

1                   **MASSAGE THERAPY PRACTICE ACT AMENDMENTS**

2                                   2019 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Marc K. Roberts**

5                           Senate Sponsor: Wayne A. Harper

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies exemptions from licensure in the Massage Therapy Practice Act.

10 **Highlighted Provisions:**

11       This bill:

- 12           ▶ exempts a bowerwork practitioner from being required to be licensed as a massage
- 13 therapist;
- 14           ▶ amends provisions related to reflexology and foot zone therapy; and
- 15           ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17       None

18 **Other Special Clauses:**

19       None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **58-47b-304**, as last amended by Laws of Utah 2014, Chapters 330, 348 and last  
23 amended by Coordination Clause, Laws of Utah 2014, Chapter 330

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

26       Section 1. Section **58-47b-304** is amended to read:

27       **58-47b-304. Exemptions from licensure.**

28       (1) In addition to the exemptions from licensure in Section **58-1-307**, the following  
29 individuals may engage in the practice of massage therapy as defined under this chapter,

30 subject to the stated circumstances and limitations, without being licensed, but may not  
31 represent themselves as a massage therapist or massage apprentice:

32 (a) a physician or surgeon licensed under Title 58, Chapter 67, Utah Medical Practice  
33 Act;

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

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

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

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

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

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

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

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

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

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

53 (l) an individual performing gratuitous massage; and

54 (m) an individual:

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

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

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

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

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

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

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

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

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

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

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

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