



UTAH DEPARTMENT
OF COMMERCE

Office of Professional Licensure Review

Massage Therapy Amendments

Business and Labor Interim Committee

Oct 16th, 2024

Problem: Sexual misconduct and illegal activities mar the legitimate practice of massage

- Massage licensing in Utah is two-tiered with a 600-hour Massage Therapist and the new **300-hour Massage Assistant** (as of 2023)
 - Utah's Massage Therapist license requirements matches most other states; Utah's low-barrier Massage Assistant license and apprentice pathway are rare and may attract illicit activities to Utah (see below)
- **Medical-adjacent massage therapy** as an adjunct to healthcare is beneficial and growing
 - Preliminary studies indicate that massage may improve depression and anxiety symptoms, immune response, and fatigue in cancer patients²
- **Severe or permanent physical harm is rare** in legitimate massage
 - Malpractice insurance data show 0.1% of massage therapists have a claim for physical harm in any given year³
- **Human trafficking, sexual misconduct and other illegal activities** occur under the guise of massage
 - Of 41 DOPL substantiated complaints that involved direct consumer harm over the last five years, virtually all (39) related to sexual misconduct of a consumer by a licensee⁴
 - Roughly 25% of DOPL's 100+ unlicensed practice complaints over the same period involved law enforcement related to probable human trafficking, sex trafficking, or commercial sex (all illegal activities)⁴
 - Human trafficking and illicit massage businesses are active in Utah with roughly 150 storefronts identified⁵



Bill Summary (1 of 2): Establish a registry for massage establishments to hold businesses accountable

Licensing Structure

- Maintains and refines the current two-tiered structure of the massage therapist license
 - Ensure that the lower-barrier Massage Assistant license scope is confined to non-medical contexts (e.g., no medically diagnosed conditions, post-operative, acute injuries)

Establishment Registry

- Creates a registry for massage establishments with a **low barrier** for legitimate businesses, **but allowing for enforcement** against illicit businesses
 - Requires fingerprints, FBI background check, and an attestation to follow legitimate business practices
 - DOPL may revoke business registration for non-compliance & notify landlord, local government, and law enforcement
 - Authorizes DOPL to cite and fine illicit massage businesses (up to \$10,000 per violation) creating a strong economic disincentive to operate in Utah
 - Exemption for solo practice (w/ no employees or storefront)



Bill Summary (2 of 2): Enhance information for DOPL, law enforcement to combat illicit massage

Accountability & Information:

- Joins the national **Massage Therapist Licensing Database** (MTLD) for interstate information sharing¹
- Participates in **FBI Rap Back** for ongoing criminal database checks for all licensees
- Provides DOPL teams with **human trafficking training** and system to identify **red flags** in licensing process

Communication (in rulemaking by DOPL):

- Requires **disclosure** of license number, DOPL resources, and standards of care to client
- Requires an **intake form** that includes a patient's relevant medical history to prevent harm to vulnerable clients (e.g., post-injury, cancer) and ensure massage assistant licensees operate within scope

Education:

- Requires **massage therapy instructors** to be licensed massage therapists (or other exempted licensed occupations)
- Reduces **number of apprentices** per supervisor from 6 to 3 and **set a 2-year expiration** for apprentice license
- Clarifies Massage Assistant must do 300 hours in either school or apprenticeship (no mix and match)

