

**Massage Therapy Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:**

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**LONG TITLE****General Description:**

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

**Highlighted Provisions:**

This bill:

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

32       ▸ makes technical changes.

33   **Money Appropriated in this Bill:**

34       None

35   **Other Special Clauses:**

36       None

37   **Utah Code Sections Affected:**

38   AMENDS:

39       **58-47b-102**, as last amended by Laws of Utah 2024, Chapter 507

40       **58-47b-301**, as last amended by Laws of Utah 2023, Chapter 225

41       **58-47b-302**, as last amended by Laws of Utah 2024, Chapter 137

42       **58-47b-303**, as last amended by Laws of Utah 2023, Chapter 225

43       **58-47b-304**, as last amended by Laws of Utah 2024, Chapter 455

44       **58-47b-305**, as last amended by Laws of Utah 2023, Chapter 225

45       **58-47b-306**, as enacted by Laws of Utah 2023, Chapter 225

46       **58-47b-401**, as enacted by Laws of Utah 1996, Chapter 76

47       **58-47b-501**, as last amended by Laws of Utah 2023, Chapter 225

48       **58-47b-502**, as last amended by Laws of Utah 2023, Chapter 225

49       **58-47b-503**, as last amended by Laws of Utah 2000, Chapter 309

50       **63I-1-258**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

51   ENACTS:

52       **58-47b-301.1**, Utah Code Annotated 1953

53       **58-47b-302.2**, Utah Code Annotated 1953

54       **58-47b-303.1**, Utah Code Annotated 1953

55       **58-47b-304.1**, Utah Code Annotated 1953

56       **58-47b-306.1**, Utah Code Annotated 1953

57       **58-47b-307.1**, Utah Code Annotated 1953

58       **58-47b-401.1**, Utah Code Annotated 1953

59       **58-47b-501.1**, Utah Code Annotated 1953

60       **58-47b-502.1**, Utah Code Annotated 1953

61       **58-47b-503.1**, Utah Code Annotated 1953

62       **58-47b-601**, Utah Code Annotated 1953

63   RENUMBERS AND AMENDS:

64       **58-47b-307**, (Renumbered from 58-47b-302.1, as enacted by Laws of Utah 2023,  
65       Chapter 225)

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

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

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

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

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

- 100 (b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;  
 101 (c) a physician licensed under Chapter 67, Utah Medical Practice Act;  
 102 (d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical  
 103 Practice Act;  
 104 (e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or  
 105 (f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice  
 106 Act.

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

109 (b) "Owner" includes:

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

113 (A) is a corporation; or

114 (B) is not publicly listed or traded;

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

118 (iii) an individual:

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

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

123 (iv) a sublessee or other legal possessor.

124 ~~[(9)]~~ (11)(a) "Practice of limited massage therapy" means:

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

129 (ii) seated chair massage;

130 (iii) the use of body wraps;

131 (iv) aromatherapy;

132 (v) reflexology; or

133 (vi) in connection with an activity described in this Subsection ~~[(9)]~~ (11), the use of:

- 134 (A) the hands;
- 135 (B) a towel;
- 136 (C) a stone;
- 137 (D) a shell;
- 138 (E) a bamboo stick; or
- 139 (F) an herbal ball compress.
- 140 (b) "Practice of limited massage therapy" does not include:
- 141 (i) work on an acute or subacute injury; or
- 142 (ii) a practice described in this section to the extent the practice:
- 143 (A) treats a medically diagnosed condition; or
- 144 (B) results from a referral or prescription from a licensed health care practitioner,
- 145 including a physician, osteopathic physician, advanced practice registered
- 146 nurse, chiropractic physician, or physician's assistant.
- 147 ~~[(b) "Practice of limited massage therapy" does not include work on an acute or~~
- 148 ~~subacute injury.]~~
- 149 ~~[(10)]~~ (12)(a) "Practice of massage therapy" means:
- 150 ~~[(a)]~~ (i) the examination, assessment, and evaluation of the soft tissue structures of the
- 151 body for the purpose of devising a treatment plan to promote homeostasis;
- 152 ~~[(b)]~~ (ii) the systematic manual or mechanical manipulation of the soft tissue of the
- 153 body for the purpose of promoting the therapeutic health and well-being of a
- 154 client, enhancing the circulation of the blood and lymph, relaxing and lengthening
- 155 muscles, relieving pain, restoring metabolic balance, or achieving homeostasis, or
- 156 for any other purpose;
- 157 ~~[(c)]~~ (iii) the use of the hands or a mechanical or electrical apparatus in connection
- 158 with this Subsection ~~[(10)]~~ (12);
- 159 ~~[(d)]~~ (iv) the use of rehabilitative procedures involving the soft tissue of the body;
- 160 ~~[(e)]~~ (v) range of motion or movements without spinal adjustment as set forth in
- 161 Section 58-73-102;
- 162 ~~[(f)]~~ (vi) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower,
- 163 steam, and cabinet baths;
- 164 ~~[(g)]~~ (vii) manual traction and stretching exercise;
- 165 ~~[(h)]~~ (viii) correction of muscular distortion by treatment of the soft tissues of the
- 166 body;
- 167 ~~[(i)]~~ (ix) counseling, education, and other advisory services to reduce the incidence

168 and severity of physical disability, movement dysfunction, and pain;  
 169 [(j)] (x) activities and modality techniques similar or related to the activities and  
 170 techniques described in this Subsection [(10)] (12);  
 171 [(k)] (xi) a practice described in this Subsection [(10)] (12) on an animal to the extent  
 172 permitted by:  
 173 [(i)] (A) Subsection 58-28-307(12);  
 174 [(ii)] (B) the provisions of this chapter; and  
 175 [(iii)] (C) division rule made in accordance with Title 63G, Chapter 3, Utah  
 176 Administrative Rulemaking Act; or  
 177 [(H)] (xii) providing, offering, or advertising a paid service using the term massage or a  
 178 derivative of the word massage, regardless of whether the service includes  
 179 physical contact.

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

181 (13) "Registered massage establishment" means a massage establishment that is registered  
 182 with the division to lawfully provide services within the practice of massage therapy or  
 183 the practice of limited massage therapy at a single, fixed massage establishment location  
 184 in this state.

185 [(H)] (14) "Soft tissue" means the muscles and related connective tissue.

186 (15) "Sole practitioner" means a licensed massage therapist who:

187 (a)(i) offers the services of massage therapy from the licensee's residence; or  
 188 (ii) offers the services of massage therapy from an out-call location that is not owned,  
 189 rented, or leased by the licensee or a massage establishment; and

190 (b) does not employ or contract with another individual licensed according to this  
 191 chapter.

192 [(12)] (16) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501,  
 193 58-1-501.1, [-and] 58-47b-501, and 58-47b-501.1.

194 [(13)] (17) "Unprofessional conduct" means the same as that term is defined in Sections  
 195 58-1-501, [-and] 58-47b-502, and 58-47b-502.1 and as may be further defined by  
 196 division rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
 197 Rulemaking Act.

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

199 **58-47b-301 . Licensure required -- Individuals.**

200 (1) An individual shall hold a license issued under this chapter [~~in order~~] to engage in the  
 201 practice of massage therapy or the practice of limited massage therapy, except as

- 202 specifically provided in Section 58-1-307 or 58-47b-304.
- 203 (2) An individual who provides hands-on training in the practice of massage therapy or the  
 204 practice of limited massage therapy shall:
- 205 (a)(i) hold a license in good standing as a massage therapist; and  
 206 (ii) have engaged in the lawful practice of massage therapy as a licensed massage  
 207 therapist for at least 6,000 hours; or
- 208 (b) be exempt from licensing under Subsections 58-47b-304(1)(a) through (k) or  
 209 Subsection (1)(i).
- 210 [(2)] (3) An individual shall have a license [in order] to:
- 211 (a) represent oneself as a massage therapist, massage apprentice, massage assistant, or [  
 212 massage assistant in-training] massage assistant-in-training;
- 213 (b)(i) represent oneself as providing a service that is within the practice of massage  
 214 therapy or the practice of limited massage therapy; or  
 215 (ii) use the word massage or any other word to describe the services; [or]
- 216 (c) charge or receive a fee or any consideration for providing a service that is within the  
 217 practice of massage therapy or the practice of limited massage therapy[-] ; or
- 218 (d) unless exempted from licensure under Section 58-47b-304, charge or receive a fee or  
 219 any consideration for providing hands-on training in a service that is within the  
 220 practice of massage therapy or the practice of limited massage therapy.
- 221 (4)(a) Except as provided in Subsection (4)(b), an individual licensed under this chapter  
 222 may work as a massage therapist, a massage apprentice, a massage assistant, or a  
 223 massage assistant-in-training only in a registered massage establishment or a location  
 224 exempted from registration under Section 58-47-304.1.
- 225 (b) A sole practitioner who is licensed under this chapter may work as a massage  
 226 therapist at the sole practitioner's residence or an out-call location.
- 227 Section 3. Section **58-47b-301.1** is enacted to read:
- 228 **58-47b-301.1 . Massage establishment registration required -- Sole practitioner --**
- 229 **Maintenance of registration.**
- 230 (1) An owner shall register a massage establishment with the division.
- 231 (2)(a) Each place of business shall register separately.
- 232 (b) If multiple massage establishments exist at the same address, each massage  
 233 establishment shall register separately.
- 234 (3) A massage establishment shall provide the physical address where the massage  
 235 establishment operates to the division.

- 236 (4) Unless exempted under Section 58-47b-304.1, a massage establishment may not allow  
237 for the practice of massage therapy or the practice of limited massage therapy on the  
238 massage establishment's premises unless the massage establishment is registered in  
239 accordance with this section.
- 240 (5)(a) A massage establishment shall employ or contract with a licensee under this  
241 chapter, or an individual exempted under this chapter, to perform massage therapy or  
242 other massage services.
- 243 (b) A massage establishment shall maintain documentation of the employment or  
244 contract relationship and make the documentation available during an inspection by  
245 the division or investigation by the division.
- 246 (6) A sole practitioner, working out of the sole practitioner's residence, shall register if the  
247 residence is advertised as the sole practitioner's place of business.
- 248 (7) An owner may not assign or transfer a massage establishment registration.
- 249 (8) Upon the sale, sublease, or change of legal possession of a registered massage  
250 establishment, the owner, lessee, or legal possessor of the massage establishment shall  
251 apply for and obtain a new registration within 30 days after the day on which the  
252 ownership, lessee, or legal possession changes.
- 253 (9)(a) A registered massage establishment shall list the name and address of the  
254 registered massage establishment in any advertisement.
- 255 (b) The sole practitioner shall list the name and address of the registered location in any  
256 advertisement.
- 257 (10) Whenever statute or rule requires or prohibits action by a registered massage  
258 establishment, any owner of the registered massage establishment is responsible for all  
259 activities of the registered massage establishment, regardless of the form of the business  
260 organization.
- 261 (11)(a) A registered massage establishment shall maintain a log of all massage therapy  
262 services provided at the registered massage establishment containing information as  
263 determined by the division in rule made in accordance with Title 63G, Chapter 3,  
264 Utah Administrative Rulemaking Act.
- 265 (b) A sole practitioner with a registered location shall maintain a log of all massage  
266 therapy services administered at the registered location containing information as  
267 determined by the division in rule made in accordance with Title 63G, Chapter 3,  
268 Utah Administrative Rulemaking Act.
- 269 (12) Whenever statute or rule requires or prohibits action by a sole practitioner at a

270 registered location, the sole practitioner is responsible for all activities of the registered  
271 location, regardless of the form of the business organization.

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

273 **58-47b-302 . License classifications -- Qualifications for licensure -- Individuals.**

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

- 275 (a) massage therapist;
- 276 (b) massage apprentice;
- 277 (c) massage assistant; and
- 278 (d) [~~massage assistant in training~~] massage assistant-in-training.

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

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

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

- 302 (a) submit an application in a form [~~prescribed by~~] the division approves;
- 303 (b) pay a fee determined by the department under Section 63J-1-504;

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

- 338 engaged in the lawful practice of massage therapy.]
- 339 (5) An applicant for licensure as a ~~[massage assistant in-training]~~ massage
- 340 assistant-in-training shall:
- 341 (a) submit an application in a form ~~[prescribed by]~~ the division approves;
- 342 (b) pay a fee determined by the department in accordance with Section 63J-1-504;
- 343 (c) be 18 years old or older; and
- 344 (d) provide satisfactory evidence to the division that the applicant will practice as a [  
345 ~~massage assistant in-training]~~ massage assistant-in-training under the supervision of a  
346 massage therapist ~~[for a period of no more than six months]~~ for the purpose of  
347 satisfying the requirements described in ~~[Subsections]~~ Subsection (4)(a)(iv) [and (4)(b)]  
348 for licensure as a massage assistant.
- 349 (6)(a) A massage therapist may supervise at one time up to ~~[six]~~ three individuals  
350 licensed as a massage apprentice or ~~[massage assistant in-training]~~ a massage  
351 assistant-in-training.
- 352 (b) A massage therapy supervisor may supervise at one time up to six individuals  
353 licensed as a massage assistant.
- 354 (7) A new massage therapist, massage apprentice, massage assistant, or massage assistant  
355 in-training applicant shall submit to and pass a criminal background check in accordance  
356 with Section ~~[58-47b-302.1]~~ 58-47b-307 and any requirements established by division  
357 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
358 Act.
- 359 Section 5. Section **58-47b-302.2** is enacted to read:
- 360 **58-47b-302.2 . Qualifications for registration -- Massage establishments.**
- 361 (1)(a) The owner of the massage establishment shall register the massage establishment.
- 362 (b) If the massage establishment has multiple owners, the owners of the massage  
363 establishment shall choose one owner to register the massage establishment.
- 364 (2) To register a massage establishment, the owner shall:
- 365 (a) submit an application in a form the division approves;
- 366 (b) pay a fee determined by the department under Section 63J-1-504; and
- 367 (c) provide satisfactory documentation:
- 368 (i) of registration with the Division of Corporations and Commercial Code;
- 369 (ii) of business licensure from the city, town, or county in which the massage  
370 establishment is located;
- 371 (iii) that the massage establishment's physical facilities comply with the requirements

- 372 established by rule; and
- 373 (iv) proof of the owner's ownership or right to possession of the premises where the
- 374 massage establishment will be operated;
- 375 (d) submit fingerprint cards in a form acceptable to the division at the time the
- 376 application is filed;
- 377 (e) consent to a fingerprint background check by the Utah Bureau of Criminal
- 378 Identification and the Federal Bureau of Investigation, including the use of the FBI
- 379 Rap Back System, for all individuals for whom a fingerprint card is required by
- 380 Subsection (2)(f);
- 381 (f) submit fingerprints for each individual who:
- 382 (i) personally or constructively holds, including as the beneficiary of a trust:
- 383 (A) at least 10% of the entity's outstanding stock; or
- 384 (B) more than \$25,000 of the fair market value of the entity;
- 385 (ii) has a direct or indirect participating interest through shares, stock, or otherwise,
- 386 regardless of whether voting rights are included, of more than 10% of the profits,
- 387 proceeds, or capital gains of the entity;
- 388 (iii) is a member of the board of directors or other governing body of the entity; or
- 389 (iv) serves as:
- 390 (A) an elected officer of the entity; or
- 391 (B) a general manager of the entity;
- 392 (g) submit the following information for each individual who requires fingerprints under
- 393 Subsection (2)(f):
- 394 (i) full name;
- 395 (ii) any other name used;
- 396 (iii) date of birth;
- 397 (iv) social security number or other satisfactory evidence of the applicant's identity
- 398 permitted by rule made by the division in accordance with Title 63G, Chapter 3,
- 399 Utah Administrative Rulemaking Act;
- 400 (v) address;
- 401 (vi) phone number;
- 402 (vii) email address;
- 403 (viii) license number, if licensed under this chapter; and
- 404 (ix) a recent color photograph of each owner;
- 405 (h) allow the Department of Commerce to verify that the applicant and each individual

- 406 listed in Subsection (2)(f), is legally present in the United States;
- 407 (i) submit a signed attestation in a form the division approves by rule attesting that the
- 408 massage establishment does not engage in illegal activities including human
- 409 trafficking, sex advertising, or unlicensed practice; and
- 410 (j) meet with the division or board if requested by the division or board.
- 411 (3) A sole practitioner that is required to register shall provide the same information as in
- 412 Subsection (2) for the sole practitioner and the registered location.
- 413 (4) The division may require an owner to prove continuing right of possession at any time
- 414 during the registration period.

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

416 **58-47b-303 . Term of license -- Expiration -- Renewal -- Individuals.**

- 417 (1)(a) Except as provided in Subsection (3), the division shall issue a license under this
- 418 chapter in accordance with a two-year renewal cycle established by division rule
- 419 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 420 (b) ~~[A] The division may extend or shorten a renewal period [may be extended or~~
- 421 ~~shortened]~~by as much as one year to maintain established renewal cycles or to
- 422 change an established renewal cycle.
- 423 (2) Subject to Subsection (3), a license automatically expires on the expiration date shown
- 424 on the license unless renewed by the licensee in accordance with Section 58-1-308.
- 425 (3)(a) A massage apprentice license expires 24 months after the day on which the
- 426 division issues the massage apprentice license.
- 427 (b) A massage [assistant-in-training] assistant-in-training license expires six months after
- 428 the day on which the division issues the [massage assistant-in-training] massage
- 429 assistant-in-training license.
- 430 (c) The division may not renew or extend a massage apprentice or massage
- 431 assistant-in-training license unless:
- 432 (i) a circumstance or hardship arose beyond the licensee's control that prevented the
- 433 licensee from completing the licensure process;
- 434 (ii) the licensee presents satisfactory evidence to the division that the licensee is
- 435 making reasonable progress toward obtaining licensure in the state;
- 436 (iii) the division grants the renewal or extension for a period proportionate to the
- 437 circumstance or hardship; and
- 438 (iv) the licensee's supervising massage therapist consents in writing to the renewal or
- 439 extension.

440 (4) At the time of renewal, the licensee shall show satisfactory evidence of renewal  
 441 requirements established under this chapter and of renewal requirements that may be  
 442 established by division rule made in accordance with Title 63G, Chapter 3, Utah  
 443 Administrative Rulemaking Act.

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

445 **58-47b-303.1 . Term of registration -- Expiration -- Renewal -- Massage**  
 446 **establishments.**

447 (1)(a) Except as provided in Subsection (3), the division shall issue a registration under  
 448 this chapter in accordance with a two-year renewal cycle established by division rule  
 449 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

452 (2) A registration automatically expires on the expiration date shown on the registration  
 453 unless renewed by the registrant.

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

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

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

457 (c) show satisfactory proof of compliance with the standards established by this chapter.

458 (4) At the time of renewal, a sole practitioner with a registered location shall:

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

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

461 (c) show satisfactory proof of compliance with the standards established by this chapter.

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

463 **58-47b-304 . Exemptions from licensure -- Individuals.**

464 (1) In addition to the exemptions from licensure in Section 58-1-307, the following  
 465 individuals may engage in the practice of massage therapy or the practice of limited  
 466 massage therapy, subject to the stated circumstances and limitations, without being  
 467 licensed under this chapter:

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

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

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

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

473 (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice

- 474 Act, while under the general supervision of a physical therapist;
- 475 (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic  
476 Medical Practice Act;
- 477 (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice  
478 Act;
- 479 (h) a hospital staff member employed by a hospital, who practices massage as part of the  
480 staff member's responsibilities;
- 481 (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
- 482 (j) a student in training enrolled in a massage therapy school approved by the division;
- 483 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice  
484 Act;
- 485 (l)(i) an occupational therapist licensed under Chapter 42a, Occupational Therapy  
486 Practice Act; and
- 487 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational  
488 Therapy Practice Act, while under the general supervision of an occupational  
489 therapist;
- 490 (m) an individual performing animal massage therapy under the rules made by the  
491 division in accordance with Subsection 58-28-307(12);
- 492 (n) an individual performing gratuitous massage; and
- 493 (o) an individual:
- 494 (i) certified by or through, and in good standing with, an industry organization that is  
495 recognized by the division and that represents a profession with established  
496 standards and ethics:
- 497 (A) who is certified to practice reflexology and whose practice is limited to the  
498 scope of practice of reflexology;
- 499 (B) who is certified to practice a type of zone therapy, including foot zone  
500 therapy, and whose practice is limited to the scope of practice for which the  
501 individual is certified;
- 502 (C) who is certified to practice ortho-bionomy and whose practice is limited to the  
503 scope of practice of ortho-bionomy;
- 504 (D) who is certified to practice bowerwork and whose practice is limited to the  
505 scope of practice of bowerwork; or
- 506 (E) who is certified to practice a type of brain integration and whose practice is  
507 limited to the scope of practice for which the individual is certified;

- 508 (ii) whose clients remain fully clothed from the shoulders to the knees; and  
 509 (iii) whose clients do not receive gratuitous massage from the individual.
- 510 (2) An individual described in Subsection (1) may not represent oneself as a massage  
 511 therapist, massage apprentice, massage assistant, or [~~massage assistant in-training~~]  
 512 massage assistant-in-training.
- 513 (3) This chapter may not be construed to:
- 514 (a) authorize any individual licensed under this chapter to engage in any manner in the  
 515 practice of medicine as defined by the laws of this state;
- 516 (b) require insurance coverage or reimbursement for massage therapy or limited massage  
 517 therapy from third party payors; or
- 518 (c) prevent an insurance carrier from offering coverage for massage therapy or limited  
 519 massage therapy.

520 Section 9. Section **58-47b-304.1** is enacted to read:

521 **58-47b-304.1 . Exemptions from registration -- Massage establishments.**

522 The following establishments or facilities are exempt from registering as massage  
 523 establishments:

- 524 (1) hospitals or medical clinics;  
 525 (2) physician offices;  
 526 (3) physical therapy facilities;  
 527 (4) chiropractic offices;  
 528 (5) athletic training facilities or institutions of secondary or higher education when massage  
 529 therapy is practiced in connection with employment related to athletic teams; and  
 530 (6) other facilities as defined by rule.

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

532 **58-47b-305 . State and local jurisdiction.**

- 533 (1)(a) The division is the only agency authorized to license individuals to engage in the  
 534 practice of massage therapy or the practice of limited massage therapy within the  
 535 state or any of the state's political subdivisions.
- 536 (b) This chapter does not prevent any political subdivision of the state from enacting:
- 537 (i) ordinances governing the operation of establishments offering massages; or  
 538 (ii) ordinances regulating the practice of massage therapy or the practice of limited  
 539 massage therapy[;] if:
- 540 (A) [-]the ordinances are not less stringent than this chapter[-] ; and  
 541 (B) the ordinances do not require additional background checks prohibited by

542 Section 58-47b-307.

- 543 (2) This chapter does not prohibit any political subdivision of the state from prosecuting:
- 544 (a) an unlicensed individual who is engaged in the practice of massage therapy or the
- 545 practice of limited massage therapy;~~or~~
- 546 (b) a licensed individual~~who~~, a registered massage establishment, or a registered
- 547 location of a sole practitioner that is engaged in unlawful conduct[-]; or
- 548 (c) conduct by any person that is defined as unlawful under this chapter, including
- 549 aiding or abetting any other person to violate any statute or rule regulating a
- 550 profession under this chapter.

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

552 **58-47b-306 . Required identification and disclosures -- Individuals.**

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

554 individual lawfully engages in the practice of massage therapy or the practice of limited

555 massage therapy.]

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

557 limited massage therapy at a massage establishment, the massage establishment shall

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

559 at the massage establishment are performed by a massage assistant or a massage

560 assistant in-training.]

561 [(3)] (1) Before the licensee provides a service regulated by this chapter, the licensee shall

562 obtain from the customer a completed and signed intake form as may be further defined

563 by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative

564 Rulemaking Act.

565 (2) An individual licensee under this chapter, while engaging in practice:

- 566 (a) shall wear an identification badge showing the licensee's name, license classification,
- 567 and license number; and
- 568 (b) may not identify to any person in connection with activities allowed under this
- 569 chapter other than as the individual's license classification.

570 (3) If an individual requests a massage service that is performed by a massage apprentice, a

571 massage assistant, or a [massage assistant in-training] ~~massage assistant-in-training~~, the

572 licensee performing or the massage therapy supervisor supervising the massage service

573 shall ensure that the individual is notified before scheduling or agreeing to the massage

574 service that the massage service is performed by a massage apprentice, a massage

575 assistant, or [massage assistant in-training] a ~~massage assistant-in-training~~.

576 Section 12. Section **58-47b-306.1** is enacted to read:

577 **58-47b-306.1 . Required signage and disclosures -- Massage establishments.**

578 A massage establishment shall display prominently:

- 579 (1) the establishment registration;  
580 (2) a copy of the state issued license for each licensee licensed under this chapter and  
581 contracted with or employed by the establishment;  
582 (3) Department of Professional Licensing resources required by rule; and  
583 (4) a sign that states some massage services offered at the massage establishment are  
584 performed by a massage apprentice, a massage assistant, or a massage  
585 assistant-in-training.

586 Section 13. Section **58-47b-307**, which is renumbered from Section 58-47b-302.1 is renumbered  
587 and amended to read:

588 **[58-47b-302.1] 58-47b-307 . Criminal background check -- Individuals.**

- 589 (1) An applicant for individual licensure under this chapter [~~who requires a criminal~~  
590 ~~background check~~] shall:  
591 (a) submit fingerprint cards in a form acceptable to the division at the time the license  
592 application is filed; and  
593 (b) consent to a fingerprint background check conducted by the Bureau of Criminal  
594 Identification and the Federal Bureau of Investigation[~~regarding the application.~~]  
595 including the use of the FBI Rap Back System.  
596 (2) The division shall:  
597 (a) in addition to other fees authorized by this chapter, collect from each applicant  
598 submitting fingerprints in accordance with this section the fee that the Bureau of  
599 Criminal Identification is authorized to collect for the services provided under  
600 Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for  
601 fingerprint processing for the purpose of obtaining federal criminal history record  
602 information;  
603 (b) submit from each applicant the fingerprint card and the fees described in Subsection  
604 (2)(a) to the Bureau of Criminal Identification; and  
605 (c) obtain and retain in division records a signed waiver approved by the Bureau of  
606 Criminal Identification in accordance with Section 53-10-108 for each applicant.  
607 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of  
608 Section 53-10-108:  
609 (a) check the fingerprints submitted under [~~Subsection (2)(b)] this section against the~~

- 610 applicable state and regional criminal records databases;
- 611 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal  
612 history background check; and
- 613 (c) provide the results from the state, regional, and nationwide criminal history  
614 background checks to the division.
- 615 (4) For purposes of conducting a criminal background check required under this section, the  
616 division shall have direct access to criminal background information maintained under  
617 Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- 618 (5) The division may not disseminate outside of the division any criminal history record  
619 information that the division obtains from the Bureau of Criminal Identification or the  
620 Federal Bureau of Investigation under the criminal background check requirements of  
621 this section.
- 622 (6)(a) A new license issued under this chapter is conditional pending completion of the  
623 criminal background check.
- 624 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the  
625 criminal background check required in Subsection 58-47b-302(7) demonstrates the  
626 applicant has failed to accurately disclose a criminal history, the license is  
627 immediately and automatically revoked upon notice to the licensee by the division.
- 628 (c) ~~[A person]~~ An individual whose conditional license is revoked under Subsection  
629 (6)(b) is entitled to a postrevocation hearing to challenge the revocation.
- 630 (d) The division shall conduct a postrevocation hearing in accordance with Title 63G,  
631 Chapter 4, Administrative Procedures Act.
- 632 (7) An applicant who successfully completes a background check under this section may  
633 not be required by any other state or local government body to submit to a second  
634 background check as a condition of lawfully engaging in the practice of massage therapy  
635 or the practice of limited massage therapy in this state.

636 Section 14. Section **58-47b-307.1** is enacted to read:

637 **58-47b-307.1 . Criminal background checks -- Massage establishments.**

- 638 (1) Each applicant for registration in accordance with Section 58-47b-301.1:
- 639 (a) shall submit an application in a form the division approves;
- 640 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 641 (c) may not have been convicted of a crime under Section 76-5-4;
- 642 (d) shall submit to and pass a background check in accordance with this section and  
643 requirements established by division rule made in accordance with Title 63G,

- 644 Chapter 3, Utah Administrative Rulemaking Act; and  
645 (e) shall meet with the division if requested by the division.
- 646 (2) Each applicant shall submit for all individuals under Subsection 58-47b-302.2(2)(f) the  
647 information described in Section 58-47b-302.2.
- 648 (3) The division shall:
- 649 (a) in addition to other fees authorized by this chapter, collect from each applicant  
650 submitting fingerprints in accordance with this section:
- 651 (i) the fee, for each set of fingerprints, that the Bureau of Criminal Identification is  
652 authorized to collect for the services provided under Section 53-10-108; and  
653 (ii) the fee, for each set of fingerprints, charged by the Federal Bureau of  
654 Investigation for fingerprint processing for the purpose of obtaining federal  
655 criminal history record information;
- 656 (b) submit, from each individual who requires a background check under Subsection  
657 58-47b-302.2(2)(f), the fingerprint card and the fees described in Subsection (3)(a) to  
658 the Bureau of Criminal Identification; and
- 659 (c) obtain and retain in division records, from each individual who requires a  
660 background check under Subsection 58-47b-302.2(2)(f), a signed waiver approved by  
661 the Bureau of Criminal Identification in accordance with Section 53-10-108.
- 662 (4) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal  
663 Identification shall:
- 664 (a) check the fingerprints submitted under this section against the applicable state and  
665 regional criminal records databases;
- 666 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal  
667 history background check; and
- 668 (c) provide the results from the state, regional, and nationwide criminal history  
669 background checks to the division.
- 670 (5) For purposes of conducting the criminal background check required in this section, the  
671 division shall have direct access to criminal background information maintained under  
672 Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- 673 (6) The division may not disseminate outside of the division any criminal history record  
674 information that the division obtains from the Bureau of Criminal Identification or the  
675 Federal Bureau of Investigation under the criminal background check requirements of  
676 this section.
- 677 (a) A new registration issued under this section is conditional, pending completion of the

678 criminal background checks.

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

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

687 (iii) A sole practitioner that has a registered location's conditional registration  
 688 revoked under this Subsection (6)(b) is entitled to a postrevocation hearing to  
 689 challenge the revocation.

690 (iv) The division shall conduct a postrevocation hearing in accordance with Title  
 691 63G, Chapter 4, Administrative Procedures Act.

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

693 **58-47b-401 . Grounds for denial of license -- Individuals.**

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

- 697 (1) refusal to issue a license to an applicant;  
 698 (2) refusal to renew the license of a licensee;  
 699 (3) revocation, suspension, restriction, or placement on probation of a license;  
 700 (4) issuance of a public or private reprimand to a licensee; and  
 701 (5) issuance of a cease and desist order.

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

703 **58-47b-401.1 . Grounds for denial of registration -- Massage establishments --**  
 704 **Sole practitioner.**

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

- 706 (1) the location where the registration is applied for has had a similar registration revoked  
 707 or surrendered for cause within the last two years;  
 708 (2) within two years before the date of the application, an owner or a sole practitioner had a  
 709 previous license or registration issued under this chapter suspended or revoked; or  
 710 (3) the application is for a location that has advertised in a manner that reasonably implies  
 711 sexual services are offered at the location.

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

713 **58-47b-501 . Unlawful conduct -- Individuals.**

714 (1) "Unlawful conduct"~~[-]~~ for an individual includes:

- 715 (a) practicing, engaging in, or attempting to practice or engage in the practice of  
716 massage therapy without holding a current license as a massage therapist or a  
717 massage apprentice under this chapter;
- 718 (b) advertising or representing oneself as engaging in the practice of massage therapy  
719 when not licensed to do so;
- 720 (c) practicing, engaging in, or attempting to practice or engage in the practice of limited  
721 massage therapy without holding a current license as a massage therapist, massage  
722 apprentice, massage assistant, or ~~[massage assistant in-training]~~ massage  
723 assistant-in-training under this chapter;
- 724 (d) advertising or representing oneself as engaging in the practice of limited massage  
725 therapy when not licensed to do so; and
- 726 (e) massaging, touching, or applying any instrument or device by a licensee in the course  
727 of engaging in the practice of massage therapy or the practice of limited massage  
728 therapy to the:
- 729 (i) genitals;
- 730 (ii) anus; or
- 731 (iii) except as provided in Subsection (2), breasts of a female ~~[patron]~~ customer.

732 (2)(a) Subsection (1)(e)(iii) does not apply if a female ~~[patron]~~ customer:

- 733 (i) requests breast massage, as may be further defined by division rule made in  
734 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 735 (ii) subject to Subsection (2)(b), signs a written consent form before each time the  
736 procedure is performed.
- 737 (b) If the female ~~[patron]~~ customer is a minor, the female ~~[patron's]~~ customer's parent or  
738 legal guardian shall sign the written consent form described in Subsection (2)(a).

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

740 **58-47b-501.1 . Unlawful conduct -- Massage establishments -- Sole practitioner.**

741 "Unlawful conduct" for a massage establishment or a sole practitioner required to  
742 register in accordance with Section 58-47b-301.1 includes:

- 743 (1) operating without a valid registration;
- 744 (2) being open for business without a licensee regulated by this chapter on site;
- 745 (3) permitting the use of a registered massage establishment for housing, sheltering, or

- 746 harboring any individual;
- 747 (4) permitting an individual to engage in the practice of massage therapy without a license;
- 748 (5) permitting a licensee to provide massage services without being fully clothed;
- 749 (6) permitting a licensee to perform a sexual act or arranging for a sexual act;
- 750 (7) permitting a licensee or customer the use or possession of adult-oriented merchandise
- 751 while at the registered massage establishment;
- 752 (8) advertising on a sexually oriented website;
- 753 (9) advertising services in a manner that may be reasonably construed as sexual in nature;
- 754 (10) failing to include the massage establishment's address, and name on the advertisements;
- 755 (11) operating between 12:00 a.m. and 5:00 a.m.;
- 756 (12) refusing inspection by the Division of Professional Licensing as authorized under
- 757 Section 58-47b-601;
- 758 (13) arranging or allowing for any of the unlawful acts described in Section 58-47b-501;
- 759 (14) failing to immediately report to a local police department any disorderly conduct,
- 760 sexual acts, or other criminal activity occurring on or within the registered massage
- 761 establishment's premises; or
- 762 (15)(a) concealing an individual in the massage establishment;
- 763 (b) refusing to provide identification to inspectors or law enforcement; or
- 764 (c) attempting to elude an inspector by leaving the massage establishment or remaining
- 765 behind locked doors in the massage establishment during an inspection.

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

767 **58-47b-502 . Unprofessional conduct -- Individuals.**

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

- 769 be further defined by division rule made in accordance with Title 63G, Chapter 3,
- 770 Utah Administrative Rulemaking Act:
- 771 (1) maintaining, operating, or assisting in the establishment or operation of any place of
- 772 business for the purpose of performing the practice of massage therapy or the practice of
- 773 limited massage therapy without first obtaining a business license, if a license is
- 774 required;
- 775 (2) failing to comply with any applicable ordinances relating to the regulation of massage
- 776 establishment;
- 777 (3) failing to comply with all applicable state and local health or sanitation codes;
- 778 (4) failing of a massage therapist to properly supervise a massage apprentice, massage
- 779 assistant, or [~~massage assistant in-training~~] a massage assistant-in-training;

- 780 (5) failing to maintain mechanical or electrical equipment in a safe operating condition;  
 781 (6) failing to adequately monitor [~~patrons~~] customers utilizing steam rooms, dry heat  
 782 cabinets, or water baths;  
 783 (7) prescribing or administering medicine or drugs;  
 784 (8) engaging in any act or practice in a professional capacity that is outside of the practice  
 785 of massage therapy or the practice of limited massage therapy; and  
 786 (9) engaging in any act or practice in a professional capacity for which the licensee is not  
 787 competent to perform through training or experience.

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

789 **58-47b-502.1 . Unprofessional conduct -- Massage establishments.**

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

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

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

808 **58-47b-503 . Penalties -- Individuals.**

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

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

- 814 **58-47b-503.1 . Penalties -- Massage establishments -- Sole practitioners.**
- 815 (1) For acts of unprofessional conduct or unlawful conduct by a massage establishment or  
816 sole practitioner required to register, the division may:
- 817 (a) assess administrative penalties; and
- 818 (b) take any other appropriate administrative action, which may include sending letters  
819 of concern to:
- 820 (i) the municipality in which the massage establishment is located and the police  
821 department for the municipality; or
- 822 (ii) the property owner or manager from which the massage establishment is leasing  
823 space.
- 824 (2) The division shall deposit an administrative penalty imposed in accordance with this  
825 section into the General Fund.
- 826 (3) If a massage establishment or sole practitioner required to register has been convicted of  
827 violating Section 58-47b-501.1 before an administrative finding of a violation of the  
828 same section, the registrant may not be assessed an administrative penalty under this  
829 chapter for the same incident for which the conviction was obtained.
- 830 (4)(a) If upon inspection or investigation, the division concludes that a person has  
831 violated the provisions of Chapter 1, Division of Professional Licensing Act, Section  
832 58-47b-501, 58-47b-501.1, 58-47b-502, or 58-47b-502.1, or any rule or order issued  
833 with respect to these provisions, and that disciplinary action is appropriate, the  
834 director or the director's designee from within the division shall:
- 835 (i) promptly issue a citation to the person according to this chapter and any pertinent  
836 rules; and
- 837 (ii)(A) attempt to negotiate a stipulated settlement; or
- 838 (B) notify the person to appear before an adjudicative proceeding conducted under  
839 Title 63G, Chapter 4, Administrative Procedures Act.
- 840 (b)(i) In addition to or in lieu of an administrative penalty, the division may assess a  
841 fine in accordance with Subsection (5) to any person that is in violation of the  
842 provisions of Chapter 1, Division of Professional Licensing Act, Section  
843 58-47b-501 or 58-47b-501.1, or any rule or order issued with respect to these  
844 provisions, as evidenced by an uncontested citation, a stipulated settlement, or a  
845 finding of violation in an adjudicative proceeding.
- 846 (ii) The fine may be in an amount equal to the greater of up to \$10,000 per single  
847 violation or up to \$2,000 per day of ongoing violation in accordance with a fine

- 848 schedule established by rule.
- 849 (iii) In addition to or in lieu of a fine, the division may order the person to cease and  
850 desist from violating the provisions of Chapter 1, Division of Professional  
851 Licensing Act, Section 58-47b-501, 58-47b-501.1, or 58-47b-502.1, or any rule or  
852 order issued with respect to these provisions.
- 853 (c) A citation shall:
- 854 (i) be in writing and describe with particularity the nature of the violation, including  
855 a reference to the provision of the chapter, rule, or order alleged to have been  
856 violated;
- 857 (ii) state that the person to which the citation is issued shall notify the division in  
858 writing within 20 calendar days of service of the citation in order to contest the  
859 citation at a hearing conducted under Title 63G, Chapter 4, Administrative  
860 Procedures Act;
- 861 (iii) explain the consequences of failure to timely contest the citation or to make  
862 payment of any fines assessed by the citation within the time specified in the  
863 citation.
- 864 (d) The division may serve a citation issued under this section, or a copy of each  
865 citation, upon any person upon which a summons may be served:
- 866 (i) in accordance with the Utah Rules of Civil Procedure;
- 867 (ii) personally or upon the person's agent by a division investigator or by any person  
868 specially designated by the director; or
- 869 (iii) by mail.
- 870 (e)(i) If within 20 calendar days from the service of a citation, the person to whom  
871 the citation is issued fails to request a hearing to contest the citation, the citation  
872 becomes the final order of the division and is not subject to further agency review.
- 873 (ii) The period to contest the citation may be extended by the division for cause.
- 874 (f) The division shall suspend, revoke, place on probation, or refuse to issue or renew the  
875 registration of a registered massage establishment, or a sole practitioner's registered  
876 location, that fails to comply with the citation after the citation becomes final.
- 877 (g) Failure of an applicant for registration to comply with a citation after the citation  
878 becomes final is a ground for denial of registration.
- 879 (h) The division may not issue a citation under this section after one year from the date  
880 on which the violation that is the subject of the citation is reported to the division.
- 881 (5)(a) The director may collect a penalty that is not paid by:

- 882           (i) referring the matter to a collection agency; or  
883           (ii) bringing an action in the district court of the county where the person against  
884                 whom the penalty is imposed resides or in the county where the office of the  
885                 director is located.
- 886           (b) A county attorney or the attorney general of the state shall provide legal assistance  
887                 and advice to the director in an action to collect a penalty.
- 888           (c) A court shall award reasonable attorney fees and costs to the prevailing party in an  
889                 action brought by the division to collect a penalty.
- 890 (6) The division may summarily suspend a registered massage establishment's registration  
891                 with a hearing to be scheduled within 15 days, under Sections 58-1-108 and 63G-4-502,  
892                 when the director finds that a pattern of credible facts emerges that the registered  
893                 massage establishment is attempting to operate a prostitution enterprise, or is engaged in  
894                 any form of human trafficking whether there is a violation of any other specific law,  
895                 rule, or code.

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

897

## **Part 6. Enforcement**

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

- 898           **58-47b-601 . Inspection.**
- 899 (1) For the purpose of verifying compliance with this chapter, the division may enter and  
900                 inspect the premises of any massage establishment or the registered location of a sole  
901                 practitioner.
- 902 (2) Before conducting an inspection under Subsection (1), the division shall:
- 903           (a) give proper identification;
- 904           (b) request the registration for:
- 905                 (i) the massage establishment; or
- 906                 (ii) the sole practitioner's registered location;
- 907           (c) describe the nature and purpose of the inspection; and
- 908           (d) provide upon request, the authority of the division to conduct the inspection and the  
909                 penalty for refusing to permit the inspection as provided in Section 58-47b-503.1.
- 910 (3) In conducting an inspection under Subsection (1), the division may, after meeting the  
911                 requirements of Subsection (2):
- 912           (a) examine any record, device, equipment, machine, electronic device or media, or area  
913                 related to the practice of massage therapy or the practice of limited massage therapy  
914                 for the purpose of verifying compliance with the applicable provisions of this chapter;

- 915        (b) reproduce any record or media at the division's own cost; and  
916        (c) take a device for further analysis if considered necessary.
- 917    (4)(a) The division or the division's agent may conduct an operation inspection or  
918        investigation at any time during the normal operating hours of the massage  
919        establishment, or the sole practitioner's registered location, without prior notice.
- 920        (b) The owner and manager of the massage establishment shall assist the inspector by  
921            providing access to:  
922            (i) all areas of the massage establishment;  
923            (ii) all personnel; and  
924            (iii) all records requested by the inspector.
- 925        (c) The sole practitioner of the massage establishment shall assist the inspector by  
926            providing access to:  
927            (i) the sole practitioner's registered location; and  
928            (ii) all records requested by the inspector.
- 929    (5) If upon inspection the division concludes that a person has violated the provisions of  
930        this chapter, or a rule or order issued with respect to this chapter and that disciplinary  
931        action is appropriate, the director or the director's designee shall issue a fine or citation  
932        to the registrant.
- 933        Section 24. Section **63I-1-258** is amended to read:  
934        **63I-1-258 . Repeal dates: Title 58.**
- 935    (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed  
936        July 1, 2026.
- 937    (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
- 938    (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.
- 939    (4) Section 58-37-3.5, Drugs for behavioral health treatment, is repealed July 1, 2027.
- 940    (5) Subsection 58-37-6(7)(f)(iii), regarding a seven-day opiate supply restriction, is  
941        repealed July 1, 2032.
- 942    (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2033.
- 943    (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is  
944        repealed July 1, 2029.
- 945    (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1,  
946        2033.
- 947    (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2034.
- 948    (10) Subsection 58-47b-102(5), defining massage assistant, is repealed July 1, 2029.

- 949 (11) Subsection 58-47b-102(6), defining massage assistant-in-training, is repealed July 1,  
950 2029.
- 951 (12) Subsection 58-47b-301(3), regarding representing oneself as a massage assistant or a  
952 massage assistant-in-training, is repealed July 1, 2029.
- 953 (13) Subsection 58-47b-301(4), regarding requirement for a massage assistant or a massage  
954 assistant-in-training to work in a registered massage establishment, is repealed July 1,  
955 2029.
- 956 (14) Subsection 58-47b-302(1)(c), regarding the division licensing a massage assistant, is  
957 repealed July 1, 2029.
- 958 (15) Subsection 58-47b-302(1)(d), regarding the division licensing a massage  
959 assistant-in-training, is repealed July 1, 2029.
- 960 (16) Subsection 58-47b-302(4), regarding applicant for massage assistant licensure, is  
961 repealed July 1, 2029.
- 962 (17) Subsection 58-47b-302(5), regarding applicant for a massage assistant-in-training, is  
963 repealed July 1, 2029.
- 964 (18) Subsection 58-47b-302(6)(b), regarding supervision for a massage assistant or a  
965 massage assistant-in-training, is repealed July 1, 2029.
- 966 (19) Subsection 58-47b-303(3)(b), regarding expiration of a massage assistant-in-training  
967 license, is repealed July 1, 2029.
- 968 (20) Subsection 58-55-201(2), regarding the Alarm System and Security Licensing  
969 Advisory Board, is repealed July 1, 2027.
- 970 ~~[(H)]~~ (21) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1,  
971 2026.
- 972 **Section 25. Effective Date.**
- 973 This bill takes effect on May 7, 2025.