

Representative Candice B. Pierucci proposes the following substitute bill:

MESSAGE THERAPY PRACTICE ACT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Candice B. Pierucci

LONG TITLE

General Description:

This bill amends the Massage Therapy Practice Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a license classification for:
 - a massage assistant; and
 - a massage assistant in-training;
- ▶ establishes the qualifications and scope of practice for a massage assistant and a massage assistant in-training;
- ▶ modifies massage therapist exam requirements;
- ▶ allows a massage therapist to supervise at one time up to six individuals licensed as a massage apprentice or massage assistant in-training;
- ▶ allows certain licensed individuals to supervise at one time up to six individuals licensed as a massage assistant;
- ▶ requires ~~H→~~ **[a massage business that employs] certain signage and disclosures when** ~~←H~~ a massage assistant or massage assistant in-training ~~H→~~ **[to display certain signage] provides a massage service** ~~←H~~ ; and
- ▶ makes technical and conforming changes.

3rd Sub. S.B. 180



150 (c) be 18 years ~~[of age]~~ old or older;

151 (d) have either:

152 (i) (A) graduated from a school of massage having a curriculum which meets standards
153 established by division rule made in collaboration with the board; or

154 (B) completed equivalent education and training in compliance with division rule; or

155 (ii) completed a massage apprenticeship program consisting of a minimum of 1,000
156 hours of supervised training over a minimum of 12 months and in accordance with standards
157 established by the division by rule made in collaboration with the board; and

158 (e) pass ~~[examinations]~~:

159 (i) the Federation of State Massage Therapy Boards Massage and Bodywork Licensing
160 Examination; or

161 (ii) any other examination established by rule by the division in collaboration with the
162 board.

163 (3) Each applicant for licensure as a massage apprentice shall:

164 (a) submit an application in a form prescribed by the division;

165 (b) pay a fee determined by the department under Section 63J-1-504;

166 (c) be 18 years ~~[of age]~~ old or older;

167 (d) provide satisfactory evidence to the division that the individual will practice as a
168 massage apprentice only under the direct supervision of a licensed massage therapist in good
169 standing and who has engaged in the lawful practice of massage therapy as a licensed massage
170 therapist for not less than 6,000 hours; and

171 (e) successfully complete an examination as required by division rule.

172 (4) ~~H→ (a) ←H~~ Each applicant for licensure as a massage assistant shall:

173 ~~H→ [(a)] (i) ←H~~ submit an application in a form prescribed by the division;

174 ~~H→ [(b)] (ii) ←H~~ pay a fee determined by the department in accordance with Section
174a 63J-1-504;

175 ~~H→ [(c)] (iii) ←H~~ be 18 years old or older; H→ [and] ←H

176 ~~H→ [(d)] (iv) ←H~~ provide satisfactory evidence to the division that:

177 ~~H→ [(f)] (A) ←H~~ the individual will practice as a massage assistant only under the indirect
178 supervision of an individual described in Subsections 58-47b-102(5)(a) through (f); and

179 ~~H→ [(ii)] (B) ←H~~ the applicant has completed H→ [the following education and training
179a that meets the

180 requirements established] education and training as required ←H by division rule made in
180a accordance with Title 63G, Chapter 3, Utah

181 Administrative Rulemaking Act ~~HB~~ → [:] ; and

181a (v) pass an examination as required by division rule made in accordance with Title 63G,

181b Chapter 3, Utah Administrative Rulemaking Act.

181c (b) The division shall ensure that the required education and training described in

181d Subsection (4)(a)(iv)(B) includes: ~~HB~~

182 ~~HB~~ → [(A)] (i) ~~HB~~ at least 150 hours of education and training while ~~HB~~ → :

182a (A) ~~HB~~ enrolled in a massage school

183 ~~HB~~ → using a ~~HB~~ curriculum approved by the division ~~HB~~ → ; ~~HB~~ or ~~HB~~ → [white] ~~HB~~ under the

183a direct supervision of a massage

184 therapist in good standing who has engaged in the lawful practice of massage therapy for at

185 least 6,000 hours ~~HB~~ → and in accordance with a curriculum approved by the division ~~HB~~ → ; and

186 ~~HB~~ → [(B)] (ii) ~~HB~~ at least 150 hours of education and training under the indirect supervision

186a of an

187 individual described in Subsections 58-47b-102(5)(a) through (f).

188 (5) (a) Each applicant for licensure as a massage assistant in-training shall:

189 (i) submit an application in a form prescribed by the division;

190 (ii) pay a fee determined by the department in accordance with Section 63J-1-504;

191 (iii) be 18 years old or older; and

192 (iv) provide satisfactory evidence to the division that the individual will practice as a

193 massage assistant in-training to satisfy the requirements of ~~HB~~ → [Subsections (4)(d)(ii)(A) and (B)]

193a Subsection (4)(a)(iv)(B) ~~HB~~

194 during a training period of no more than six months.

195 ~~HB~~ → [(b) ~~After an individual licensed as a massage assistant in-training completes the~~

196 ~~training described in Subsections (4)(d)(ii)(A) and (B) during the individual's training period;~~

197 ~~the division shall issue to the individual a license for a massage assistant.]~~

197a (b) The division shall issue to an individual licensed as a massage assistant in-training a

197b license for a massage assistant if:

197c (i) the individual completes the education and training described in Subsection

197d (4)(a)(iv)(B); and

197e (ii) passes the examination described in Subsection (4)(a)(v). ~~HB~~

198 (6) (a) A massage therapist may supervise at one time up to six individuals licensed as

199 a massage apprentice or massage assistant in-training.

200 (b) An individual described in Subsections 58-47b-102(5)(a) through (f) may supervise

201 at one time up to six individuals licensed as a massage assistant.

274 (D) who is certified to practice bowerwork and whose practice is limited to the scope
275 of practice of bowerwork; or

276 (E) who is certified to practice a type of brain integration and whose practice is limited
277 to the scope of practice for which the individual is certified;

278 (ii) whose clients remain fully clothed from the shoulders to the knees; and

279 (iii) whose clients do not receive gratuitous massage from the individual.

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

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

283 (a) require insurance coverage or reimbursement for massage therapy or limited
284 massage therapy from third party payors; or

285 (b) prevent an insurance carrier from offering coverage for massage therapy or limited
286 massage therapy.

287 Section 6. Section **58-47b-305** is amended to read:

288 **58-47b-305. State and local jurisdiction.**

289 (1) (a) The division is the only agency authorized to license individuals to [~~practice~~]
290 engage in the practice of massage therapy or the practice of limited massage therapy within the
291 state or any of [~~its~~] the state's political subdivisions.

292 (b) This chapter does not prevent any political subdivision of the state from enacting:

293 (i) ordinances governing the operation of establishments offering massages; or

294 (ii) ordinances regulating the practice of massage therapy or the practice of limited
295 massage therapy, if the ordinances are not less stringent than this chapter.

296 (2) This chapter does not prohibit any political subdivision of the state from
297 prosecuting unlicensed individuals engaged in the practice of massage therapy or the practice
298 of limited massage therapy or from prosecuting licensed individuals who are engaged in
299 unlawful conduct.

300 Section 7. Section **58-47b-306** is enacted to read:

301 **58-47b-306. Required signage ~~H~~→ and disclosures ←~~H~~ .**

302 (1) As used in this section, "massage establishment" means an establishment in which
303 an individual lawfully engages in the practice of massage therapy.

304 (2) (a) An individual who lawfully engages in the practice of massage therapy in a

305 message establishment shall ensure that the message establishment prominently displays to the
306 public a sign described in Subsection (2)(b), if the individual supervises a massage assistant or
307 a massage assistant in-training engaging in the practice of limited massage therapy.

308 (b) A sign required under Subsection (2)(a) shall notify the public that certain massage
309 services offered at the massage establishment are performed by a massage assistant or a
310 massage assistant in-training.

310a ~~H~~→ **(3) (a) When an individual requests a massage service that will be performed by a massage**
310b **assistant or a massage assistant in-training, the licensee performing or supervising the massage**
310c **service shall ensure that the requesting individual is notified that the massage service will be**
310d **performed by a massage assistant or a massage assistant in-training.**

310e **(b) The licensee shall ensure that the requesting individual receives the disclosure described in**
310f **Subsection (3)(a) before the individual schedules or agrees to the massage service.** ←~~H~~

311 Section 8. Section **58-47b-501** is amended to read:

312 **58-47b-501. Unlawful conduct.**

313 "Unlawful conduct" includes:

314 (1) practicing, engaging in, or attempting to practice or engage in the practice of
315 massage therapy without holding a current license as a massage therapist or a massage
316 apprentice under this chapter;

317 (2) advertising or representing [~~himself as practicing~~] oneself as engaging in the
318 practice of massage therapy when not licensed to do so; [~~and~~]

319 (3) practicing, engaging in, or attempting to practice or engage in the practice of
320 limited massage therapy without holding a current license as a massage assistant or massage
321 assistant in-training under this chapter;

322 (4) advertising or representing oneself as engaging in the practice of limited massage
323 therapy when not licensed to do so; and

324 [~~(3)~~] (5) massaging, touching, or applying any instrument or device by a licensee in the
325 course of practicing or engaging in the practice of massage therapy or the practice of limited
326 massage therapy to the:

327 (a) genitals;

328 (b) anus; or

329 (c) breasts of a female patron, except when a female patron requests breast massage, as
330 may be further defined by division rule, and signs a written consent form, which must also
331 include the signature of a parent or legal guardian if the patron is a minor, authorizing the
332 procedure and outlining the reason for it before the procedure is performed.

333 Section 9. Section **58-47b-502** is amended to read:

334 **58-47b-502. Unprofessional conduct.**

335 "Unprofessional conduct" includes the following and may be further defined by division