

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

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**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 licensure;
- specifies identification, signage, and disclosure requirements;
- creates standards for unlawful and unprofessional conduct by a massage establishment;
- requires 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 licensed individual renting or leasing to a sole practitioner;
- allows the Division of Professional Licensing to inspect a massage establishment;
- requires standards for the inspection of a registered massage establishment;
- provides exemptions from licensure requirements;

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

34 **Money Appropriated in this Bill:**

35       None

36 **Other Special Clauses:**

37       This bill provides a special effective date.

38       This bill provides coordination clauses.

39 **Utah Code Sections Affected:**

40 AMENDS:

- 41       **58-1-301.5**, as last amended by Laws of Utah 2024, Chapter 420
- 42       **58-47b-102**, as last amended by Laws of Utah 2024, Chapter 507
- 43       **58-47b-301**, as last amended by Laws of Utah 2023, Chapter 225
- 44       **58-47b-302.1**, as enacted by Laws of Utah 2023, Chapter 225
- 45       **58-47b-303**, as last amended by Laws of Utah 2023, Chapter 225
- 46       **58-47b-304**, as last amended by Laws of Utah 2024, Chapter 455
- 47       **58-47b-305**, as last amended by Laws of Utah 2023, Chapter 225
- 48       **58-47b-306**, as enacted by Laws of Utah 2023, Chapter 225
- 49       **58-47b-401**, as enacted by Laws of Utah 1996, Chapter 76
- 50       **58-47b-501**, as last amended by Laws of Utah 2023, Chapter 225
- 51       **58-47b-502**, as last amended by Laws of Utah 2023, Chapter 225
- 52       **58-47b-503**, as last amended by Laws of Utah 2000, Chapter 309
- 53       **63I-1-258**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

54 ENACTS:

- 55       **58-47b-301.1**, Utah Code Annotated 1953
- 56       **58-47b-302.2**, Utah Code Annotated 1953
- 57       **58-47b-303.1**, Utah Code Annotated 1953
- 58       **58-47b-304.1**, Utah Code Annotated 1953
- 59       **58-47b-306.1**, Utah Code Annotated 1953
- 60       **58-47b-401.1**, Utah Code Annotated 1953
- 61       **58-47b-501.1**, Utah Code Annotated 1953
- 62       **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 **58-47b-302.1**, as enacted by Laws of Utah 2023, Chapter 225

72 **58-47b-302.2**, Utah Code Annotated 1953

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

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

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

77 **58-1-301.5 . Division access to Bureau of Criminal Identification records.**

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

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

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

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

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

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

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

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

92 (h) Sections 58-60-103.1, 58-60-205, 58-60-305, 58-60-405, and 58-60-506[~~of Chapter~~  
93 ~~60, Mental Health Professional Practice Act~~];

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

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

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

- 97 (l) Sections 58-67-302 and 58-67-302.1;  
 98 (m) Sections 58-68-302 and 58-68-302.1; and  
 99 (n) Sections 58-70a-301.1 and 58-70a-302[, of Chapter 70a, Utah Physician Assistant  
 100 Act].

- 101 (2) The division's access to criminal background information under this section:  
 102 (a) shall meet the requirements of Section 53-10-108; and  
 103 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere  
 104 held in abeyance, dismissed charges, and charges without a known disposition.  
 105 (3) The division may not disseminate outside of the division any criminal history record  
 106 information that the division obtains from the Bureau of Criminal Identification or the  
 107 Federal Bureau of Investigation under the criminal background check requirements of  
 108 this section.

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

110 **58-47b-102 . Definitions.**

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

- 112 (1) "Board" means the Board of Massage Therapy and Acupuncture created in Section  
 113 58-47b-201.  
 114 (2) "Bodywork" means:  
 115 (a) the systematic manual or mechanical manipulation of the soft tissue of the body;  
 116 (b) the use of the hands or a mechanical or electrical apparatus in connection with an  
 117 activity described in this Subsection (2);  
 118 (c) range of motion movements or movements without adjustment or articulation of the  
 119 spinal column as defined in Section 58-73-102;  
 120 (d) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam,  
 121 and cabinet baths;  
 122 (e) manual traction and stretching exercise;  
 123 (f) activities and modality techniques similar or related to the activities and techniques  
 124 described in this Subsection (2); or  
 125 (g) providing, offering, or advertising a paid service using the term massage or a  
 126 derivative of the word "massage" regardless of whether the service includes physical  
 127 contact.  
 128 [(2)] (3)(a) "Breast" means the female mammary gland~~[-and]~~ .  
 129 (b) "Breast" does not include the muscles, connective tissue, or other soft tissue of the  
 130 upper chest.

- 131 ~~[(3)]~~ (4) "Homeostasis" means ~~[maintaining, stabilizing, or returning]~~ the maintenance, the  
 132 stabilization, or the return of the muscular system to equilibrium~~[the muscular system].~~
- 133 (5) "Licensed individual" means an individual who is a massage assistant-in-training, a  
 134 massage assistant, a massage apprentice, or a licensed massage therapist.
- 135 (6) "Licensed massage therapist" means an individual licensed under this chapter to  
 136 perform massage services without supervision.
- 137 (7) "Limited massage therapy" means:
- 138 (a) bodywork that is not intended to be billed to an insurance company; or
- 139 (b) bodywork that is not supervised by:
- 140 (i) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
- 141 (ii) a physician licensed under Chapter 67, Utah Medical Practice Act;
- 142 (iii) an occupational therapist licensed under Chapter 42a, Occupational Therapy  
 143 Practice Act;
- 144 (iv) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical  
 145 Practice Act;
- 146 (v) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
- 147 (vi) a chiropractic physician licensed under Chapter 73, Chiropractic Physician  
 148 Practice Act;
- 149 ~~[(4)]~~ (8) "Massage apprentice" means an individual licensed under this chapter as a massage  
 150 apprentice.
- 151 ~~[(5)]~~ (9) "Massage assistant" means an individual licensed under this chapter as a massage  
 152 assistant.
- 153 ~~[(6)]~~ (10) "Massage ~~[assistant in-training]~~ assistant-in-training" means an individual licensed  
 154 under this chapter as a ~~[massage assistant in-training]~~ massage assistant-in-training.
- 155 ~~[(7)]~~ "Massage therapist" means an individual licensed under this chapter as a massage  
 156 therapist.]
- 157 ~~[(8)]~~ "Massage therapy supervisor" means:]
- 158 (a) ~~a massage therapist who has at least three years of experience as a massage therapist~~  
 159 ~~and has engaged in the lawful practice of massage therapy for at least 3,000 hours;]~~
- 160 (b) ~~a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;]~~
- 161 (c) ~~a physician licensed under Chapter 67, Utah Medical Practice Act;]~~
- 162 (d) ~~an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical~~  
 163 ~~Practice Act;]~~
- 164 (e) ~~an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or]~~

- 165           ~~[(f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice~~  
166           ~~Act.]~~
- 167   (11)(a) "Massage establishment" means a place where massage services are performed  
168           by a licensed individual.
- 169           (b) "Massage establishment" includes a location an owner rents or leases to multiple sole  
170           practitioners to perform massage services.
- 171           (c) "Massage establishment" does not include:
- 172               (i) a location owned, rented, or leased by a single sole practitioner to perform  
173               massage services;
- 174               (ii) an out-call location; or
- 175               (iii) a massage school where massage services are only performed for an educational  
176               purpose.
- 177   (12) "Massage services" means massage therapy or limited massage therapy.
- 178   (13) "Massage therapy" means:
- 179           (a) bodywork that is intended to be billed to an insurance company;
- 180           (b) bodywork that is supervised by:
- 181               (i) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
- 182               (ii) a physician licensed under Chapter 67, Utah Medical Practice Act;
- 183               (iii) an occupational therapist licensed under Chapter 42a, Occupational Therapy  
184               Practice Act;
- 185               (iv) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical  
186               Practice Act;
- 187               (v) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
- 188               (vi) a chiropractic physician licensed under Chapter 73, Chiropractic Physician  
189               Practice Act;
- 190           (c) the examination, assessment, and evaluation of the soft tissue structures of the body  
191               for the purpose of devising a treatment plan to promote homeostasis;
- 192           (d) counseling, education, and other advisory services to reduce the incidence and  
193               severity of physical disability, movement dysfunction, and pain;
- 194           (e) the use of rehabilitative procedures involving the soft tissue of the body;
- 195           (f) correction of muscular distortion by treatment of the soft tissues of the body; or
- 196           (g) work on an acute or subacute injury.
- 197   (14) "Massage therapy supervisor" means a licensed massage therapist in good standing  
198           who has lawfully engaged in massage services for at least 3,000 hours.

- 199 (15) "Out-call location" means a location:  
 200 (a) where massage services are provided; and  
 201 (b) that a sole practitioner or a massage establishment does not own, lease, or rent.
- 202 (16)(a) "Owner" means an individual who controls the operation of a massage  
 203 establishment.  
 204 (b) "Owner" includes:  
 205 (i) a shareholder, as defined in Section 16-10a-102, who owns, directly or indirectly  
 206 through an entity controlled by the individual, any of the outstanding shares of an  
 207 entity that owns, leases, or otherwise operates a massage establishment that:  
 208 (A) is a corporation; or  
 209 (B) is not publicly listed or traded;  
 210 (ii) an individual who owns, directly or indirectly through an entity controlled by the  
 211 individual, any part of an entity that is not a corporation and that owns, leases, or  
 212 otherwise operates a massage establishment;  
 213 (iii) an individual:  
 214 (A) in whose name a certificate of occupancy has been issued for a massage  
 215 establishment; or  
 216 (B) that operates a massage establishment under a lease, operating agreement,  
 217 franchise, or other arrangement; and  
 218 (iv) a sublessee or other legal possessor.
- 219 [~~(9)(a) "Practice of limited massage therapy" means:]~~  
 220 [~~(i) the systematic manual manipulation of the soft tissue of the body for the purpose~~  
 221 ~~of promoting the therapeutic health and well-being of a client, enhancing the~~  
 222 ~~circulation of the blood and lymph, relaxing and lengthening muscles, relieving~~  
 223 ~~pain, restoring metabolic balance, relaxation, or achieving homeostasis;]~~  
 224 [~~(ii) seated chair massage;]~~  
 225 [~~(iii) the use of body wraps;]~~  
 226 [~~(iv) aromatherapy;]~~  
 227 [~~(v) reflexology; or]~~  
 228 [~~(vi) in connection with an activity described in this Subsection (9), the use of:]~~  
 229 [~~(A) the hands;]~~  
 230 [~~(B) a towel;]~~  
 231 [~~(C) a stone;]~~  
 232 [~~(D) a shell;]~~

- 233                   ~~[(E) a bamboo stick; or]~~
- 234                   ~~[(F) an herbal ball compress.]~~
- 235           ~~[(b) "Practice of limited massage therapy" does not include work on an acute or subacute~~
- 236                   ~~injury.]~~
- 237   ~~[(10) "Practice of massage therapy" means:]~~
- 238           ~~[(a) the examination, assessment, and evaluation of the soft tissue structures of the body~~
- 239                   ~~for the purpose of devising a treatment plan to promote homeostasis;]~~
- 240           ~~[(b) the systematic manual or mechanical manipulation of the soft tissue of the body for~~
- 241                   ~~the purpose of promoting the therapeutic health and well-being of a client, enhancing~~
- 242                   ~~the circulation of the blood and lymph, relaxing and lengthening muscles, relieving~~
- 243                   ~~pain, restoring metabolic balance, or achieving homeostasis, or for any other purpose;]~~
- 244           ~~[(c) the use of the hands or a mechanical or electrical apparatus in connection with this~~
- 245                   ~~Subsection (10);]~~
- 246           ~~[(d) the use of rehabilitative procedures involving the soft tissue of the body;]~~
- 247           ~~[(e) range of motion or movements without spinal adjustment as set forth in Section~~
- 248                   ~~58-73-102;]~~
- 249           ~~[(f) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam,~~
- 250                   ~~and cabinet baths;]~~
- 251           ~~[(g) manual traction and stretching exercise;]~~
- 252           ~~[(h) correction of muscular distortion by treatment of the soft tissues of the body;]~~
- 253           ~~[(i) counseling, education, and other advisory services to reduce the incidence and~~
- 254                   ~~severity of physical disability, movement dysfunction, and pain;]~~
- 255           ~~[(j) activities and modality techniques similar or related to the activities and techniques~~
- 256                   ~~described in this Subsection (10);]~~
- 257           ~~[(k) a practice described in this Subsection (10) on an animal to the extent permitted by:]~~
- 258                   ~~[(i) Subsection 58-28-307(12);]~~
- 259                   ~~[(ii) the provisions of this chapter; and]~~
- 260                   ~~[(iii) division rule made in accordance with Title 63G, Chapter 3, Utah~~
- 261                   ~~Administrative Rulemaking Act; or]~~
- 262           ~~[(l) providing, offering, or advertising a paid service using the term massage or a~~
- 263                   ~~derivative of the word massage, regardless of whether the service includes physical~~
- 264                   ~~contact.]~~
- 265   ~~[(17) "Registered massage establishment" means a massage establishment that is registered~~
- 266                   ~~with the division to lawfully provide massage services at a fixed massage establishment~~



267 location in this state.

268 [(11)] (18) "Soft tissue" means the muscles and related connective tissue.

269 (19) "Sole practitioner" means a licensed massage therapist who:

270 (a) does not employ or contract with a licensed individual to offer massage services; and

271 (b) does not employ an individual who works at the sole practitioner's location on a  
272 regular basis.

273 [(12)] (20) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501[  
274 and] , 58-47b-501, and 58-47b-501.1.

275 [(13)] (21) "Unprofessional conduct" means the same as that term is defined in Sections  
276 58-1-501[and] , 58-47b-502, and 58-47b-502.1 and as may be further defined by  
277 division rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
278 Rulemaking Act.

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

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

281 **Individuals.**

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

285 [(2)] An individual shall hold a license to perform massage services.

286 (1) [~~An individual shall have a license in order to:~~] Only a licensed individual may:

287 (a) represent oneself as a [~~massage therapist, massage apprentice, massage assistant, or~~  
288 ~~massage assistant in-training~~] a massage assistant-in-training, a massage assistant, a  
289 massage apprentice, or a licensed massage therapist;

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

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

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

297 (2) A licensed individual, other than a sole practitioner, may perform massage services only  
298 in:

299 (a) a registered massage establishment;

300 (b) an out-call location; or

- 301 (c) a location exempt from registration under Section 58-47b-304.1.
- 302 (3) A sole practitioner may offer massage services from:
- 303 (a) an out-call location;
- 304 (b) the licensed individual's residence, if the licensed individual does not employ or
- 305 contract with another licensed individual; or
- 306 (c) a location, other than the licensed individual's residence, that the licensed individual
- 307 owns, rents, or leases.
- 308 (4)(a) Subject to Subsection 58-47b-502(9):
- 309 (i) except as provided in Subsection (4)(b), a massage assistant-in-training may
- 310 perform limited massage therapy under the direct supervision of a massage
- 311 therapy supervisor;
- 312 (ii) a massage assistant may perform limited massage therapy without supervision
- 313 after completing 300 hours under the indirect supervision of a massage therapy
- 314 supervisor;
- 315 (iii) a massage apprentice may perform massage services under the supervision of a
- 316 massage therapy supervisor as the division requires by rule made in accordance
- 317 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 318 (iv) a licensed massage therapist may perform massage services without supervision.
- 319 (b) A massage assistant-in-training is permitted to complete 150 hours under the indirect
- 320 supervision of a massage therapy supervisor.
- 321 (5) A massage therapy supervisor may supervise at one time up to six individuals of which
- 322 no more than four may be massage apprentices or massage assistants-in-training.
- 323 Section 4. Section **58-47b-301.1** is enacted to read:
- 324 **58-47b-301.1 . Massage establishment registration required -- Maintenance of**
- 325 **registration.**
- 326 (1) An owner shall register a massage establishment with the division.
- 327 (2)(a) Each place of business shall register separately.
- 328 (b) If multiple massage establishments exist at the same address, each massage
- 329 establishment shall register separately.
- 330 (3) A massage establishment shall provide the physical address where the massage
- 331 establishment operates to the division.
- 332 (4) A massage establishment may not allow massage services on the massage
- 333 establishment's premises unless the massage establishment is registered in accordance
- 334 with this section.

- 335 (5)(a) A registered massage establishment shall ensure only a licensed individual or an  
 336 exempt individual performs massage services.
- 337 (b) A registered massage establishment shall maintain documentation of the employment  
 338 or contract relationship and make the documentation available during an inspection  
 339 or investigation by the division.
- 340 (6) An owner may not assign or transfer a massage establishment registration.
- 341 (7) Upon the sale, sublease, or change of legal possession of a registered massage  
 342 establishment, the owner, lessee, or legal possessor of the massage establishment shall  
 343 notify the division in a form the division approves within 30 days after the day on which  
 344 the ownership, lessee, or legal possession changes.
- 345 (8) Whenever statute or rule requires or prohibits action by a registered massage  
 346 establishment, any owner of the registered massage establishment is responsible for all  
 347 activities of the registered massage establishment, regardless of the form of the business  
 348 organization.

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

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

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

- 352 (1) An applicant for a massage assistant-in-training license shall provide satisfactory  
 353 evidence to the division that the applicant will practice as a massage assistant-in-training  
 354 only under the supervision of a massage therapy supervisor.
- 355 (2) An applicant for a massage assistant license shall:
- 356 (a)(i) complete 300 hours of education that meets the standards the division requires  
 357 by rule;
- 358 (ii) complete training on the activities described in Subsection (5)(d) while the  
 359 applicant is enrolled in massage school; and
- 360 (iii) pass an examination as the division requires by rule;
- 361 (b)(i) while the applicant is licensed as a massage assistant-in-training:
- 362 (A) complete at least 150 hours of education that meets the standards the division  
 363 requires by rule under the direct supervision of a massage therapy supervisor;
- 364 (B) complete 150 hours of education that meets the standards the division requires  
 365 by rule under the indirect supervision of a massage therapy supervisor;
- 366 (ii) complete training on the activities described in Subsection (5)(d); and
- 367 (iii) pass an examination as the division requires by rule; or
- 368 (c)(i) have a massage safety permit; and

- 369           (ii) pass an examination as the division requires by rule that contains questions that  
370           demonstrate the applicant's understanding of:  
371           (A) the basics of anatomy;  
372           (B) the basics of contraindications relating to massage;  
373           (C) the basics of kinesiology;  
374           (D) the basics of pathology;  
375           (E) the basics of physiology; and  
376           (F) the laws and rules relating to massage therapy.
- 377       (3) An applicant for a massage apprentice license shall provide satisfactory evidence to the  
378       division that the applicant will practice as a massage apprentice only under the  
379       supervision of a massage therapy supervisor as the division requires by rule.
- 380       (4) An applicant for a massage therapist license shall:  
381       (a)(i)(A) have graduated from a school of massage having a curriculum that meets  
382       the standards the division requires by rule; and  
383             (B) complete training on the activities described in Subsection (5)(d) while the  
384             applicant is enrolled in massage school;  
385       (ii)(A) have completed equivalent education in compliance with standards the  
386             division requires by rule; and  
387             (B) complete training on the activities described in Subsection (5)(d); or  
388       (iii)(A) have completed a massage apprenticeship program consisting of a  
389             minimum of 1,000 hours of supervised training in accordance with standards  
390             the division requires by rule; and  
391             (B) complete training on the activities described in Subsection (5)(d) while the  
392             applicant is a massage apprentice; and
- 393       (b) pass an examination as the division requires by rule.
- 394       (5) An applicant for a massage safety permit shall:  
395       (a) submit an application in a form the division approves;  
396       (b) pay a fee determined by the department under Section 63J-1-504;  
397       (c) be 18 years old or older; and  
398       (d) complete an educational module the division requires by rule that includes:  
399             (i) practicing physical boundaries;  
400             (ii) draping;  
401             (iii) gaining consent; and  
402             (iv) taking a medical history.

- 403 (6) An applicant for licensure under this chapter shall:  
 404 (a) submit an application in a form the division approves;  
 405 (b) pay a fee determined by the department under Section 63J-1-504;  
 406 (c) be 18 years old or older;  
 407 (d) consent to, and complete, a criminal background check described in Section  
 408 58-47b-302.1;  
 409 (e) meet any standard related to the criminal background check described in Subsection  
 410 (6)(d) as the division requires by rule; and  
 411 (f) disclose any criminal history the division requests on a form the division approves.
- 412 (7) Under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall  
 413 make rules establishing:  
 414 (a) the examinations required by this chapter;  
 415 (b) the standards of a massage assistant-in-training program;  
 416 (c) the standards for a massage school curriculum;  
 417 (d) the equivalent education and training for a licensed massage therapist;  
 418 (e) the standards of a massage apprenticeship program including supervision  
 419 requirements;  
 420 (f) the educational module described in Subsection (5)(d); and  
 421 (g) the standards for the criminal background check described in (6)(e).

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

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

424 **58-47b-302.1 . Criminal background check.**

- 425 (1) An applicant for individual licensure or registration and an owner of a registered  
 426 massage establishment[under this chapter who requires a criminal background check-]  
 427 shall:  
 428 (a) submit fingerprint cards in a form acceptable to the division at the time the license  
 429 application is filed; and  
 430 (b) consent to a fingerprint background check conducted by the Bureau of Criminal  
 431 Identification and the Federal Bureau of Investigation regarding the application.
- 432 (2) The division shall:  
 433 (a) in addition to other fees authorized by this chapter, collect from each applicant  
 434 submitting fingerprints in accordance with this section the fee that the Bureau of  
 435 Criminal Identification is authorized to collect for the services provided under  
 436 Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for

- 437 fingerprint processing for the purpose of obtaining federal criminal history record  
438 information;
- 439 (b) submit from each applicant the fingerprint card and the fees described in Subsection  
440 (2)(a) to the Bureau of Criminal Identification; and
- 441 (c) obtain and retain in division records a signed waiver approved by the Bureau of  
442 Criminal Identification in accordance with Section 53-10-108 for each applicant.
- 443 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of  
444 Section 53-10-108:
- 445 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state  
446 and regional criminal records databases;
- 447 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal  
448 history background check; and
- 449 (c) provide the results from the state, regional, and nationwide criminal history  
450 background checks to the division.
- 451 (4) For purposes of conducting a criminal background check required under this section, the  
452 division shall have direct access to criminal background information maintained under  
453 Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- 454 (5) The division may not disseminate outside of the division any criminal history record  
455 information that the division obtains from the Bureau of Criminal Identification or the  
456 Federal Bureau of Investigation under the criminal background check requirements of  
457 this section.
- 458 (6)(a) A new license issued under this chapter is conditional pending completion of the  
459 criminal background check.
- 460 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act[-]; :
- 461 (i) if the criminal background check required [in Subsection 58-47b-302(7)] by this  
462 section demonstrates the applicant has failed to accurately disclose a criminal  
463 history, the license is immediately and automatically revoked upon notice to the  
464 licensee by the division[-] ; and
- 465 (ii) if a massage establishment owner has a criminal conviction or pending criminal  
466 charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any  
467 crime listed by rule made by the division in collaboration with the board in  
468 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
469 division shall deny an application for registration of a massage establishment.
- 470 (c) A person whose conditional license is revoked under Subsection (6)(b) is entitled to a

- 471 postrevocation hearing to challenge the revocation.
- 472 (d) The division shall conduct a postrevocation hearing in accordance with Title 63G,  
473 Chapter 4, Administrative Procedures Act.
- 474 (7) An applicant who successfully completes a background check under this section may  
475 not be required by any other state or local government body to submit to a second  
476 background check as a condition of lawfully engaging in the practice of massage therapy  
477 or the practice of limited massage therapy in this state.

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

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

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

- 481 (1)(a) The owner of a massage establishment shall register the massage establishment.
- 482 (b) If the massage establishment has multiple owners, the owners of the massage  
483 establishment shall choose one owner to register the massage establishment.
- 484 (2) To register a massage establishment, the owner shall:
- 485 (a) submit an application in a form the division approves;
- 486 (b) pay a fee determined by the department under Section 63J-1-504;
- 487 (c) provide satisfactory documentation:
- 488 (i) of registration with the Division of Corporations and Commercial Code;
- 489 (ii) of business licensure if the municipality or county in which the massage  
490 establishment is located requires a business license;
- 491 (iii) that the massage establishment's physical facilities comply with the requirements  
492 the division requires by rule in accordance with Title 63G, Chapter 3, Utah  
493 Administrative Rulemaking Act; and
- 494 (iv) of each owner's ownership or right to possession of the premises where the  
495 massage establishment will be operated;
- 496 (d)(i) consent to, and complete, a criminal background check, described in Section  
497 58-47b-302.1;
- 498 (ii) meet any standard related to the criminal background check described in  
499 Subsection (2)(d)(i), that the division requires by rule in accordance with Title  
500 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 501 (iii) disclose any criminal history the division requests on a form the division  
502 approves;
- 503 (e) submit the following information for each individual for whom a criminal  
504 background check is required under Subsection (3):

- 505           (i) full name;  
506           (ii) any name used;  
507           (iii) date of birth;  
508           (iv) social security number or other satisfactory evidence of the applicant's identity  
509                 permitted by rule made by the division in accordance with Title 63G, Chapter 3,  
510                 Utah Administrative Rulemaking Act;  
511           (v) address;  
512           (vi) phone number;  
513           (vii) email address;  
514           (viii) license number, if licensed under this chapter;  
515           (ix) registration number, if registered under this chapter;  
516           (x) a recent color photograph of each owner; and  
517           (xi) fingerprints in a form the division approves;  
518       (f) allow the division to verify that the applicant and each individual listed in Subsection  
519                 (3) is legally present in the United States;  
520       (g) submit a signed attestation in a form the division approves by rule attesting that the  
521                 massage establishment does not engage in illegal activities including human  
522                 trafficking, sex advertising, or unlicensed practice; and  
523       (h) meet with the division or board if requested by the division or board.  
524       (3) An individual shall consent to and complete a criminal background check in accordance  
525                 with Subsection (2)(d) if the individual:  
526           (a) personally or constructively holds, including as the beneficiary of a trust:  
527                 (i) at least 10% of the entity's outstanding stock; or  
528                 (ii) more than \$25,000 of the fair market value of the entity;  
529           (b) has a direct or indirect participating interest through shares, stock, or otherwise,  
530                 regardless of whether voting rights are included, of more than 10% of the profits,  
531                 proceeds, or capital gains of the entity;  
532           (c) is a member of the board of directors or other governing body of the entity; or  
533           (d) serves as:  
534                 (i) an elected officer of the entity; or  
535                 (ii) a general manager of the entity.  
536       (4) A minor who is an owner of the massage establishment as the beneficiary of a trust is  
537                 exempt from Subsection (2)(d) and (2)(e).  
538       (5) The division may require an owner to prove continuing right of possession at any time



539 during the registration period.

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

541 **58-47b-303 . Term of license and registration -- Expiration -- Renewal --**

542 **Individuals.**

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

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

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

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

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

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

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

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

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

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

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

570 **58-47b-303.1 . Term of registration -- Expiration -- Renewal -- Massage**  
571 **establishments.**

572 (1)(a) Except as provided in Subsection (3), the division shall issue a registration under

- 573 this chapter in accordance with a two-year renewal cycle.
- 574 (b) The division may extend or shorten a renewal period by as much as one year to  
575 maintain established renewal cycles or to change an established renewal cycle.
- 576 (2) A registration automatically expires on the expiration date shown on the registration  
577 unless the registered massage establishment renews.
- 578 (3) At the time of renewal, a registered massage therapy establishment shall:
- 579 (a) complete and submit an application for renewal in the form the division approves;  
580 and
- 581 (b) pay a renewal fee established by the department under Section 63J-1-504.
- 582 Section 10. Section **58-47b-304** is amended to read:
- 583 **58-47b-304 . Exemptions from licensure -- Individuals.**
- 584 (1) In addition to the exemptions from licensure in Section 58-1-307, the following  
585 individuals may [~~engage in the practice of massage therapy or the practice of limited~~  
586 ~~massage therapy~~] perform massage services, subject to the stated circumstances and  
587 limitations, without being [~~licensed under this chapter~~] a licensed individual:
- 588 (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;
- 589 (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;
- 590 (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a, Nurse  
591 Midwife Practice Act;
- 592 (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
- 593 (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice  
594 Act, while under the general supervision of a physical therapist;
- 595 (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic  
596 Medical Practice Act;
- 597 (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice  
598 Act;
- 599 (h) a hospital staff member employed by a hospital, who practices massage as part of the  
600 staff member's responsibilities;
- 601 (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
- 602 (j) a student in training enrolled in a massage therapy school approved by the division;
- 603 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice  
604 Act;
- 605 (l)(i) an occupational therapist licensed under Chapter 42a, Occupational Therapy  
606 Practice Act; and

- 607 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational  
 608 Therapy Practice Act, while under the general supervision of an occupational  
 609 therapist;
- 610 (m) an individual performing animal massage therapy under the rules made by the  
 611 division in accordance with Subsection 58-28-307(12);
- 612 (n) an individual performing gratuitous massage; [~~and~~]
- 613 (o) an individual:
- 614 (i) certified by or through, and in good standing with, an industry organization that is  
 615 recognized by the division and that represents a profession with established  
 616 standards and ethics:
- 617 (A) who is certified to practice reflexology and whose practice is limited to the  
 618 scope of practice of reflexology;
- 619 (B) who is certified to practice a type of zone therapy, including foot zone  
 620 therapy, and whose practice is limited to the scope of practice for which the  
 621 individual is certified;
- 622 (C) who is certified to practice ortho-bionomy and whose practice is limited to the  
 623 scope of practice of ortho-bionomy;
- 624 (D) who is certified to practice bowerwork and whose practice is limited to the  
 625 scope of practice of bowerwork; or
- 626 (E) who is certified to practice a type of brain integration and whose practice is  
 627 limited to the scope of practice for which the individual is certified;
- 628 (ii) whose clients remain fully clothed from the shoulders to the knees; and
- 629 (iii) whose clients do not receive gratuitous massage from the individual[-]; and
- 630 (p)(i) an individual performing massage services who:
- 631 (A) holds a valid license, permit, certificate, or registration, for massage services  
 632 issued by any other jurisdiction of the United States or by a foreign country; or
- 633 (B) holds a certification from a nationally recognized massage therapy  
 634 organization if the nonresident individual is from a jurisdiction of the United  
 635 States that does not regulate massage therapy; and
- 636 (ii) is temporarily performing massage services in this state for a period that does not  
 637 exceed 30 days for the purpose of:
- 638 (A) presenting educational or clinical programs, lectures, seminars, or workshops;
- 639 (B) providing massage services during an emergency as part of a disaster response  
 640 team; or

- 641                   (C) consulting with a licensed individual regarding massage services.
- 642       (2) An individual described in Subsection (1) may not represent oneself as a ~~[massage~~  
643            ~~therapist, massage apprentice, massage assistant, or massage assistant in-training]~~ a  
644            massage assistant-in-training, a massage assistant, a massage apprentice, or a licensed  
645            massage therapist.
- 646       (3) This chapter may not be construed to:
- 647           (a) authorize any individual licensed under this chapter to engage in any manner in the  
648               practice of medicine as defined by the laws of this state;
- 649           (b) require insurance coverage or reimbursement for massage ~~[therapy or limited~~  
650               ~~massage therapy]~~ massage services from third party payors; or
- 651           (c) prevent an insurance carrier from offering coverage for ~~[massage therapy or limited~~  
652               ~~massage therapy]~~ massage services.

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

654                **58-47b-304.1 . Exemptions from registration -- Massage establishments.**

655           The following establishments or facilities are exempt from registering as massage  
656           establishments:

- 657       (1) hospitals or medical clinics;
- 658       (2) physician offices;
- 659       (3) physical therapy facilities;
- 660       (4) chiropractic offices;
- 661       (5) athletic training facilities or institutions of secondary or higher education when massage  
662           services are performed in connection with employment related to athletic teams;
- 663       (6) a sole practitioner who only rents or leases to a sole practitioner if the sole practitioner  
664           meets the requirements described in Section 58-47b-504; and
- 665       (7) other facilities as defined by rule.

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

667                **58-47b-305 . State and local jurisdiction.**

- 668       (1)(a) The division is the only agency authorized to license and register individuals to [  
669            ~~engage in the practice of massage therapy or the practice of limited massage therapy]~~  
670            massage services within the state or any of the state's political subdivisions.
- 671       (b) This chapter does not prevent any political subdivision of the state from enacting:
- 672           (i) subject to Subsection (1)(b)(ii), ordinances governing the operation of  
673                establishments offering ~~[massages]~~ massage services; or
- 674           (ii) ordinances regulating the practice of massage therapy or the practice of limited

675                   message therapy, if:

676                   (A) ~~[-] except as provided in Subsection (1)(b)(ii)(B), the ordinances are [not less]~~

677                   at least as stringent [than] as this chapter[-] ; and

678                   (B) the ordinances do not require a background check.

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

680           (a) an ~~[unlicensed-]individual who is engaged in [the practice of massage therapy or the~~

681           ~~practice of limited massage therapy]~~ massage services without the required license; or

682           (b) ~~[a licensed-] an individual[-who] or a massage establishment that is engaged in~~

683           ~~unlawful conduct.~~

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

685           **58-47b-306 . Required identification and disclosures -- Individuals.**

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

687           ~~individual lawfully engages in the practice of massage therapy or the practice of limited~~

688           ~~massage therapy.]~~

689           ~~[(2) If a massage assistant or massage assistant in-training engages in the practice of limited~~

690           ~~massage therapy at a massage establishment, the massage establishment shall~~

691           ~~prominently display to the public a sign that indicates certain massage services offered~~

692           ~~at the massage establishment are performed by a massage assistant or a massage~~

693           ~~assistant in-training.]~~

694           ~~[(3)]~~ (1)(a) Before a licensed individual first provides massage services to a client, the

695           licensed individual shall obtain from the client a completed and signed intake form.

696           (b) The division may further define the intake form by rule made in accordance with

697           Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

698           (2) While performing massage services, a licensed individual:

699           (a) except as required in Subsection (2)(b), shall wear or display the licensed individual's

700           first and last name and license type;

701           (b) shall wear or display the licensed individual's first name and last initial and license

702           type if the licensed individual requests redaction as described in Subsection

703           58-47b-306.1(2); and

704           (c) ~~[If an individual requests a massage service that is performed by a massage assistant~~

705           ~~or a massage assistant in-training, the licensee performing or the massage therapy~~

706           ~~supervisor supervising the massage service shall ensure that the individual is notified~~

707           ~~before scheduling or agreeing to the massage service that the massage service is~~

708           ~~performed by a massage assistant or massage assistant in-training.]~~ may not identify

709 to any person in connection with massage services other than as the individual's  
 710 license.

711 (3) Before scheduling or agreeing to a massage service, the client shall receive notice of the  
 712 first name and last initial of the licensed individual performing the massage services and  
 713 the licensed individual's license type.

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

715 **58-47b-306.1 . Required signage and disclosures -- Massage establishments.**

716 (1) A massage establishment shall display prominently:

717 (a) the massage establishment registration;

718 (b) a copy of the state issued license for each licensed individual contracted with or  
 719 employed by the establishment;

720 (c) division resources required by rule made in accordance with Title 63G, Chapter 3,  
 721 Utah Administrative Rulemaking Act; and

722 (d) a sign that states some massage services offered at the registered massage  
 723 establishment is performed by a massage assistant-in-training, a massage assistant, or  
 724 a massage apprentice if the massage establishment employs or contracts with a  
 725 massage assistant-in-training, a massage assistant, or a massage apprentice.

726 (2) If a licensed individual has a reasonable belief that the licensed individual's safety may  
 727 be compromised, the licensed individual may request that the provider redact the  
 728 displayed license to provide only the first name and last initial and the license type for  
 729 the licensed individual.

730 (3) The massage establishment shall display signage that:

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

733 (b) informs clients of:

734 (i) the right to request the provider's first name and last initial and license type; and

735 (ii) methods for reporting complaints to the division.

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

737 **58-47b-401 . Grounds for denial of license -- Individuals.**

738 [~~Grounds for~~] If there are grounds in accordance with Section 58-1-401, the division

739 may take the following actions regarding [a license under this chapter are in accordance with  
 740 Section 58-1-401] a licensed individual:

741 (1) refusal to issue a license to an applicant;

742 (2) refusal to renew the license of a licensee;

- 743 (3) revocation, suspension, restriction, or placement on probation of a license;  
 744 (4) issuance of a public or private reprimand to a licensee; and  
 745 (5) issuance of a cease and desist order.

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

747 **58-47b-401.1 . Grounds for denial of registration -- Massage establishments.**

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

- 750 (1) the location in the registration application had a registration revoked or surrendered for  
 751 cause within the last two years;  
 752 (2) the application is for a location or a business that has advertised in a manner that  
 753 reasonably implies sexual services are offered at the location;  
 754 (3) within two years before the date of the application, an owner had a previous license or  
 755 registration issued under this chapter suspended or revoked; or  
 756 (4) an owner has a criminal conviction or pending criminal charges for any crime under  
 757 Title 76, Chapter 5, Part 4, Sexual Offenses, or any crime listed by rule made by the  
 758 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
 759 Administrative Rulemaking Act.

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

761 **58-47b-501 . Unlawful conduct -- Individuals.**

- 762 (1) "Unlawful conduct" for an individual includes:
- 763 (a) [~~practicing, engaging in, or attempting to practice or engage in the practice of~~  
 764 ~~massage therapy without holding a current license as a massage therapist or a~~  
 765 ~~massage apprentice under this chapter] performance of massage services without  
 766 being a licensed individual or an exempt individual;~~
- 767 (b) [~~advertising or representing oneself as engaging in the practice of massage therapy~~  
 768 ~~when not licensed to do so] advertisement of or representation of oneself as able to  
 769 perform massage services when not a licensed individual or an exempt individual;~~
- 770 (c) performance of massage services outside the scope of what the licensed individual is  
 771 licensed or registered to perform; or
- 772 [(e) ~~practicing, engaging in, or attempting to practice or engage in the practice of limited~~  
 773 ~~massage therapy without holding a current license as a massage therapist, massage~~  
 774 ~~apprentice, massage assistant, or massage assistant in-training under this chapter;]~~
- 775 [(d) ~~advertising or representing oneself as engaging in the practice of limited massage~~  
 776 ~~therapy when not licensed to do so; and]~~

777 ~~[(e)] (d) [massaging, touching, or applying] while performing massage services, massage,~~  
 778 ~~touch, or application of any instrument or device [by a licensee in the course of~~  
 779 ~~engaging in the practice of massage therapy or the practice of limited massage~~  
 780 ~~therapy]to the:~~

781 (i) genitals;

782 (ii) anus; or

783 (iii) except as provided in Subsection (2), breasts of a female ~~[patron]~~ client.

784 (2)(a) Subsection ~~[(1)(e)(iii)]~~ (1)(d)(iii) does not apply if a female ~~[patron]~~ client:

785 (i) requests breast massage, as may be further defined by division rule made in

786 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

787 (ii) subject to Subsection (2)(b), signs a written consent form before each time the  
 788 procedure is performed.

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

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

792 **58-47b-501.1 . Unlawful conduct -- Massage establishments.**

793 "Unlawful conduct" for a massage establishment includes:

794 (1) operation without a valid registration;

795 (2) use of a registered massage establishment as housing, sheltering, or for harboring any  
 796 individual;

797 (3) performance of massage services by an individual who is not licensed or exempt;

798 (4) performance of:

799 (a) massage services without the individual performing the massage being fully clothed;

800 or

801 (b) a sexual act;

802 (5) arrangement for a sexual act;

803 (6) use or the possession of adult-oriented merchandise while at the registered massage  
 804 establishment;

805 (7) advertisement on a sexually oriented website;

806 (8) advertisement of services in a manner that may be reasonably construed as sexual in  
 807 nature;

808 (9) refusal inspection by the division as authorized under Section 58-47b-601;

809 (10) arrangement or allowance of any of the unlawful acts described in Section 58-47b-501;

810 (11) failure to immediately report to a local police department any disorderly conduct,



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

813 (12) concealment an individual in the massage establishment;

814 (13) refusal to provide identification to inspectors or law enforcement; or

815 (14) attempt to elude an inspector by leaving the massage establishment or remaining  
 816 behind locked doors in the massage establishment during an inspection.

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

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

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

822 (1) [~~maintaining, operating, or assisting~~] the maintenance, operation, or assistance in the  
 823 establishment or operation of any place of business for the purpose of performing[~~the~~  
 824 practice of] [~~massage therapy or the practice of limited massage therapy~~] massage  
 825 services without first obtaining a business license, if a license is required;

826 (2) [~~failing~~] failure to comply with any applicable ordinances relating to the regulation of  
 827 massage establishment;

828 (3) [~~failing~~] failure to comply with all applicable state and local health or sanitation codes;

829 (4) [~~failing~~] failure of a massage therapy supervisor to properly supervise a massage  
 830 apprentice, massage assistant, [~~or massage assistant in-training~~] or a massage  
 831 assistant-in-training; [;]

832 (5) [~~failing~~] failure to maintain mechanical or electrical equipment in a safe operating  
 833 condition;

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

836 (7) [~~prescribing or administering~~] prescription or administration of medicine or drugs;

837 (8) [~~engaging~~] engagement in any act or practice in a professional capacity that is outside of  
 838 the [~~practice of massage therapy or the practice of limited massage therapy~~] scope of  
 839 massage services; and

840 (9) [~~engaging~~] engagement in any act or practice in a professional capacity for which the [~~li~~  
 841 icensee] licensed individual is not competent to perform through training or experience.

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

843 **58-47b-502.1 . Unprofessional conduct -- Massage establishments.**

844 "Unprofessional conduct" for a massage establishment includes the following and may

845 be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah  
846 Administrative Rulemaking Act:

- 847 (1) failure to comply with employee or client recordkeeping requirements as established in  
848 rule;  
849 (2) failure to comply with all applicable state and local health or sanitation codes and  
850 requirements as established by rule;  
851 (3) failure to comply with facility requirements as established by rule;  
852 (4) maintenance, operation, or assistance in an establishment or operation of any place of  
853 business for the purpose of performing massage services without first obtaining a  
854 business registration, if a license is required;  
855 (5) failure to comply with any applicable ordinances relating to the regulation of massage  
856 establishment;  
857 (6) failure to maintain mechanical or electrical equipment in a safe operating condition; and  
858 (7) failure to adequately monitor a client utilizing steam rooms, dry heat cabinets, or water  
859 baths.

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

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

- 862 (1) Except as provided in Subsection (2), [~~any~~] an individual who commits an act of  
863 unlawful conduct under Section 58-47b-501 is guilty of a class A misdemeanor.  
864 (2) Sexual conduct that violates Section 58-47b-501 and Title 76, Utah Criminal Code,  
865 shall be subject to the applicable penalties in Title 76, Utah Criminal Code.  
866 (3) For acts of unprofessional conduct or unlawful conduct by an individual, the division  
867 may:  
868 (a) assess an administrative fine in accordance with Section 58-1-502(1); and  
869 (b) take any appropriate administrative action, which may include sending letters of  
870 concern to the municipality and the police department for the municipality in which  
871 the individual violates this chapter.  
872 (4) The division shall deposit an administrative fine imposed in accordance with this  
873 section into the Commerce Service Account.  
874 (5) If an individual has been convicted of violating Section 58-47b-501, before an  
875 administrative finding of a violation of the same section, the individual may not be  
876 assessed an administrative fine under this chapter for the same incident for which the  
877 conviction was obtained.  
878 (6)(a) If, upon an inspection described in Section 58-47b-601 or an investigation under

879 this section, the division concludes that an individual has violated the provisions of  
880 Chapter 1, Division of Professional Licensing Act, Section 58-47b-501 or 58-47b-502,  
881 or any rule or order issued with respect to these provisions, and that disciplinary  
882 action is appropriate, the director or the director's designee from within the division  
883 shall:

884 (i) notify the individual to appear before an adjudicative proceeding conducted under  
885 Title 63G, Chapter 4, Administrative Procedures Act; or

886 (ii) attempt to negotiate a stipulated settlement; or

887 (iii) promptly issue a citation to the individual according to this chapter and any  
888 pertinent rules.

889 (b) The division shall suspend, revoke, place on probation, or refuse to issue or renew  
890 the license of a licensed individual that fails to comply with the citation after the  
891 citation becomes final.

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

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

896 (e)(i) In addition to or in lieu of an administrative fine authorized in Subsection (3),  
897 the division may assess a penalty to any person that is in violation of the  
898 provisions of Chapter 1, Division of Professional Licensing Act, Section  
899 58-47b-501 or 58-47b-502, or any rule or order issued with respect to these  
900 provisions, as evidenced by an uncontested citation, a stipulated settlement, or a  
901 finding of violation in an adjudicative proceeding.

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

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

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

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

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

912 (v) The division may consult with the county attorney or the attorney general of the

- 913 state for legal assistance and advice in an action to collect a penalty.
- 914 (vi) A court shall award reasonable attorney fees and costs to the prevailing party in  
915 an action brought by the division to collect a penalty.
- 916 (vii) In addition to or in lieu of a penalty, the division may order the individual to  
917 cease and desist from violating the provisions of Chapter 1, Division of  
918 Professional Licensing Act, Section 58-47b-501 or 58-47b-502, or any rule or  
919 order issued with respect to these provisions.
- 920 (7)(a) A citation under Subsection (6) shall:
- 921 (i) be in writing and describe with particularity the nature of the violation, including  
922 a reference to the provision of the chapter, rule, or order alleged to have been  
923 violated;
- 924 (ii) state that the individual to whom the division issues the citation shall notify the  
925 division in writing within 20 calendar days of service of the citation to contest the  
926 citation at a hearing conducted under Title 63G, Chapter 4, Administrative  
927 Procedures Act; and
- 928 (iii) explain the consequences of failure to timely contest the citation or to make  
929 payment of any penalties assessed by the citation within the time specified in the  
930 citation.
- 931 (b) The division may serve a citation issued under this section, or a copy of each  
932 citation, upon any individual upon which a summons may be served:
- 933 (i) in accordance with the Utah Rules of Civil Procedure;
- 934 (ii) personally or upon the individual's agent by a division investigator or by any  
935 person specially designated by the director; or
- 936 (iii) by mail.
- 937 (c) If, within 20 calendar days after the day of service of a citation, the individual to  
938 whom the division issues the citation fails to request a hearing to contest the citation,  
939 the citation becomes the final order of the division and is not subject to further  
940 agency review.
- 941 (d) The division may extend the period to contest the citation for cause.
- 942 (8)(a) The division may suspend the license of a licensed individual without notice if:
- 943 (i) there is a pattern of credible facts that the individual is attempting to operate a  
944 prostitution enterprise; or
- 945 (ii) the individual is engaged in any form of human trafficking whether there is a  
946 violation of any other specific law, rule, or code.

- 947 (b) If the division suspends the license of a licensed individual without notice, the  
948 division shall hold a hearing within 15 days.
- 949 Section 22. Section **58-47b-503.1** is enacted to read:
- 950 **58-47b-503.1 . Penalties -- Massage establishments.**
- 951 (1) For acts of unprofessional conduct or unlawful conduct by a massage establishment, the  
952 division may:
- 953 (a) assess an administrative fine in accordance with Section 58-1-502(1); and  
954 (b) take any appropriate administrative action, which may include sending letters of  
955 concern to:
- 956 (i) the municipality and the police department for the municipality in which the  
957 massage establishment is located; or
- 958 (ii) the property owner or manager from which the massage establishment is leasing  
959 space.
- 960 (2) The division shall deposit an administrative fine imposed in accordance with this  
961 section into the Commerce Service Account.
- 962 (3) If a massage establishment owner has been convicted of violating Section 58-47b-501.1,  
963 before an administrative finding of a violation of the same section, the massage  
964 establishment owner may not be assessed an administrative fine under this chapter for  
965 the same incident for which the conviction was obtained.
- 966 (4)(a) If, upon an inspection described in Section 58-47b-601 or an investigation under  
967 this section, the division concludes that a massage establishment has violated the  
968 provisions of Chapter 1, Division of Professional Licensing Act, Section  
969 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these  
970 provisions, and that disciplinary action is appropriate, the director or the director's  
971 designee from within the division shall:
- 972 (i) notify the massage establishment to appear before an adjudicative proceeding  
973 conducted under Title 63G, Chapter 4, Administrative Procedures Act;  
974 (ii) attempt to negotiate a stipulated settlement; or  
975 (iii) promptly issue a citation to the massage establishment according to this chapter  
976 and any pertinent rules.
- 977 (b) The division shall suspend, revoke, place on probation, or refuse to issue or renew  
978 the registration of a registered massage establishment that fails to comply with the  
979 citation after the citation becomes final.
- 980 (c) Failure of a massage establishment to comply with a citation after the citation

- 981 becomes final is a ground for denial of license, registration, or renewal.
- 982 (d) The division may not issue a citation under this section after one year from the date  
983 on which the violation that is the subject of the citation is reported to the division.
- 984 (e)(i) In addition to or in lieu of an administrative fine authorized in Subsection (1),  
985 the division may assess a penalty to any massage establishment that is in violation  
986 of the provisions of Chapter 1, Division of Professional Licensing Act, Section  
987 58-47b-501.1 or 58-47b-502.1, or any rule or order issued with respect to these  
988 provisions, as evidenced by an uncontested citation, a stipulated settlement, or a  
989 finding of violation in an adjudicative proceeding.
- 990 (ii) The penalty may be in an amount that is the greater of up to \$10,000 per single  
991 violation or up to \$2,000 per day of an ongoing violation in accordance with a  
992 penalty schedule established by rule.
- 993 (iii) The division shall deposit a penalty imposed in accordance with this section into  
994 the Commerce Service Account.
- 995 (iv) The director may collect a penalty that is not paid by:  
996 (A) referring the matter to a collection agency; or  
997 (B) bringing an action in the district court of the county where the massage  
998 establishment against whom the penalty is imposed resides or in the county  
999 where the office of the director is located.
- 1000 (v) The division may consult with the county attorney or the attorney general of the  
1001 state for legal assistance and advice in an action to collect a penalty.
- 1002 (vi) A court shall award reasonable attorney fees and costs to the prevailing party in  
1003 an action brought by the division to collect a penalty.
- 1004 (vii) In addition to or in lieu of a penalty, the division may order the massage  
1005 establishment to cease and desist from violating the provisions of Chapter 1,  
1006 Division of Professional Licensing Act, Section 58-47b-501.1 or 58-47b-502.1, or  
1007 any rule or order issued with respect to these provisions.
- 1008 (5)(a) A citation under Subsection (4) shall:
- 1009 (i) be in writing and describe with particularity the nature of the violation, including  
1010 a reference to the provision of the chapter, rule, or order alleged to have been  
1011 violated;
- 1012 (ii) state that the massage establishment to which the division issues the citation shall  
1013 notify the division in writing within 20 calendar days of service of the citation to  
1014 contest the citation at a hearing conducted under Title 63G, Chapter 4,

- 1015 Administrative Procedures Act; and
- 1016 (iii) explain the consequences of failure to timely contest the citation or to make
- 1017 payment of any penalties assessed by the citation within the time specified in the
- 1018 citation.
- 1019 (b) The division may serve a citation issued under this section, or a copy of each
- 1020 citation, upon any massage establishment upon which a summons may be served:
- 1021 (i) in accordance with the Utah Rules of Civil Procedure;
- 1022 (ii) personally or upon the massage establishment's agent by a division investigator or
- 1023 by any person specially designated by the director; or
- 1024 (iii) by mail.
- 1025 (c) If, within 20 calendar days after the day of service of a citation, the massage
- 1026 establishment to which the division issues the citation fails to request a hearing to
- 1027 contest the citation, the citation becomes the final order of the division and is not
- 1028 subject to further agency review.
- 1029 (d) The division may extend the period to contest the citation for cause.
- 1030 (6)(a) The division may suspend a registered massage establishment's registration
- 1031 without notice if:
- 1032 (i) there is a pattern of credible facts that the registered massage establishment is
- 1033 attempting to operate a prostitution enterprise; or
- 1034 (ii) the registered massage establishment is engaged in any form of human trafficking
- 1035 whether there is a violation of any other specific law, rule, or code.
- 1036 (b) If the division suspends the registration without notice, the division shall hold a
- 1037 hearing within 15 days.

1038 Section 23. Section **58-47b-504** is enacted to read:

1039 **58-47b-504 . Renting or leasing to a sole practitioner.**

1040 A sole practitioner renting or leasing to a sole practitioner is not liable for the actions of

1041 the sole practitioner to which the sole practitioner rents or leases so long as the sole

1042 practitioner:

- 1043 (1) verifies that the sole practitioner who is renting or leasing is a licensed massage
- 1044 therapist and in good standing in the state of Utah at the time of the rental or lease;
- 1045 (2) obtains a signed attestation from the sole practitioner who is renting or leasing that the
- 1046 sole practitioner has no business arrangement with the licensed individual other than a
- 1047 rental or lease; and
- 1048 (3) produces copies of the following if requested by the division:

- 1049 (a) the sole practitioner's state massage license;  
1050 (b) the sole practitioner's signed attestation described in Subsection (2); and  
1051 (c) the rental agreement.

1052 Section 24. Section **58-47b-601** is enacted to read:

1053 **Part 6. Enforcement**

1054 **58-47b-601 . Inspection.**

- 1055 (1) For the purpose of verifying compliance with this chapter, the division may enter and  
1056 inspect the premises of any massage establishment.
- 1057 (2) Before conducting an inspection under Subsection (1), the division shall:
- 1058 (a) give proper identification;  
1059 (b) request the registration for the massage establishment;  
1060 (c) describe the nature and purpose of the inspection; and  
1061 (d) provide upon request, the authority of the division to conduct the inspection and the  
1062 penalty for refusing to permit the inspection as provided in Section 58-47b-503.1.
- 1063 (3) If during the inspection, the inspector has reasonable expectation that an occupant of a  
1064 room is not fully clothed, the inspector shall allow the occupant a reasonable amount of  
1065 time to dress before the inspector enters the room.
- 1066 (4) In conducting an inspection under Subsection (1), the division may, after meeting the  
1067 requirements of Subsection (2):
- 1068 (a) examine any record, device, equipment, machine, electronic device or media, or area  
1069 related to the practice of massage therapy for the purpose of verifying compliance  
1070 with the applicable provisions of this chapter;  
1071 (b) reproduce any record or media at the division's own cost; and  
1072 (c) take a device for further analysis if considered necessary.
- 1073 (5) The owner or manager of the massage establishment shall assist the inspector by  
1074 providing access to:
- 1075 (a) all areas of the massage establishment;  
1076 (b) all personnel; and  
1077 (c) all records requested by the inspector.
- 1078 (6) If upon inspection the division concludes that a person has violated the provisions of  
1079 this chapter, or a rule or order issued with respect to this chapter, and that disciplinary  
1080 action is appropriate, the director or the director's designee shall issue a penalty or  
1081 citation to the registrant.

1082 Section 25. Section **63I-1-258** is amended to read:



1083 **63I-1-258 . Repeal dates: Title 58.**

- 1084 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed  
1085 July 1, 2026.
- 1086 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
- 1087 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.
- 1088 (4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.
- 1089 (5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is  
1090 repealed July 1, 2032.
- 1091 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.
- 1092 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is  
1093 repealed July 1, 2029.
- 1094 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1,  
1095 2033.
- 1096 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.
- 1097 (10) Subsection 58-47b-102(8), defining massage assistant, is repealed July 1, 2029.
- 1098 (11) Subsection 58-47b-102(9), defining massage assistant-in-training, is repealed July 1,  
1099 2029.
- 1100 (12) Subsection 58-47b-302(1), regarding applicant for a massage assistant-in-training, is  
1101 repealed July 1, 2029.
- 1102 (13) Subsection 58-47b-302(2), regarding applicant for a massage assistant, is repealed July  
1103 1, 2029.
- 1104 (14) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training  
1105 license, is repealed July 1, 2029.
- 1106 (15) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing  
1107 Advisory Board, is repealed July 1, 2027.
- 1108 [(H)] (16) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1,  
1109 2026.

1110 Section 26. **Effective Date.**

1111 This bill takes effect on October 1, 2025.

1112 Section 27. **Coordinating H.B. 278 with S.B. 44.**

1113 If H.B. 278, Massage Therapy Amendments, and S.B. 44, Professional Licensure

1114 Amendments, both pass and become law, the Legislature intends that, on October 1, 2025:

1115 (1) Subsection 58-1-301.5(1) in S.B. 44 be amended to read:

1117 "(1) As used in this section, "applicant" means an individual applying for licensure,

- 1118 certification, or registration, or with respect to a license, certification, or registration,  
1119 applying for renewal, reinstatement, or relicensure, recertification, or registration  
1120 renewal, as required in:
- 1121 (a) Section 58-5a-302;
  - 1122 (b) Section 58-16a-302;
  - 1123 (c) Section 58-17b-303;
  - 1124 (d) Section 58-17b-304;
  - 1125 (e) Section 58-17b-305;
  - 1126 (f) Section 58-17b-306;
  - 1127 (g) Section 58-24b-302;
  - 1128 (h) Section 58-31b-302;
  - 1129 (i) Section 58-42a-302;
  - 1130 (j) Section 58-44a-302;
  - 1131 (k) Section 58-47b-302;
  - 1132 (l) Section 58-47b-302.2;
  - 1133 (m) Section 58-55-302;
  - 1134 (n) Section 58-60-205;
  - 1135 (o) Section 58-60-305;
  - 1136 (p) Section 58-60-405;
  - 1137 (q) Section 58-60-506;
  - 1138 (r) Section 58-61-304;
  - 1139 (s) Section 58-63-302;
  - 1140 (t) Section 58-64-302;
  - 1141 (u) Section 58-67-302;
  - 1142 (v) Section 58-68-302;
  - 1143 (w) Section 58-69-302;
  - 1144 (x) Section 58-70a-302;
  - 1145 (y) Section 58-70b-302;
  - 1146 (z) Section 58-71-302; or
  - 1147 (aa) Section 58-73-302.";
- 1148 (2) Subsection 58-1-301.5(5) enacted in S.B. 44 be amended to read:  
1149 "(5) To fulfill an applicable criminal background check requirement, an applicant  
1150 shall:  
1151 (a) submit fingerprints in a form acceptable to the division at the time the applicant

- 1152 files a license application or a registration; and  
1153 (b) consent to a fingerprint background check conducted by the Bureau of Criminal  
1154 Identification and the Federal Bureau of Investigation regarding the application.";  
1155 (3) Subsection 58-1-301.5(8) enacted in S.B. 44 be amended to read:  
1156 "(8)(a)(i) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if  
1157 the criminal background check required under this section demonstrates, after the  
1158 applicant is licensed or registered, that the applicant failed to accurately disclose a  
1159 criminal history, the division may provide notice to the applicant that the license or  
1160 registration is immediately and automatically revoked.  
1161 (ii) If a massage establishment owner has a criminal conviction or pending criminal  
1162 charges for any crime under Title 76, Chapter 5, Part 4, Sexual Offenses, or any crime  
1163 listed by rule made by the division in collaboration with the board in accordance with  
1164 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall deny an  
1165 application for registration of a massage establishment."  
1166 (b)(i) An individual whose license has been revoked in accordance with Subsection  
1167 (8)(a) is entitled to a hearing to challenge the revocation.  
1168 (ii) A registered massage establishment for which the registration has been revoked  
1169 in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.  
1170 (c) The division shall conduct the hearing described in this Subsection (8) in  
1171 accordance with Title 63G, Chapter 4, Administrative Procedures Act.";  
1172 (4) Subsection 58-47b-302(6)(d) enacted in H.B. 278 be amended to read:  
1173 "(d) consent to, and complete, a criminal background check, described in Section  
1174 58-1-301.5."; and  
1175 (5) Subsection 58-47b-302.2(2)(d)(i) enacted in H.B. 278 be amended to read:  
1176 "(d)(i) consent to, and complete, a criminal background check, described in Section  
1177 58-1-301.5;".