

**NOTICE OF SUBSTANTIVE CHANGE**

**TYPE OF FILING:** Amendment

**Rule or Section Number:**

**R156-47b**

**Filing ID: 56897**

**Agency Information**

<b>1. Title catchline:</b>	Commerce, Professional Licensing	
<b>Building:</b>	Heber M. Wells Building	
<b>Street address:</b>	160 East 300 South	
<b>City, state:</b>	Salt Lake City, UT 84111-2316	
<b>Mailing address:</b>	PO Box 145741	
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6741	
<b>Contact persons:</b>		
<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Lisa Martin	801-530-7632	lmartin@utah.gov
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**Please address questions regarding information on this notice to the persons listed above.**

**General Information**

**2. Rule or section catchline:**

R156-47b. Massage Therapy Practice Act Rule

**3. Purpose of the new rule or reason for the change:**

This amendment updates the rule as required by changes made during the 2024 Legislative Session.

**4. Summary of the new rule or change:**

Two laws were passed during the 2024 General Session which directly impacted Rule R156-47b.

**2024 HB 312: Professional Licensing Amendments.**

Prior to May 1, 2024, there were three requirements governing the practice of animal massage therapy:

- 1) The therapist had to be a licensed massage therapist under Title 58,
- 2) the therapist had to be acting under the written referral from a veterinarian, and
- 3) the therapist must have completed at least 60 hours of animal massage therapy education. H.B. 312 removed both the requirement that the therapist be licensed under Title 58 and that the massage therapy arise from a veterinarian's referral. The education standards did not change.

To accommodate this legislative change, Section R156-47b-601, which sets the standards for animal massage therapy training, was amended to clarify that any individual, not just licensed massage therapists, may train as animal massage therapists.

**2024 H.B. 534: Boards and Commissions Modifications.**

On May 1, 2024, Subsection 58-47b-102(1) of the Massage Therapy Practice changed the definition of the term "Board" from "the Board of Massage Therapy" to the "Board of Massage Therapy and Acupuncture" under 2024 HB 534. While generally, Rule R156-47b uses this defined term, two references to "the Utah Board of Massage Therapy" remained in Section R156-47b-202. These references are being amended by this rule change.

Additionally, this amendment makes clear that because the Board now consists of both massage therapists and acupuncturists, the former Board member required to serve on the Massage Therapy Education Peer Committee in Subsection R156-47b-202(1)(c) must have previously served on the Board as a massage therapist.

**Fiscal Information**

**5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:**

**A) State budget:**

The proposed amendments reflect legislative changes made during the 2024 General Session. Any costs associated with those changes, including the costs for the Division to enforce those changes through the Massage Therapy Practice Act Rule, would be included in the fiscal notes of those legislative acts. Moreover, the changes to the rule, as proposed, do not impact the Division's enforcement of the Massage Therapy Practice Act Rule, but merely clarify key terms in the rule to conform to those statutory changes.

Consequently, the Division does not anticipate costs or savings to the state budget.

**B) Local governments:**

The proposed amendments reflect legislative changes made during the 2024 General Session. Any costs associated with those changes, including the costs for the Division to enforce those changes through the Massage Therapy Practice Act Rule, would be included in the fiscal notes of those legislative acts. Moreover, the changes to the rule, as proposed, do not impact the Division's enforcement of the Massage Therapy Practice Act Rule, but merely clarify key terms in the rule to conform to those statutory changes.

Consequently, the Division does not anticipate costs or savings to local governments.

**C) Small businesses** ("small business" means a business employing 1-49 persons):

The proposed amendments reflect legislative changes made during the 2024 General Session. Any costs associated with those changes, including the costs for the Division to enforce those changes through the Massage Therapy Practice Act Rule, would be included in the fiscal notes of those legislative acts. Moreover, the changes to the rule, as proposed, do not impact the Division's enforcement of the Massage Therapy Practice Act Rule, but merely clarify key terms in the rule to conform to those statutory changes.

Consequently, the Division does not anticipate costs or savings to small businesses.

**D) Non-small businesses** ("non-small business" means a business employing 50 or more persons):

The proposed amendments reflect legislative changes made during the 2024 General Session. Any costs associated with those changes, including the costs for the Division to enforce those changes through the Massage Therapy Practice Act Rule, would be included in the fiscal notes of those legislative acts. Moreover, the changes to the rule, as proposed, do not impact the Division's enforcement of the Massage Therapy Practice Act Rule, but merely clarify key terms in the rule to conform to those statutory changes.

Consequently, the Division does not anticipate costs or savings to non-small businesses

**E) Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The proposed amendments reflect legislative changes made during the 2024 General Session. Any costs associated with those changes, including the costs for the Division to enforce those changes through the Massage Therapy Practice Act Rule, would be included in the fiscal notes of those legislative acts. Moreover, the changes to the rule, as proposed, do not impact the Division's enforcement of the Massage Therapy Practice Act Rule, but merely clarify key terms in the rule to conform to those statutory changes.

Consequently, the Division does not anticipate costs or savings to persons other than small businesses, non-small businesses, state, or local government entities.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

The proposed amendments reflect legislative changes made during the 2024 legislative session. Any costs associated with those changes, including the costs for the Division to enforce those changes through the Massage Therapy Practice Act Rule, would be included in the fiscal notes of those legislative acts. Moreover, the changes to the rule, as proposed, do not impact the Division's enforcement of the Massage Therapy Practice Act Rule, but merely clarify key terms in the rule to conform to those statutory changes. The Division does not anticipate any new compliance costs for affected persons arising from the proposed amendments.

**G) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<b>Regulatory Impact Table</b>			
<b>Fiscal Cost</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Executive Director of the Department of Commerce, Margaret Busse, has reviewed and approved this regulatory impact analysis.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-47b-101
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**Public Notice Information**

**8. The public may submit written or oral comments to the agency identified in box 1.** (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

<b>A) Comments will be accepted until:</b>		12/16/2024
<b>B) A public hearing (optional) will be held:</b>		
<b>Date (mm/dd/yyyy):</b>	<b>Time (hh:mm AM/PM):</b>	<b>Place (physical address or URL):</b>
12/03/2024	9:30 AM	160 E. 300 S, 4th floor, Salt Lake City, UT,  via Google Meet: meet.google.com/tbe-rxkk-shi  via Telephone: 435-562-1559 PIN: 497 751 028# 617-675-4444 PIN: 445 154 320 3048#

**9. This rule change MAY become effective on:** 12/23/2024  
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

<b>Agency head or designee and title:</b>	Mark Steinagel, Director	<b>Date:</b>	10/28/2024
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**R156. Commerce, Professional Licensing.**

**R156-47b. Massage Therapy Practice Act Rule.**

**R156-47b-202. Massage Therapy Education Peer Committee.**

- (1) There is created under Subsection 58-1-203(1)(f), the Massage Therapy Education Peer Committee, consisting of:
- (a) two individuals who:
    - (i) are instructors in massage therapy at a registered school; and
    - (ii) have experience in curriculum development;
  - (b) one individual who represents a professional massage therapy association;
  - (c) one individual who previously served as a member of the ~~[Utah]Board [of Massage Therapy]~~as a licensed massage therapist; and
  - (d) one individual who is a licensed massage therapist.
- (2) The Massage Therapy Education Peer Committee shall:
- (a) advise the ~~[Utah]Board [of Massage Therapy]~~regarding massage therapy educational issues;
  - (b) recommend to the Board standards for massage school curricula, apprenticeship curricula, massage assistant in-training curricula, and animal massage training; and
  - (c) periodically review the current curriculum requirements.

**R156-47b-601. Standards for Animal Massage Therapy Training.**

Under Subsection 58-28-307(12)(c), an individual~~[a massage therapist]~~ practicing animal massage shall have received at least 60 hours of animal massage therapy training in the following areas:

- (1) quadruped anatomy;
- (2) the theory of quadruped massage; and
- (3) supervised quadruped massage experience.

**KEY: licensing, massage therapy, massage therapist, massage apprentice**

**Date of Last Change: ~~December 28, 2023~~2024**

**Notice of Continuation: March 21, 2022**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-47b-101**

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