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Representative Katherine M. Bryson proposes to substitute the following bill:

1	MASSAGE PRACTICE ACT - CONSENT FOR
2	CHILDREN
3	1999 GENERAL SESSION
4	STATE OF UTAH
5	Sponsor: Katherine M. Bryson
6	AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; MAKING IT UNLAWFUL
7	FOR A MASSAGE THERAPIST OR APPRENTICE TO PERFORM MASSAGE THERAPY ON
8	A MINOR WITHOUT PARENTAL CONSENT; AND MAKING TECHNICAL AND
9	CONFORMING AMENDMENTS.
10	This act affects sections of Utah Code Annotated 1953 as follows:
11	AMENDS:
12	58-47b-102, as last amended by Chapter 159, Laws of Utah 1998
13	58-47b-501, as last amended by Chapter 159, Laws of Utah 1998
14	58-47b-503, as enacted by Chapter 76, Laws of Utah 1996
15	Be it enacted by the Legislature of the state of Utah:
16	Section 1. Section 58-47b-102 is amended to read:
17	58-47b-102. Definitions.
18	In addition to the definitions in Section 58-1-102, as used in this chapter:
19	(1) "Board" means the Utah Board of Massage Therapy created in Section 58-47b-201.
20	(2) "Homeostasis" means maintaining, stabilizing, or returning to equilibrium the muscular
21	system.
22	(3) "Massage apprentice" means an individual licensed under this chapter as a massage
23	apprentice to work under the direct supervision of a licensed massage technician.
24	(4) "Massage therapist" means an individual licensed under this chapter as a massage
25	therapist.

26	(5) "Minor" means a person under the age of 18 who:
27	(a) is not married; and
28	(b) has not been declared emancipated by a court of law.
29	[(5)] <u>(6)</u> "Practice of massage therapy" means:
30	(a) the examination, assessment, and evaluation of the soft tissue structures of the body
31	for the purpose of devising a treatment plan to promote homeostasis;
32	(b) the systematic manual or mechanical manipulation of the soft tissue of the body for the
33	therapeutic purpose of:
34	(i) promoting the health and well-being of a client;
35	(ii) enhancing the circulation of the blood and lymph;
36	(iii) relaxing and lengthening muscles;
37	(iv) relieving pain;
38	(v) restoring metabolic balance; and
39	(vi) achieving homeostasis;
40	(c) the use of the hands or a mechanical or electrical apparatus <u>pursuant to Subsection</u>
41	<u>(6)(b);</u>
42	(d) the use of rehabilitative procedures involving the soft tissue of the body;
43	(e) range of motion or movements without spinal adjustment as set forth in Section
44	58-73-102;
45	(f) oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet
46	baths;
47	(g) manual traction and stretching exercise;
48	(h) correction of muscular distortion by treatment of the soft tissues of the body;
49	(i) counseling, education, and other advisory services to reduce the incidence and severity
50	of physical disability, movement dysfunction, and pain; and
51	(j) similar or related activities and modality techniques.
52	[(6)] (7) "Soft tissue" means the muscles and related connective tissue.
53	$[\frac{(7)}{8}]$ "Unlawful conduct" is as defined in Sections 58-1-501 and 58-47b-501.
54	[(8)] (9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-47b-502 and
55	as may be further defined by division rule.
56	Section 2. Section 58-47b-501 is amended to read:

57	58-47b-501. Unlawful conduct.
58	"Unlawful conduct" includes:
59	(1) practicing, engaging in, or attempting to practice or engage in massage therapy without
60	holding a current license as a massage therapist or a massage apprentice under this chapter;
61	(2) advertising or representing himself as practicing massage therapy when not licensed
62	to do so; and
63	(3) massaging, touching, or applying any instrument or device [to the following areas of
64	the body] by a licensee in the course of practicing or engaging in massage therapy to:
65	(a) the genitals or anus of a patron; [and]
66	(b) the breasts of a female patron \hat{h} [f], except in cases in which the female patron [f] IS AN
66a	ADULT AND [f] states to a
67	licensee that the patron requests breast massage and signs a written consent form authorizing the
68	licensee to perform breast massage before the procedure [\dagger] $\hat{\mathbf{h}}$ [\dagger] : and
69	(c) a patron who is a minor unless the licensee secured the written consent of the minor's
70	parent, legal guardian, or other adult who is responsible for the minor.
71	Section 3. Section 58-47b-503 is amended to read:
72	58-47b-503. Penalties.
73	(1) Each violation of this chapter, other than a violation of Section 58-47b-501, is a class
74	B misdemeanor.
75	(2) [Any] Unless Subsection (3) applies, an individual who commits an act of unlawful
76	conduct under Section 58-47b-501 is guilty of a class A misdemeanor.
77	(3) Sexual conduct that violates Section 58-47b-501 and Title 76, Criminal Code, shall be
78	subject to the applicable penalties in Title 76.