

Chapter 47b Massage Therapy Practice Act

Part 1 General Provisions

58-47b-101 Title.

This chapter is known as the "Massage Therapy Practice Act."

Amended by Chapter 159, 1998 General Session

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 created in Section 58-47b-201.
- (2) "Breast" means the female mammary gland and does not include the muscles, connective tissue, or other soft tissue of the upper chest.
- (3) "Homeostasis" means maintaining, stabilizing, or returning to equilibrium the muscular system.
- (4) "Massage apprentice" means an individual licensed under this chapter as a massage apprentice.
- (5) "Massage assistant" means an individual licensed under this chapter as a massage assistant.
- (6) "Massage assistant in-training" means an individual licensed under this chapter as a massage assistant in-training.
- (7) "Massage therapist" means an individual licensed under this chapter as a massage therapist.
- (8) "Massage therapy supervisor" means:
 - (a) a massage therapist who has at least three years of experience as a massage therapist and has engaged in the lawful practice of massage therapy for at least 3,000 hours;
 - (b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
 - (c) a physician licensed under Chapter 67, Utah Medical Practice Act;
 - (d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
 - (e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or
 - (f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act.
- (9)
 - (a) "Practice of limited massage therapy" means:
 - (i) the systematic manual manipulation of the soft tissue of the body for the purpose of promoting the therapeutic health and well-being of a client, enhancing the circulation of the blood and lymph, relaxing and lengthening muscles, relieving pain, restoring metabolic balance, relaxation, or achieving homeostasis;
 - (ii) seated chair massage;
 - (iii) the use of body wraps;
 - (iv) aromatherapy;
 - (v) reflexology; or
 - (vi) in connection with an activity described in this Subsection (9), the use of:
 - (A) the hands;
 - (B) a towel;
 - (C) a stone;
 - (D) a shell;
 - (E) a bamboo stick; or

- (F) an herbal ball compress.
- (b) "Practice of limited massage therapy" does not include work on an acute or subacute injury.
- (10) "Practice of massage therapy" means:
 - (a) the examination, assessment, and evaluation of the soft tissue structures of the body for the purpose of devising a treatment plan to promote homeostasis;
 - (b) the systematic manual or mechanical manipulation of the soft tissue of the body for the purpose of promoting the therapeutic health and well-being of a client, enhancing the circulation of the blood and lymph, relaxing and lengthening muscles, relieving pain, restoring metabolic balance, or achieving homeostasis, or for any other purpose;
 - (c) the use of the hands or a mechanical or electrical apparatus in connection with this Subsection (10);
 - (d) the use of rehabilitative procedures involving the soft tissue of the body;
 - (e) range of motion or movements without spinal adjustment as set forth in Section 58-73-102;
 - (f) the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet baths;
 - (g) manual traction and stretching exercise;
 - (h) correction of muscular distortion by treatment of the soft tissues of the body;
 - (i) counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain;
 - (j) activities and modality techniques similar or related to the activities and techniques described in this Subsection (10);
 - (k) a practice described in this Subsection (10) on an animal to the extent permitted by:
 - (i) Subsection 58-28-307(12);
 - (ii) the provisions of this chapter; and
 - (iii) division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (l) providing, offering, or advertising a paid service using the term massage or a derivative of the word massage, regardless of whether the service includes physical contact.
- (11) "Soft tissue" means the muscles and related connective tissue.
- (12) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-47b-501.
- (13) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-47b-502 and as may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 225, 2023 General Session

Part 2 Board

58-47b-201 Board.

- (1) There is created the Board of Massage Therapy consisting of:
 - (a) four massage therapists; and
 - (b) one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.

- (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
 - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 159, 1998 General Session

Part 3 Licensing

58-47b-301 Licensure required.

- (1) An individual shall hold a license issued under this chapter in order to engage in the practice of massage therapy or the practice of limited massage therapy, except as specifically provided in Section 58-1-307 or 58-47b-304.
- (2) An individual shall have a license in order to:
 - (a) represent oneself as a massage therapist, massage apprentice, massage assistant, or massage assistant in-training;
 - (b) represent oneself as providing a service that is within the practice of massage therapy or the practice of limited massage therapy or use the word massage or any other word to describe the services; or
 - (c) charge or receive a fee or any consideration for providing a service that is within the practice of massage therapy or the practice of limited massage therapy.

Amended by Chapter 225, 2023 General Session

58-47b-302 License classifications -- Qualifications for licensure.

- (1) The division shall issue licenses under this chapter in the classifications of:
 - (a) massage therapist;
 - (b) massage apprentice;
 - (c) massage assistant; and
 - (d) massage assistant in-training.
- (2) An applicant for licensure as a massage therapist shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be 18 years old or older;
 - (d) have either:
 - (i)
 - (A) graduated from a school of massage having a curriculum that meets standards established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

- (B) completed equivalent education and training in compliance with division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- (ii) completed a massage apprenticeship program consisting of a minimum of 1,000 hours of supervised training over a minimum of 12 months and in accordance with standards established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- (e) pass:
 - (i) the Federation of State Massage Therapy Boards Massage and Bodywork Licensing Examination; or
 - (ii) any other examination established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) An applicant for licensure as a massage apprentice shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be 18 years old or older;
 - (d) provide satisfactory evidence to the division that the applicant will practice as a massage apprentice only under the direct supervision of a licensed massage therapist in good standing who, for at least 6,000 hours, has engaged in the lawful practice of massage therapy as a licensed massage therapist; and
 - (e) pass an examination as required by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4)
 - (a) An applicant for licensure as a massage assistant shall:
 - (i) submit an application in a form prescribed by the division;
 - (ii) pay a fee determined by the department in accordance with Section 63J-1-504;
 - (iii) be 18 years old or older;
 - (iv) subject to Subsection (4)(b), complete at least 300 hours of education and training approved by division rule made accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (v) provide satisfactory evidence to the division that the applicant will practice as a massage assistant only under the indirect supervision of a massage therapy supervisor; and
 - (vi) pass an examination as required by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) The 300-hour education and training requirement described in Subsection (4)(a) shall include:
 - (i) at least 150 hours of education and training while the applicant is:
 - (A) enrolled in massage school; or
 - (B) licensed as a massage assistant in-training and under the direct supervision of a massage therapist in good standing who, for at least 6,000 hours, has engaged in the lawful practice of massage therapy; and
 - (ii) at least 150 hours of education and training while the applicant is:
 - (A) enrolled in massage school; or
 - (B) licensed as a massage assistant in-training and under the indirect supervision of a massage therapist in good standing who, for at least 6,000 hours, has engaged in the lawful practice of massage therapy.
- (5) An applicant for licensure as a massage assistant in-training shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department in accordance with Section 63J-1-504;
 - (c) be 18 years old or older; and

- (d) provide satisfactory evidence to the division that the applicant will practice as a massage assistant in-training under the supervision of a massage therapist for a period of no more than six months for the purpose of satisfying the requirements described in Subsections (4)(a)(iv) and (4)(b) for licensure as a massage assistant.
- (6)
 - (a) A massage therapist may supervise at one time up to six individuals licensed as a massage apprentice or massage assistant in-training.
 - (b) A massage therapy supervisor may supervise at one time up to six individuals licensed as a massage assistant.
- (7) A new massage therapist, massage apprentice, massage assistant, or massage assistant in-training applicant shall submit to and pass a criminal background check in accordance with Section 58-47b-302.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 225, 2023 General Session

58-47b-302.1 Criminal background check.

- (1) An applicant for licensure under this chapter who requires a criminal background check shall:
 - (a) submit fingerprint cards in a form acceptable to the division at the time the license application is filed; and
 - (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.
- (2) The division shall:
 - (a) in addition to other fees authorized by this chapter, collect from each applicant submitting fingerprints in accordance with this section the fee that the Bureau of Criminal Identification is authorized to collect for the services provided under Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal criminal history record information;
 - (b) submit from each applicant the fingerprint card and the fees described in Subsection (2)(a) to the Bureau of Criminal Identification; and
 - (c) obtain and retain in division records a signed waiver approved by the Bureau of Criminal Identification in accordance with Section 53-10-108 for each applicant.
- (3) The Bureau of Criminal Identification shall, in accordance with the requirements of Section 53-10-108:
 - (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state and regional criminal records databases;
 - (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and
 - (c) provide the results from the state, regional, and nationwide criminal history background checks to the division.
- (4) For purposes of conducting a criminal background check required under this section, the division shall have direct access to criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- (5) The division may not disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of Investigation under the criminal background check requirements of this section.
- (6)

- (a) A new license issued under this chapter is conditional pending completion of the criminal background check.
 - (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required in Subsection 58-47b-302(7) demonstrates the applicant has failed to accurately disclose a criminal history, the license is immediately and automatically revoked upon notice to the licensee by the division.
 - (c) A person whose conditional license is revoked under Subsection (6)(b) is entitled to a postrevocation hearing to challenge the revocation.
 - (d) The division shall conduct a postrevocation hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (7) An applicant who successfully completes a background check under this section may not be required by any other state or local government body to submit to a second background check as a condition of lawfully engaging in the practice of massage therapy or the practice of limited massage therapy in this state.

Enacted by Chapter 225, 2023 General Session

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

- (1)
- (a) Except as provided in Subsection (3), the division shall issue a license under this chapter in accordance with a two-year renewal cycle established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) Subject to Subsection (3), a license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.
- (3) A massage assistant in-training license expires six months after the day on which the division issues the massage assistant in-training license.

Amended by Chapter 225, 2023 General Session

58-47b-304 Exemptions from licensure.

- (1) In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the practice of massage therapy or the practice of limited massage therapy, subject to the stated circumstances and limitations, without being licensed under this chapter:
- (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;
 - (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;
 - (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a, Nurse Midwife Practice Act;
 - (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
 - (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice Act, while under the general supervision of a physical therapist;
 - (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic Medical Practice Act;
 - (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act;
 - (h) a hospital staff member employed by a hospital, who practices massage as part of the staff member's responsibilities;
 - (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;

- (j) a student in training enrolled in a massage therapy school approved by the division;
- (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act;
- (l)
 - (i) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act; and
 - (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational Therapy Practice Act, while under the general supervision of an occupational therapist;
- (m) an individual performing gratuitous massage; and
- (n) an individual:
 - (i) certified by or through, and in good standing with, an industry organization that is recognized by the division and that represents a profession with established standards and ethics:
 - (A) who is certified to practice reflexology and whose practice is limited to the scope of practice of reflexology;
 - (B) who is certified to practice a type of zone therapy, including foot zone therapy, and whose practice is limited to the scope of practice for which the individual is certified;
 - (C) who is certified to practice ortho-bionomy and whose practice is limited to the scope of practice of ortho-bionomy;
 - (D) who is certified to practice bowerwork and whose practice is limited to the scope of practice of bowerwork; or
 - (E) who is certified to practice a type of brain integration and whose practice is limited to the scope of practice for which the individual is certified;
 - (ii) whose clients remain fully clothed from the shoulders to the knees; and
 - (iii) whose clients do not receive gratuitous massage from the individual.
- (2) An individual described in Subsection (1) may not represent oneself as a massage therapist, massage apprentice, massage assistant, or massage assistant in-training.
- (3) This chapter may not be construed to:
 - (a) authorize any individual licensed under this chapter to engage in any manner in the practice of medicine as defined by the laws of this state;
 - (b) require insurance coverage or reimbursement for massage therapy or limited massage therapy from third party payors; or
 - (c) prevent an insurance carrier from offering coverage for massage therapy or limited massage therapy.

Amended by Chapter 225, 2023 General Session

58-47b-305 State and local jurisdiction.

- (1)
 - (a) The division is the only agency authorized to license individuals to engage in the practice of massage therapy or the practice of limited massage therapy within the state or any of the state's political subdivisions.
 - (b) This chapter does not prevent any political subdivision of the state from enacting:
 - (i) ordinances governing the operation of establishments offering massages; or
 - (ii) ordinances regulating the practice of massage therapy or the practice of limited massage therapy, if the ordinances are not less stringent than this chapter.
- (2) This chapter does not prohibit any political subdivision of the state from prosecuting:
 - (a) an unlicensed individual who is engaged in the practice of massage therapy or the practice of limited massage therapy; or
 - (b) a licensed individual who is engaged in unlawful conduct.

Amended by Chapter 225, 2023 General Session

58-47b-306 Required signage and disclosures.

- (1) As used in this section, "massage establishment" means an establishment in which an individual lawfully engages in the practice of massage therapy or the practice of limited massage therapy.
- (2) If a massage assistant or massage assistant in-training engages in the practice of limited massage therapy at a massage establishment, the massage establishment shall prominently display to the public a sign that indicates certain massage services offered at the massage establishment are performed by a massage assistant or a massage assistant in-training.
- (3) If an individual requests a massage service that is performed by a massage assistant or a massage assistant in-training, the licensee performing or the massage therapy supervisor supervising the massage service shall ensure that the individual is notified before scheduling or agreeing to the massage service that the massage service is performed by a massage assistant or massage assistant in-training.

Enacted by Chapter 225, 2023 General Session

**Part 4
License Denial and Discipline**

58-47b-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for the following actions regarding a license under this chapter are in accordance with Section 58-1-401:

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

Enacted by Chapter 76, 1996 General Session

**Part 5
Unlawful and Unprofessional Conduct - Penalties**

58-47b-501 Unlawful conduct.

- (1) "Unlawful conduct" includes:
 - (a) practicing, engaging in, or attempting to practice or engage in the practice of massage therapy without holding a current license as a massage therapist or a massage apprentice under this chapter;
 - (b) advertising or representing oneself as engaging in the practice of massage therapy when not licensed to do so;

- (c) practicing, engaging in, or attempting to practice or engage in the practice of limited massage therapy without holding a current license as a massage therapist, massage apprentice, massage assistant, or massage assistant in-training under this chapter;
 - (d) advertising or representing oneself as engaging in the practice of limited massage therapy when not licensed to do so; and
 - (e) massaging, touching, or applying any instrument or device by a licensee in the course of engaging in the practice of massage therapy or the practice of limited massage therapy to the:
 - (i) genitals;
 - (ii) anus; or
 - (iii) except as provided in Subsection (2), breasts of a female patron.
- (2)
- (a) Subsection (1)(e)(iii) does not apply if a female patron:
 - (i) requests breast massage, as may be further defined by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (ii) subject to Subsection (2)(b), signs a written consent form before each time the procedure is performed.
 - (b) If the female patron is a minor, the female patron's parent or legal guardian shall sign the written consent form described in Subsection (2)(a).

Amended by Chapter 225, 2023 General Session

58-47b-502 Unprofessional conduct.

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

- (1) maintaining, operating, or assisting in the establishment or operation of any place of business for the purpose of performing the practice of massage therapy or the practice of limited massage therapy without first obtaining a business license, if a license is required;
- (2) failing to comply with any applicable ordinances relating to the regulation of massage establishment;
- (3) failing to comply with all applicable state and local health or sanitation codes;
- (4) failing to properly supervise a massage apprentice, massage assistant, or massage assistant in-training;
- (5) failing to maintain mechanical or electrical equipment in a safe operating condition;
- (6) failing to adequately monitor patrons utilizing steam rooms, dry heat cabinets, or water baths;
- (7) prescribing or administering medicine or drugs;
- (8) engaging in any act or practice in a professional capacity that is outside of the practice of massage therapy or the practice of limited massage therapy; and
- (9) engaging in any act or practice in a professional capacity for which the licensee is not competent to perform through training or experience.

Amended by Chapter 225, 2023 General Session

58-47b-503 Penalties.

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

Amended by Chapter 309, 2000 General Session