued under this chapter is conditional pending completion of the
503 criminal background check.

504 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the

criminal background check required [~~in Subsection 58-47b-302(7)~~] by this section demonstrates the applicant has failed to accurately disclose a criminal history, the license is immediately and automatically revoked upon notice to the licensee by the division.

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

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

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

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

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

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

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

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

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

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

(c) provide satisfactory documentation:

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

(ii) of business licensure from the municipality or county in which the massage establishment is located;

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

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

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

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

- 539 (iii) disclose any criminal history the division requests on a form the division
540 approves;
- 541 (e) submit the following information for each individual for whom a criminal
542 background check is required under Subsection (3):
- 543 (i) full name;
544 (ii) any other name used;
545 (iii) date of birth;
546 (iv) social security number or other satisfactory evidence of the applicant's identity
547 permitted by rule made by the division in accordance with Title 63G, Chapter 3,
548 Utah Administrative Rulemaking Act;
549 (v) address;
550 (vi) phone number;
551 (vii) email address;
552 (viii) license number, if licensed under this chapter;
553 (ix) registration number, if registered under this chapter;
554 (x) a recent color photograph of each owner; and
555 (xi) fingerprints in a form the division approves;
- 556 (f) allow the division to verify that the applicant and each individual listed in Subsection
557 (3) is legally present in the United States;
- 558 (g) submit a signed attestation in a form the division approves by rule attesting that the
559 massage establishment does not engage in illegal activities including human
560 trafficking, sex advertising, or unlicensed practice; and
- 561 (h) meet with the division or board if requested by the division or board.
- 562 (3) An individual shall consent to and complete a criminal background check in accordance
563 with Subsection (2)(d) if the individual:
- 564 (a) personally or constructively holds, including as the beneficiary of a trust:
- 565 (i) at least 10% of the entity's outstanding stock; or
566 (ii) more than \$25,000 of the fair market value of the entity;
- 567 (b) has a direct or indirect participating interest through shares, stock, or otherwise,
568 regardless of whether voting rights are included, of more than 10% of the profits,
569 proceeds, or capital gains of the entity;
- 570 (c) is a member of the board of directors or other governing body of the entity; or
571 (d) serves as:
- 572 (i) an elected officer of the entity; or

(ii) a general manager of the entity.

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

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

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

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

Individuals.

(1)(a) Except as provided in Subsection (3), the division shall ~~[issue a license-]~~ provide credentialing under this chapter in accordance with a two-year renewal cycle established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) ~~[A-]~~ The division may extend or shorten a license or registration renewal period ~~[may be extended or shortened]~~ by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

(2) Subject to Subsection (3), a license or a registration automatically expires on the expiration date shown on the license or registration unless renewed by the ~~[licensee]~~ credentialed individual in accordance with Section 58-1-308.

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

(b) A massage ~~[assistant in training]~~ assistant-in-training license expires six months after the day on which the division issues the ~~[massage assistant in training]~~ massage assistant-in-training license.

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

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

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

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

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing the evidence an applicant shall present to renew a license.

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

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

(1)(a) Except as provided in Subsection (3), the division shall issue a registration under this chapter in accordance with a two-year renewal cycle.

(b) The division may extend or shorten a renewal period by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

(2) A registration automatically expires on the expiration date shown on the registration unless the registrant renews.

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

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

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

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

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

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

- (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;
- (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;
- (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a, Nurse Midwife Practice Act;
- (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
- (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice Act, while under the general supervision of a physical therapist;
- (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
- (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
- (h) a hospital staff member employed by a hospital, who practices massage as part of the staff member's responsibilities;
- (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
- (j) a student in training enrolled in a massage therapy school approved by the division;

- (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act;
- (l)(i) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act; and
- (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational Therapy Practice Act, while under the general supervision of an occupational therapist;
- (m) an individual performing animal massage therapy under the rules made by the division in accordance with Subsection 58-28-307(12);
- (n) an individual performing gratuitous massage; ~~and~~
- (o) an individual:
- (i) certified by or through, and in good standing with, an industry organization that is recognized by the division and that represents a profession with established standards and ethics:
- (A) who is certified to practice reflexology and whose practice is limited to the scope of practice of reflexology;
- (B) who is certified to practice a type of zone therapy, including foot zone therapy, and whose practice is limited to the scope of practice for which the individual is certified;
- (C) who is certified to practice ortho-bionomy and whose practice is limited to the scope of practice of ortho-bionomy;
- (D) who is certified to practice bowerwork and whose practice is limited to the scope of practice of bowerwork; or
- (E) who is certified to practice a type of brain integration and whose practice is limited to the scope of practice for which the individual is certified;
- (ii) whose clients remain fully clothed from the shoulders to the knees; and
- (iii) whose clients do not receive gratuitous massage from the individual[-] ; and
- (p)(i) an individual performing massage therapy who:
- (A) holds a valid license, permit, certificate, or registration, for massage therapy issued by any other jurisdiction of the United States or by a foreign country; or
- (B) holds a certification from a nationally recognized massage therapy organization if the nonresident individual is from a jurisdiction of the United States that does not regulate massage therapy; and
- (ii) is temporarily performing massage therapy in this state for a period that does not

675 exceed 30 days for the purpose of:

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

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

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

680 (2) An individual described in Subsection (1) may not represent oneself as a~~[-massage~~
681 ~~therapist, massage apprentice, massage assistant, or massage assistant-in-training]~~
682 registered massage practitioner, a massage assistant-in-training, a massage assistant, a
683 massage apprentice, or a licensed massage therapist.

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

685 (a) authorize any individual licensed under this chapter to engage in any manner in the
686 practice of medicine as defined by the laws of this state;

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

689 (c) prevent an insurance carrier from offering coverage for massage therapy [~~or limited~~
690 ~~massage therapy~~].

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

692 **58-47b-304.1 . Exemptions from registration -- Massage establishments.**

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

695 (1) hospitals or medical clinics;

696 (2) physician offices;

697 (3) physical therapy facilities;

698 (4) chiropractic offices;

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

701 (6) other facilities as defined by rule.

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

703 **58-47b-305 . State and local jurisdiction.**

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

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

708 (i) subject to Subsection (1)(b)(ii), ordinances governing the operation of

- 709 establishments offering ~~[massages]~~ massage therapy; or
- 710 (ii) ordinances regulating the practice of massage therapy~~[-or the practice of limited~~
- 711 ~~massage therapy,]~~ if:
- 712 (A) ~~[-]~~ except as provided in Subsection (1)(b)(ii)(B), the ordinances are [not less]
- 713 at least as stringent [than] as this chapter[:] ; and
- 714 (B) the ordinances do not require a background check on a minor.
- 715 (2) This chapter does not prohibit any political subdivision of the state from prosecuting:
- 716 (a) an ~~[unlicensed]~~ individual who is engaged in ~~[the practice of]~~ massage therapy ~~[or~~
- 717 ~~the practice of limited massage therapy]~~ without the required credential; or
- 718 (b) ~~[a licensed]~~ an individual[-who] or a massage establishment that is engaged in
- 719 unlawful conduct.

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

721 **58-47b-306 . Required identification and disclosures -- Individuals.**

- 722 ~~[(1) As used in this section, "massage establishment" means an establishment in which an~~
- 723 ~~individual lawfully engages in the practice of massage therapy or the practice of limited~~
- 724 ~~massage therapy.]~~
- 725 ~~[(2) If a massage assistant or massage assistant in-training engages in the practice of limited~~
- 726 ~~massage therapy at a massage establishment, the massage establishment shall~~
- 727 ~~prominently display to the public a sign that indicates certain massage services offered~~
- 728 ~~at the massage establishment are performed by a massage assistant or a massage~~
- 729 ~~assistant in-training.]~~
- 730 ~~[(3)]~~ (1)(a) A credentialed individual shall obtain from the client a completed and signed
- 731 intake form before the individual provides massage therapy to the client.
- 732 (b) The division may further define the intake form by rule made in accordance with
- 733 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 734 (2) While performing massage therapy, a credentialed individual:
- 735 (a) shall wear or display the credentialed individual's first name and last initial and
- 736 credentialed individual's license or registration type; and
- 737 (b) ~~[If an individual requests a massage service that is performed by a massage assistant~~
- 738 ~~or a massage assistant in-training, the licensee performing or the massage therapy~~
- 739 ~~supervisor supervising the massage service shall ensure that the individual is notified~~
- 740 ~~before scheduling or agreeing to the massage service that the massage service is~~
- 741 ~~performed by a massage assistant or massage assistant in-training.]~~ may not identify
- 742 to any person in connection with massage therapy other than as the individual's

license or registration.

- (3) Before scheduling or agreeing to massage therapy, the client shall receive notice of the first name and last initial of the credentialed individual performing the massage therapy and the credentialed individual's license or registration type.

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

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

- (1) A massage establishment shall display prominently:
- (a) the massage establishment registration;
 - (b) a copy of the state issued license or registration for each credentialed individual contracted with or employed by the establishment;
 - (c) division resources required by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (d) a sign that states some massage therapy offered at the registered massage establishment is performed by a registered massage practitioner, a massage assistant-in-training, a massage assistant, or a massage apprentice if the massage establishment employs or contracts with a registered massage practitioner, a massage assistant-in-training, a massage assistant, or a massage apprentice.
- (2) If the provider has a reasonable belief a credentialed individual's safety may be compromised, the provider may redact the displayed license or registration to only provide the first name and last initial for the credentialed individual.
- (3) The massage establishment shall display signage that:
- (a) states the massage establishment has verified that all providers are credentialed individuals under Section 58-47b-302; and
 - (b) informs consumers of:
 - (i) the right to request the provider's first name and last initial and license or registration type; and
 - (ii) methods for reporting complaints to the division.

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

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

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

- (1) ~~[refusal to issue a license to]~~ refuse to license or register an applicant;
- (2) ~~[refusal]~~ refuse to renew the [license of a licensee] license or registration for a

777 credentialed individual;

778 (3) ~~[revocation, suspension, restriction, or placement]~~ revoke, suspend, restrict, or place on
779 probation of a license or registration for a credentialed individual;

780 (4) ~~[issuance of]~~ issue a public or private reprimand to [a licensee; and] a credentialed
781 individual; or

782 (5) ~~[issuance of]~~ issue a cease and desist order.

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

784 **58-47b-401.1 . Grounds for denial of registration -- Massage establishments.**

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

787 (1) the location in the registration application has had a registration revoked or surrendered
788 for cause within the last two years;

789 (2) the application is for a location that has advertised in a manner that reasonably implies
790 sexual services are offered at the location;

791 (3) within two years before the date of the application, an owner had a previous license or
792 registration issued under this chapter suspended or revoked; or

793 (4) an owner has a criminal conviction or pending criminal charges for any crime under
794 Title 76, Chapter 5, Part 4, Sexual Offenses, or any crime listed by rule made by the
795 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
796 Administrative Rulemaking Act.

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

798 **58-47b-501 . Unlawful conduct -- Individuals.**

799 (1) "Unlawful conduct" for an individual includes:

800 (a) ~~[practicing, engaging in, or attempting to practice or engage in the practice of]~~
801 performing massage therapy without ~~[holding a current license as a massage therapist~~
802 or a massage apprentice under this chapter] being a credentialed individual or an
803 exempt individual;

804 (b) advertising or representing oneself as ~~[engaging in the practice of]~~ performing
805 massage therapy [when not licensed to do so] without being a credentialed individual
806 or an exempt individual;

807 (c) performing massage therapy outside the scope of what the credentialed individual is
808 licensed or registered to perform;

809 ~~[(e) practicing, engaging in, or attempting to practice or engage in the practice of limited~~
810 massage therapy without holding a current license as a massage therapist, massage

~~apprentice, massage assistant, or massage assistant in-training under this chapter;~~
~~[(d) advertising or representing oneself as engaging in the practice of limited massage~~
~~therapy when not licensed to do so; and]~~
~~[(e)] (d) massaging, touching, or applying any instrument or device [by a licensee] in the~~
~~course [of engaging in the practice] of massage therapy [or the practice of limited~~
~~massage therapy] to the:~~
 (i) genitals;
 (ii) anus; or
 (iii) except as provided in Subsection (2), breasts of a female ~~[patron]~~ client.

(2)(a) Subsection ~~[(1)(e)(iii)]~~ (1)(d)(iii) does not apply if a female ~~[patron]~~ client:
 (i) requests breast massage, as may be further defined by division rule made in
 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 (ii) subject to Subsection (2)(b), signs a written consent form before each time the
 procedure is performed.

(b) If the female ~~[patron]~~ client is a minor, the female ~~[patron's]~~ client's parent or legal
 guardian shall sign the written consent form described in Subsection (2)(a).

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

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

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

- (1) operating without a valid registration;
- (2) permitting the use of a registered massage establishment for housing, sheltering, or
harboring any individual;
- (3) permitting an individual who is not credentialed or exempt to perform massage therapy;
- (4) permitting an individual to:
 - (a) provide massage therapy without being fully clothed; or
 - (b) perform a sexual act or arranging for a sexual act;
- (5) permitting an individual the use or possession of adult-oriented merchandise while at
the registered massage establishment;
- (6) advertising on a sexually oriented website;
- (7) advertising services in a manner that may be reasonably construed as sexual in nature;
- (8) refusing inspection by the division as authorized under Section 58-47b-601;
- (9) arranging or allowing for any of the unlawful acts described in Section 58-47b-501;
- (10) failing to immediately report to a local police department any disorderly conduct,

sexual acts, or other criminal activity occurring on or within the registered massage establishment's premises;

(11) concealing an individual in the massage establishment;

(12) refusing to provide identification to inspectors or law enforcement; or

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

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

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

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

(1) maintaining, operating, or assisting in the establishment or operation of any place of business for the purpose of performing~~[- the practice of]~~ massage therapy~~[- or the practice of limited massage therapy]~~ without first obtaining a business [license] registration, if a license is required;

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

(3) failing to comply with all applicable state and local health or sanitation codes;

(4)(a) failing of a licensed massage therapist to properly supervise a massage apprentice, [massage assistant, or] a massage [assistant-in-training] assistant-in-training , or a registered massage practitioner; and

(b) [;] failing of a massage therapist supervisor to properly supervise a massage assistant;

(5) failing to maintain mechanical or electrical equipment in a safe operating condition;

(6) failing to adequately monitor ~~[patrons]~~ clients utilizing steam rooms, dry heat cabinets, or water baths;

(7) prescribing or administering medicine or drugs;

(8) engaging in any act or practice in a professional capacity that is outside of the practice of massage therapy~~[- or the practice of limited massage therapy]~~; and

(9) engaging in any act or practice in a professional capacity for which the [licensee] credentialed individual is not competent to perform through training or experience.

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

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

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

Administrative Rulemaking Act:

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

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

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

- (1) Except as provided in Subsection (2), [any] an individual who commits an act of unlawful conduct under Section 58-47b-501 is guilty of a class A misdemeanor.
- (2) Sexual conduct that violates Section 58-47b-501 and Title 76, Utah Criminal Code, shall be subject to the applicable penalties in Title 76, Utah Criminal Code.
- (3) For acts of unprofessional conduct or unlawful conduct by an individual, the division may:
 - (a) assess administrative penalties; and
 - (b) take any other appropriate administrative action, which may include sending letters of concern to the municipality and the police department for the municipality in which the individual resides.
- (4) The division shall deposit an administrative penalty imposed in accordance with this section into the Commerce Service Account.
- (5) If an individual has been convicted of violating Section 58-47b-501, before an administrative finding of a violation of the same section, the individual may not be assessed an administrative penalty under this chapter for the same incident for which the conviction was obtained.
- (6) If, upon inspection or investigation, the division concludes that an individual has violated the provisions of Chapter 1, Division of Professional Licensing Act, Section

58-47b-501 or 58-47b-502, or any rule or order issued with respect to these provisions, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:

(a) promptly issue a citation to the individual according to this chapter and any pertinent rules; and

(b)(i) attempt to negotiate a stipulated settlement; or

(ii) notify the individual to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(c) A citation shall:

(i) be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(ii) state that the individual to whom the citation is issued shall notify the division in writing within 20 calendar days of service of the citation to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

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

(d) The division may serve a citation issued under this section, or a copy of each citation, upon any individual upon which a summons may be served:

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

(ii) personally or upon the individual's agent by a division investigator or by any person specially designated by the director; or

(iii) by mail.

(e)(i) If, within 20 calendar days after the day of service of a citation, the individual to whom the citation is issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.

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

(f) The division shall suspend, revoke, place on probation, or refuse to issue or renew the license or registration of a credentialed individual that fails to comply with the citation after the citation becomes final.

(g) Failure of an applicant to comply with a citation after the citation becomes final is a

ground for denial of license, registration, or renewal.

(h) The division may not issue a citation under this section after one year from the date on which the violation that is the subject of the citation is reported to the division.

(i)(i) In addition to or in lieu of an administrative penalty, the division may assess a fine to any person that is in violation of the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these provisions, as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) For acts of unprofessional conduct or unlawful conduct by a massage establishment, the division may:
- (a) assess administrative penalties; and
 - (b) take any other appropriate administrative action, which may include sending letters of concern to:
 - (i) the municipality and the police department for the municipality in which the massage establishment is located; or
 - (ii) the property owner or manager from which the massage establishment is leasing space.
- (2) The division shall deposit an administrative penalty imposed in accordance with this section into the Commerce Service Account.
- (3) If a massage establishment owner has been convicted of violating Section 58-47b-501.1, before an administrative finding of a violation of the same section, the massage establishment owner may not be assessed an administrative penalty under this chapter for the same incident for which the conviction was obtained.
- (4) If, upon inspection or investigation, the division concludes that a massage establishment has violated the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions, and that disciplinary action is appropriate, the director or the director's designee from within the division shall:
- (a) promptly issue a citation to the person according to this chapter and any pertinent rules; and
 - (b)(i) attempt to negotiate a stipulated settlement; or
 - (ii) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
 - (c) A citation shall:
 - (i) be in writing and describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
 - (ii) state that the person to which the citation is issued shall notify the division in writing within 20 calendar days of service of the citation to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

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

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

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

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

(iii) by mail.

(e)(i) If, within 20 calendar days after the day of service of a citation, the person to which the citation is issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.

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

(f) The division shall suspend, revoke, place on probation, or refuse to issue or renew the registration of a registered massage establishment that fails to comply with the citation after the citation becomes final.

(g) Failure of an applicant to comply with a citation after the citation becomes final is a ground for denial of license, registration, or renewal.

(h) The division may not issue a citation under this section after one year from the date on which the violation that is the subject of the citation is reported to the division.

(i)(i) In addition to or in lieu of an administrative penalty, the division may assess a fine to any person that is in violation of the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions, as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding.

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

(iii) In addition to or in lieu of a fine, the division may order the person to cease and desist from violating the provisions of Chapter 1, Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these provisions.

- (5)(a) The director may collect a fine that is not paid by:
- (i) referring the matter to a collection agency; or
 - (ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.
- (b) The division may consult with the county attorney or the attorney general of the state for legal assistance and advice in an action to collect a penalty.
- (c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.
- (6)(a) The division may suspend a registered massage establishment's registration without notice if:
- (i) there is a pattern of credible facts that the registered massage establishment is attempting to operate a prostitution enterprise; or
 - (ii) the registered massage establishment is engaged in any form of human trafficking whether there is a violation of any other specific law, rule, or code.
- (b) If the division suspends the registration without notice, the division shall hold a hearing within 15 days.
- Section 23. Section **58-47b-504** is enacted to read:
- 58-47b-504 . Renting or leasing to a sole practitioner.**
- A credentialed individual renting or leasing to a sole practitioner may not be held liable for the actions of the sole practitioner so long as the credentialed individual:
- (1) verifies that the sole practitioner is a credentialed individual and in good standing in the state of Utah at the time of the rental or lease;
 - (2)(a) verifies that the sole practitioner has a valid Division of Corporations and Commercial Code issued business registration; or
 - (b) obtains a signed attestation from the sole practitioner that the sole practitioner has no business arrangement with the credentialed individual other than a rental or lease; and
 - (3) produces copies of the following if requested by the division:
 - (a) the sole practitioner's state massage license or registration;
 - (b)(i) the sole practitioner's Division of Corporations and Commercial Code issued business registration; or
 - (ii) the sole practitioner's signed attestation described in Subsection (3)(b)(i); and
 - (c) the rental agreement.
- Section 24. Section **58-47b-601** is enacted to read:

Part 6. Enforcement**58-47b-601 . Inspection.**

- (1) For the purpose of verifying compliance with this chapter, the division may enter and inspect the premises of any massage establishment:
- (a) within three months of the opening of a new registered massage establishment; or
 - (b) with reasonable suspicion that a criminal offense or violation of the chapter has been committed.
- (2) Before conducting an inspection under Subsection (1), the division shall:
- (a) give proper identification;
 - (b) request the registration for the massage establishment;
 - (c) describe the nature and purpose of the inspection; and
 - (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.
- (3) If during the inspection, the inspector has reasonable expectation that an occupant of a room is not fully clothed, the inspector shall allow the occupant a reasonable amount of time to dress before the inspector enters the room.
- (4) In conducting an inspection under Subsection (1), the division may, after meeting the requirements of Subsection (2):
- (a) examine any record, device, equipment, machine, electronic device or media, or area related to the practice of massage therapy for the purpose of verifying compliance with the applicable provisions of this chapter;
 - (b) reproduce any record or media at the division's own cost; and
 - (c) take a device for further analysis if considered necessary.
- (5) The owner or manager of the massage establishment shall assist the inspector by providing access to:
- (a) all areas of the massage establishment;
 - (b) all personnel; and
 - (c) all records requested by the inspector.
- (6) If upon inspection the division concludes that a person has violated the provisions of this chapter, or a rule or order issued with respect to this chapter, and that disciplinary action is appropriate, the director or the director's designee shall issue a fine or citation to the registrant.

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

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

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

Section 26. **Effective Date.**

This bill takes effect on October 1, 2025.

Section 27. **Coordinating H.B. 278 with S.B. 44.**

If H.B. 278, Massage Therapy Amendments, and S.B. 44, Professional Licensure Amendments, both pass and become law, the Legislature intends that, on October 1, 2025:

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

"(1) As used in this section, "applicant" means an individual applying for licensure or certification, or with respect to a license or certification, applying for renewal,

1152 reinstatement, or relicensure or recertification, as required in:

1153 (a) Section 58-5a-302;

1154 (b) Section 58-16a-302;

1155 (c) Section 58-17b-303;

1156 (d) Section 58-17b-304;

1157 (e) Section 58-17b-305;

1158 (f) Section 58-17b-306;

1159 (g) Section 58-24b-302;

1160 (h) Section 58-31b-302;

1161 (i) Section 58-42a-302;

1162 (j) Section 58-44a-302;

1163 (k) Section 58-47b-302;

1164 (l) Section 58-47b-302.2;

1165 (m) Section 58-55-302;

1166 (n) Section 58-60-205;

1167 (o) Section 58-60-305;

1168 (p) Section 58-60-405;

1169 (q) Section 58-60-506;

1170 (r) Section 58-61-304;

1171 (s) Section 58-63-302;

1172 (t) Section 58-64-302;

1173 (u) Section 58-67-302;

1174 (v) Section 58-68-302;

1175 (w) Section 58-69-302;

1176 (x) Section 58-70a-302;

1177 (y) Section 58-70b-302;

1178 (z) Section 58-71-302; or

1179 (aa) Section 58-73-302.";

1180 (2) Subsection 58-47b-302(7)(d) in H.B. 278 be amended to read:

1181 "(d) consent to, and complete, a criminal background check, described in Section

1182 58-1-301.5."; and

1183 (3) Subsection 58-47b-302.2(2)(d)(i) in H.B. 278 be amended to read:

1184 "(d)(i) consent to, and complete, a criminal background check, described in Section

1185 58-1-301.5;"