

**Representative Brian M. Greene** proposes the following substitute bill:

**LICENSING AND PRACTICE ACTS AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marc K. Roberts**

Senate Sponsor: Wayne A. Harper

---

---

**LONG TITLE**

**General Description:**

This bill modifies provisions of the Cosmetology and Associated Professions Licensing Act and exemptions from licensure in the Massage Therapy Practice Act.

**Highlighted Provisions:**

This bill:

- ▶ modifies the requirements for an approved apprenticeship program under the cosmetology act;
- ▶ modifies the number of apprentices that a supervisor may supervise under the cosmetology act;
- ▶ exempts a bowerwork practitioner from being required to be licensed as a massage therapist;
- ▶ amends provisions related to reflexology and foot zone therapy; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



26 AMENDS:

27 **58-11a-102**, as last amended by Laws of Utah 2017, Chapters 215 and 342

28 **58-11a-306**, as last amended by Laws of Utah 2016, Chapter 274

29 **58-47b-304**, as last amended by Laws of Utah 2014, Chapters 330, 348 and last  
30 amended by Coordination Clause, Laws of Utah 2014, Chapter 330



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

32 Section 1. Section **58-11a-102** is amended to read:

33 **58-11a-102. Definitions.**

34 As used in this chapter:

35 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship  
36 that meets the requirements of Subsection **58-11a-306**(1) for barbers or Subsection  
37 **58-11a-306**(2) for cosmetologist/barbers and the requirements established by rule by the  
38 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
39 Administrative Rulemaking Act.

40 (2) "Approved esthetician apprenticeship" means an apprenticeship that meets the  
41 requirements of Subsection **58-11a-306**(3) and the requirements established by rule by the  
42 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
43 Administrative Rulemaking Act.

44 (3) "Approved hair designer apprenticeship" means an apprenticeship that meets the  
45 requirements of Subsection **58-11a-306**(4) and the requirements established by rule by the  
46 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
47 Administrative Rulemaking Act.

48 [~~3~~] (4) "Approved master esthetician apprenticeship" means an apprenticeship that  
49 meets the requirements of Subsection **58-11a-306**[~~(4)~~](5) and the requirements established by  
50 rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3,  
51 Utah Administrative Rulemaking Act.

52 [~~4~~] (5) "Approved nail technician apprenticeship" means an apprenticeship that meets  
53 the requirements of Subsection **58-11a-306**[~~(5)~~](6) and the requirements established by rule by  
54 the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah  
55 Administrative Rulemaking Act.

57           ~~[(5)]~~ (6) "Barber" means a person who is licensed under this chapter to engage in the  
58 practice of barbering.

59           ~~[(6)]~~ (7) "Barber instructor" means a barber who is licensed under this chapter to  
60 engage in the practice of barbering instruction.

61           ~~[(7)]~~ (8) "Board" means the Cosmetology and Associated Professions Licensing Board  
62 created in Section [58-11a-201](#).

63           ~~[(8)]~~ (9) "Cosmetic laser procedure" includes a nonablative procedure as defined in  
64 Section [58-67-102](#).

65           ~~[(9)]~~ (10) "Cosmetic supervisor" means a supervisor as defined in Section [58-1-505](#).

66           ~~[(10)]~~ (11) "Cosmetologist/barber" means a person who is licensed under this chapter  
67 to engage in the practice of cosmetology/barbering.

68           ~~[(11)]~~ (12) "Cosmetologist/barber instructor" means a cosmetologist/barber who is  
69 licensed under this chapter to engage in the practice of cosmetology/barbering instruction.

70           ~~[(12)]~~ (13) "Direct supervision" means that the supervisor of an apprentice or the  
71 instructor of a student is immediately available for consultation, advice, instruction, and  
72 evaluation.

73           ~~[(13)]~~ (14) "Electrologist" means a person who is licensed under this chapter to engage  
74 in the practice of electrology.

75           ~~[(14)]~~ (15) "Electrologist instructor" means an electrologist who is licensed under this  
76 chapter to engage in the practice of electrology instruction.

77           ~~[(15)]~~ (16) "Esthetician" means a person who is licensed under this chapter to engage  
78 in the practice of esthetics.

79           ~~[(16)]~~ (17) "Esthetician instructor" means a master esthetician who is licensed under  
80 this chapter to engage in the practice of esthetics instruction.

81           ~~[(17)]~~ (18) "Fund" means the Cosmetology and Associated Professions Education and  
82 Enforcement Fund created in Section [58-11a-103](#).

83           ~~[(18)]~~ (19) (a) "Hair braiding" means the twisting, weaving, or interweaving of a  
84 person's natural human hair.

85           (b) "Hair braiding" includes the following methods or styles:

86           (i) African-style braiding;

87           (ii) box braids;

- 88 (iii) cornrows;
- 89 (iv) dreadlocks;
- 90 (v) french braids;
- 91 (vi) invisible braids;
- 92 (vii) micro braids;
- 93 (viii) single braids;
- 94 (ix) single plaits;
- 95 (x) twists;
- 96 (xi) visible braids;
- 97 (xii) the use of lock braids; and
- 98 (xiii) the use of decorative beads, accessories, and nonhair extensions.
- 99 (c) "Hair braiding" does not include:
  - 100 (i) the use of:
    - 101 (A) wefts;
    - 102 (B) synthetic tape;
    - 103 (C) synthetic glue;
    - 104 (D) keratin bonds;
    - 105 (E) fusion bonds; or
    - 106 (F) heat tools;
  - 107 (ii) the cutting of human hair; or
  - 108 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
    - 109 (A) alter the color of the hair; or
    - 110 (B) straighten, curl, or alter the structure of the hair.
- 111 [~~(19)~~] (20) "Hair designer" means a person who is licensed under this chapter to
- 112 engage in the practice of hair design.
- 113 [~~(20)~~] (21) "Hair designer instructor" means a hair designer who is licensed under this
- 114 chapter to engage in the practice of hair design instruction.
- 115 [~~(21)~~] (22) "Licensed barber or cosmetology/barber school" means a barber or
- 116 cosmetology/barber school licensed under this chapter.
- 117 [~~(22)~~] (23) "Licensed electrology school" means an electrology school licensed under
- 118 this chapter.

119            [~~(23)~~] (24) "Licensed esthetics school" means an esthetics school licensed under this  
120 chapter.

121            [~~(24)~~] (25) "Licensed hair design school" means a hair design school licensed under  
122 this chapter.

123            [~~(25)~~] (26) "Licensed nail technology school" means a nail technology school licensed  
124 under this chapter.

125            [~~(26)~~] (27) "Master esthetician" means an individual who is licensed under this chapter  
126 to engage in the practice of master-level esthetics.

127            [~~(27)~~] (28) "Nail technician" means an individual who is licensed under this chapter to  
128 engage in the practice of nail technology.

129            [~~(28)~~] (29) "Nail technician instructor" means a nail technician licensed under this  
130 chapter to engage in the practice of nail technology instruction.

131            [~~(29)~~] (30) "Practice of barbering" means:

132            (a) cutting, clipping, or trimming the hair of the head of any person by the use of  
133 scissors, shears, clippers, or other appliances;

134            (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;

135            (c) removing hair from the face or neck of a person by the use of shaving equipment;  
136 and

137            (d) when providing other services described in this Subsection [~~(29)~~] (30), gently  
138 massaging the head, back of the neck, and shoulders by manual or mechanical means.

139            [~~(30)~~] (31) "Practice of barbering instruction" means teaching the practice of barbering  
140 at a licensed barber school, at a licensed cosmetology/barber school, or for an approved barber  
141 apprenticeship.

142            [~~(31)~~] (32) "Practice of basic esthetics" means any one of the following skin care  
143 procedures done on the body for cosmetic purposes and not for the treatment of medical,  
144 physical, or mental ailments:

145            (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or  
146 masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the  
147 application of eyelash or eyebrow extensions, natural nail manicures or pedicures, or callous  
148 removal by buffing or filing;

149            (b) limited chemical exfoliation as defined by rule;

150 (c) removing superfluous hair by means other than electrolysis, except that an  
151 individual is not required to be licensed as an esthetician to engage in the practice of threading;

152 (d) other esthetic preparations or procedures with the use of the hands, a  
153 high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not  
154 for the treatment of medical, physical, or mental ailments;

155 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, or applying  
156 eyelash or eyebrow extensions; or

157 (f) except as provided in Subsection [~~(31)~~] (32)(f)(i), cosmetic laser procedures under  
158 the direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the  
159 following:

160 (i) superfluous hair removal which shall be under indirect supervision;

161 (ii) anti-aging resurfacing enhancements;

162 (iii) photo rejuvenation; or

163 (iv) tattoo removal.

164 [~~(32)~~] (33) (a) "Practice of cosmetology/barbering" means:

165 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,  
166 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a  
167 person;

168 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or  
169 other appliances;

170 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying  
171 eyelash or eyebrow extensions;

172 (iv) removing hair from the body of a person by the use of depilatories, waxing, or  
173 shaving equipment;

174 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces  
175 or both on the human head; or

176 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted  
177 hair.

178 (b) The term "practice of cosmetology/barbering" includes:

179 (i) the practice of barbering;

180 (ii) the practice of basic esthetics; and

181 (iii) the practice of nail technology.

182 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in  
183 the practice of threading.

184 [~~33~~] (34) "Practice of cosmetology/barbering instruction" means teaching the practice  
185 of cosmetology/barbering:

186 (a) at a licensed cosmetology/barber school, a licensed barber school, or a licensed nail  
187 technology school; or

188 (b) for an approved cosmetologist/barber apprenticeship.

189 [~~34~~] (35) "Practice of electrology" means:

190 (a) the removal of superfluous hair from the body of a person by the use of electricity,  
191 waxing, shaving, or tweezing; or

192 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to  
193 superfluous hair removal.

194 [~~35~~] (36) "Practice of electrology instruction" means teaching the practice of  
195 electrology at a licensed electrology school.

196 [~~36~~] (37) "Practice of esthetics instruction" means teaching the practice of basic  
197 esthetics or the practice of master-level esthetics:

198 (a) at a licensed esthetics school or a licensed cosmetology/barber school; or

199 (b) for an approved esthetician apprenticeship or an approved master esthetician  
200 apprenticeship.

201 [~~37~~] (38) "Practice of hair design" means:

202 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing,  
203 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a  
204 person;

205 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,  
206 shears, clippers, or other appliances;

207 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or  
208 both on the human head; or

209 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted  
210 hair.

211 [~~38~~] (39) "Practice of hair design instruction" means teaching the practice of hair

212 design at a licensed cosmetology/barber school, a licensed hair design school, or a licensed  
213 barber school.

214 [~~39~~] (40) (a) "Practice of master-level esthetics" means:

215 (i) any of the following when done for cosmetic purposes on the body and not for the  
216 treatment of medical, physical, or mental ailments:

217 (A) body wraps as defined by rule;

218 (B) hydrotherapy as defined by rule;

219 (C) chemical exfoliation as defined by rule;

220 (D) advanced pedicures as defined by rule;

221 (E) sanding, including microdermabrasion;

222 (F) advanced extraction;

223 (G) other esthetic preparations or procedures with the use of:

224 (I) the hands; or

225 (II) a mechanical or electrical apparatus which is approved for use by division rule for  
226 beautifying or similar work performed on the body for cosmetic purposes and not for the  
227 treatment of a medical, physical, or mental ailment; or

228 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a  
229 physician's evaluation before the procedure, as needed, unless specifically required under  
230 Section 58-1-506, and limited to the following:

231 (I) superfluous hair removal;

232 (II) anti-aging resurfacing enhancements;

233 (III) photo rejuvenation; or

234 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician  
235 assistant's evaluation before the tattoo removal procedure, as required by Subsection  
236 58-1-506(3)(a); and

237 (ii) lymphatic massage by manual or other means as defined by rule.

238 (b) Notwithstanding the provisions of Subsection [~~39~~] (40)(a), a master-level  
239 esthetician may perform procedures listed in Subsection [~~39~~] (40)(a)(i)(H) if done under the  
240 supervision of a cosmetic supervisor acting within the scope of the cosmetic supervisor license.

241 (c) The term "practice of master-level esthetics" includes the practice of esthetics, but  
242 an individual is not required to be licensed as an esthetician or master-level esthetician to



243 engage in the practice of threading.

244 [~~(40)~~] (41) "Practice of nail technology" means to trim, cut, clean, manicure, shape,  
245 massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of  
246 hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the  
247 application and removal of sculptured or artificial nails.

248 [~~(41)~~] (42) "Practice of nail technology instruction" means teaching the practice of nail  
249 technology at a licensed nail technician school, at a licensed cosmetology/barber school, or for  
250 an approved nail technician apprenticeship.

251 [~~(42)~~] (43) "Recognized barber school" means a barber school located in a state other  
252 than Utah, whose students, upon graduation, are recognized as having completed the  
253 educational requirements for licensure in that state.

254 [~~(43)~~] (44) "Recognized cosmetology/barber school" means a cosmetology/barber  
255 school located in a state other than Utah, whose students, upon graduation, are recognized as  
256 having completed the educational requirements for licensure in that state.

257 [~~(44)~~] (45) "Recognized electrology school" means an electrology school located in a  
258 state other than Utah, whose students, upon graduation, are recognized as having completed the  
259 educational requirements for licensure in that state.

260 [~~(45)~~] (46) "Recognized esthetics school" means an esthetics school located in a state  
261 other than Utah, whose students, upon graduation, are recognized as having completed the  
262 educational requirements for licensure in that state.

263 [~~(46)~~] (47) "Recognized hair design school" means a hair design school located in a  
264 state other than Utah, whose students, upon graduation, are recognized as having completed the  
265 educational requirements for licensure in that state.

266 [~~(47)~~] (48) "Recognized nail technology school" means a nail technology school  
267 located in a state other than Utah, whose students, upon graduation, are recognized as having  
268 completed the educational requirements for licensure in that state.

269 [~~(48)~~] (49) "Salon" means a place, shop, or establishment in which  
270 cosmetology/barbering, esthetics, electrology, or nail technology is practiced.

271 [~~(49)~~] (50) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

272 [~~(50)~~] (51) "Unprofessional conduct" is as defined in Sections 58-1-501 and  
273 58-11a-501 and as may be further defined by rule by the division in collaboration with the

274 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

275 Section 2. Section **58-11a-306** is amended to read:

276 **58-11a-306. Apprenticeship.**

277 (1) An approved barber apprenticeship shall:

278 (a) consist of not less than [~~1,250~~] 1,000 hours of training in not less than [~~eight~~  
279 ~~months~~] 25 weeks; and

280 (b) be conducted by a supervisor who:

281 (i) is licensed under this chapter as a barber instructor or a cosmetology/barber  
282 instructor; [~~and~~]

283 (ii) provides [~~one-on-one~~] direct supervision of the barber apprentice during the  
284 apprenticeship program[-]; and

285 (iii) provides direct supervision to no more than two barber apprentices during the  
286 apprenticeship program.

287 (2) An approved cosmetologist/barber apprenticeship shall:

288 (a) consist of not less than [~~2,500~~] 1,600 hours of training in not less than [~~15 months~~]  
289 40 weeks; and

290 (b) be conducted by a supervisor who:

291 (i) is licensed under this chapter as a cosmetologist/barber instructor; [~~and~~]

292 (ii) provides [~~one-on-one~~] direct supervision of the cosmetologist/barber apprentice  
293 during the apprenticeship program[-]; and

294 (iii) provides direct supervision to no more than two cosmetologist/barber apprentices  
295 during the apprenticeship program.

296 (3) An approved esthetician apprenticeship shall:

297 (a) consist of not less than [~~800~~] 600 hours of training in not less than [~~five months~~] 15  
298 weeks; and

299 (b) be conducted by a supervisor who:

300 (i) is licensed under this chapter as an esthetician instructor; [~~and~~]

301 (ii) provides [~~one-on-one~~] direct supervision of the esthetician apprentice during the  
302 apprenticeship program[-]; and

303 (iii) provides direct supervision to no more than two esthetician apprentices during the  
304 apprenticeship program.

305 (4) An approved hair designer apprenticeship shall:  
306 (a) consist of not less than 1,200 hours of training in not less than 30 weeks; and  
307 (b) be conducted by a supervisor who:  
308 (i) is licensed under this chapter as a hair designer instructor or a cosmetology/barber  
309 instructor;  
310 (ii) provides direct supervision of the hair designer apprentice during the  
311 apprenticeship program; and  
312 (iii) provides direct supervision to no more than two hair designer apprentices during  
313 the apprenticeship program.

314 ~~[(4)]~~ (5) An approved master esthetician apprenticeship shall:  
315 (a) consist of not less than ~~[1,500]~~ 1,200 hours of training in not less than ~~[10 months]~~  
316 30 weeks; and  
317 (b) be conducted by a supervisor who:  
318 (i) is licensed under this chapter as a master-level esthetician instructor; ~~[and]~~  
319 (ii) provides ~~[one-on-one]~~ direct supervision of the master esthetician apprentice  
320 during the apprenticeship program~~[-]; and~~  
321 (iii) provides direct supervision to no more than two master esthetician apprentices  
322 during the apprenticeship program.

323 ~~[(5)]~~ (6) An approved nail technician apprenticeship shall:  
324 (a) consist of not less than ~~[375]~~ 300 hours of training in not less than ~~[three months]~~  
325 eight weeks; and  
326 (b) be conducted by a supervisor who:  
327 (i) is licensed under this chapter as a nail technician instructor or a cosmetology/barber  
328 instructor; ~~[and]~~  
329 (ii) provides ~~[one-on-one]~~ direct supervision of the nail technician apprentice during  
330 the apprenticeship program~~[-]; and~~  
331 (iii) provides direct supervision to no more than two nail technician apprentices during  
332 the apprenticeship program.

333 ~~[(6)]~~ (7) A person seeking to qualify for licensure by apprenticing in an approved  
334 apprenticeship under this chapter shall:  
335 (a) register with the division before beginning the training requirements by:

336 (i) submitting a form prescribed by the division, which includes the name of the  
337 licensed supervisor; and

338 (ii) paying a fee determined by the department under Section 63J-1-504;

339 (b) complete the apprenticeship within five years of the date on which the division  
340 approves the registration; and

341 (c) notify the division within 30 days if the licensed supervisor changes after the  
342 registration is approved by the division.

343 ~~[(7)]~~ (8) Notwithstanding Subsection ~~[(6)]~~ (7), if a person seeking to qualify for  
344 licensure by apprenticing in an approved apprenticeship under this chapter ~~[registers]~~ is  
345 registered with the division before January 1, 2017, any training requirements completed by the  
346 person as an apprentice in an approved apprenticeship before registration may be applied to  
347 successful completion of the approved apprenticeship.

348 (9) A salon may have no more than two licensed supervisors conducting an approved  
349 apprenticeship at one time.

350 (10) An approved apprenticeship that charges tuition to an apprentice shall pay an  
351 apprentice at least the state minimum wage for work done by the apprentice for which the  
352 supervisor or salon is compensated.

353 (11) The division may make rules regarding the requirements of an approved  
354 apprenticeship under this section if the rules:

355 (a) are made in accordance with Title 63G, Chapter 3, Utah Administrative  
356 Rulemaking Act; and

357 (b) ensure that the requirements to get a license through an approved apprenticeship are  
358 substantially equivalent to the requirements to get a license by graduating from a recognized  
359 school.

360 Section 3. Section 58-47b-304 is amended to read:

361 **58-47b-304. Exemptions from licensure.**

362 (1) In addition to the exemptions from licensure in Section 58-1-307, the following  
363 individuals may engage in the practice of massage therapy as defined under this chapter,  
364 subject to the stated circumstances and limitations, without being licensed, but may not  
365 represent themselves as a massage therapist or massage apprentice:

366 (a) a physician or surgeon licensed under Title 58, Chapter 67, Utah Medical Practice

367 Act;

368 (b) a nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, or under Title 58,  
369 Chapter 44a, Nurse Midwife Practice Act;

370 (c) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice  
371 Act;

372 (d) a physical therapist assistant licensed under Title 58, Chapter 24b, Physical Therapy  
373 Practice Act, while under the general supervision of a physical therapist;

374 (e) an osteopathic physician or surgeon licensed under Title 58, Chapter 68, Utah  
375 Osteopathic Medical Practice Act;

376 (f) a chiropractic physician licensed under Title 58, Chapter 73, Chiropractic Physician  
377 Practice Act;

378 (g) a hospital staff member employed by a hospital, who practices massage as part of  
379 the staff member's responsibilities;

380 (h) an athletic trainer licensed under Title 58, Chapter 40a, Athletic Trainer Licensing  
381 Act;

382 (i) a student in training enrolled in a massage therapy school approved by the division;

383 (j) a naturopathic physician licensed under Title 58, Chapter 71, Naturopathic Physician  
384 Practice Act;

385 (k) an occupational therapist licensed under Title 58, Chapter 42a, Occupational  
386 Therapy Practice Act;

387 (l) an individual performing gratuitous massage; and

388 (m) an individual:

389 (i) certified by or through, and in good standing with, an industry organization that is  
390 recognized by the division, and that represents a profession with established standards and  
391 ethics[;];

392 ~~[(ii) (A) who limits the manipulation of the soft tissues of the body to the hands, feet,  
393 and outer ears only, including the practice of reflexology and foot zone therapy; or]~~

394 (A) who is certified to practice reflexology and whose practice is limited to the scope  
395 of practice of reflexology;

396 (B) who is certified to practice a type of zone therapy, including foot zone therapy, and  
397 whose practice is limited to the scope of practice for which the individual is certified;

398            [~~(B)~~] (C) who is certified to practice ortho-bionomy and whose practice is limited to  
399 the scope of practice of ortho-bionomy; or

400            (D) who is certified to practice bowerwork and whose practice is limited to the scope  
401 of practice of bowerwork;

402            [~~(iii)~~] (ii) whose clients remain fully clothed from the shoulders to the knees; and

403            [~~(iv)~~] (iii) whose clients do not receive gratuitous massage from the individual.

404            (2) This chapter may not be construed to authorize any individual licensed under this  
405 chapter to engage in any manner in the practice of medicine as defined by the laws of this state.

406            (3) This chapter may not be construed to:

407            (a) require insurance coverage or reimbursement for massage therapy from third party  
408 payors; or

409            (b) prevent an insurance carrier from offering coverage for massage therapy.