

## MESSAGE THERAPY PRACTICE ACT

### 58-47b-101. Title.

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

### 58-47b-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Utah 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 to work under the direct supervision of a licensed massage therapist.
- (5) "Massage therapist" means an individual licensed under this chapter as a massage therapist.
- (6) "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 therapeutic purpose of:
    - (i) promoting the health and well-being of a client;
    - (ii) enhancing the circulation of the blood and lymph;
    - (iii) relaxing and lengthening muscles;
    - (iv) relieving pain;
    - (v) restoring metabolic balance; and
    - (vi) achieving homeostasis;
  - (c) the use of the hands or a mechanical or electrical apparatus in connection with this Subsection (6);
  - (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) 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) similar or related activities and modality techniques; and
  - (k) the practice described in this Subsection (6) on an animal to the extent permitted by:
    - (i) Subsection 58-28-8(12);
    - (ii) the provisions of this chapter; and
    - (iii) division rule.
- (7) "Soft tissue" means the muscles and related connective tissue.

(8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-47b-501.

(9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-47b-502 and as may be further defined by division rule.

### 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.

### 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, 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 himself as a massage therapist or massage apprentice;
  - (b) represents himself as providing a service that is within the practice of massage therapy or uses the word massage or any other word to describe such services; or
  - (c) charges or receives a fee or any consideration for providing a service that is within the practice of massage therapy.

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

- (1) The division shall issue licenses under this chapter in the classifications of:
  - (a) massage therapist; and
  - (b) massage apprentice.
- (2) Each 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 63-38-3.2;
  - (c) be of good moral character;
  - (d) be 18 years of age or older;
  - (e) have either:
    - (i) (A) graduated from a school of massage having a



- (3) This chapter may not be construed to:
  - (a) create or require insurance coverage or reimbursement for massage therapy from third party payors if this type of coverage did not exist on or before February 15, 1990; or
  - (b) prevent any insurance carrier from offering coverage for massage therapy.

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

- (1) (a) The division is the only agency authorized to license individuals to practice massage therapy within the state or any of its 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, if the ordinances are not less stringent than this chapter.
- (2) This chapter does not prohibit any political subdivision of the state from prosecuting unlicensed individuals engaged in the practice of massage therapy or from prosecuting licensed individuals who are engaged in unlawful conduct.

**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.

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

"Unlawful conduct" includes:

- (1) practicing, engaging in, or attempting to practice or engage in massage therapy without holding a current license as a massage therapist or a massage apprentice under this chapter;
- (2) advertising or representing himself as practicing massage therapy when not licensed to do so; and
- (3) massaging, touching, or applying any instrument or device by a licensee in the course of practicing or engaging in massage therapy to:
  - (a) genitals or anus; and
  - (b) breasts of a female patron, except when a female patron requests breast massage, as may be further defined by division rule, and signs a written consent form, which must also include the signature of a parent or legal guardian if the patron is a minor, authorizing the procedure and outlining the reason for it before the procedure is performed.

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

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

- (1) maintaining, operating, or assisting in the establishment or operation of any place of business for the purpose of performing massage 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 an apprentice;
- (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; 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.

**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, Criminal Code, shall be subject to the applicable penalties in Title 76.