

HB 1469-FN-A - AS INTRODUCED

2026 SESSION

26-3052

09/06

HOUSE BILL

1469-FN-A

AN ACT relative to the licensing and inspections requirements for massage therapy establishments, and making an appropriation therefor.

SPONSORS: Rep. Foote, Rock. 13; Rep. Grote, Rock. 24; Rep. Nelson, Rock. 13; Rep. Rhodes, Ches. 17; Rep. Roy, Rock. 31; Rep. Rice, Hills. 38; Rep. N. Murphy, Hills. 12; Rep. D. Mannion, Rock. 25; Rep. Sweeney, Rock. 25; Rep. Milz, Rock. 13; Sen. Altschiller, Dist 24; Sen. Birdsell, Dist 19; Sen. Abbas, Dist 22; Sen. Gannon, Dist 23

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires massage establishments to be licensed, regulated, and inspected by the office of professional licensure and certification (OPLC). The bill also adds compensation to members of the advisory board of massage therapists and establishes a new investigative paralegal position within the OPLC and makes an appropriation to fund the new position.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the licensing and inspections requirements for massage therapy establishments, and making an appropriation therefor.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Massage Therapists and Massage Establishments; Regulation. Amend RSA 328-B:1 to read as
2 follows:

3 328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to
4 protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a
5 regulatory program for massage therapists, including establishing basic qualifications for licensure
6 of massage therapists **and massage establishments**.

7 2 New Paragraph; Massage Therapists and Massage Establishments; Definitions. Amend RSA
8 328-B:2 by inserting after paragraph III the following new paragraph:

9 III-a. "Establishment" means a place where massage therapy services are offered by more
10 than one person.

11 3 New Paragraph; Massage Therapists and Massage Establishments; Definitions. Amend RSA
12 328-B:2 by inserting after paragraph VIII the following new paragraph:

13 IX. "Sole proprietor" means any person who owns a business by himself or herself and does
14 not have any employees within his or her business.

15 4 New Paragraphs; Massage Therapists and Massage Establishments; Prohibited Acts. Amend
16 RSA 328-B:3 by inserting after paragraph VI the following new paragraphs:

17 VII. Operate an establishment without an establishment license.

18 VIII. Operate an establishment unless such establishment is at all times under the direct
19 supervision and management of a professional licensed under this chapter.

20 5 New Paragraph; Massage Therapists and Massage Establishments; Rulemaking. Amend RSA
21 328-B:4 by inserting after paragraph VII the following new paragraph:

22 VIII. Regulate and adopt rules on massage establishments, including:

23 (a) The issuance, suspension, revocation, renewal, and denial of massage establishment
24 licenses.

25 (b) Hold hearings and conduct investigations under paragraph II concerning massage
26 establishment licenses.

27 (c) Conditions, requirements, and standards for operation under an establishment
28 license, including health and safety standards.

29 (d) Standards and procedures for inspections of establishments, including inspections
30 conducted as part of the initial licensure process.

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1 (e) Application forms and procedures to open, close, relocate, or renew an establishment.

2 (f) Requiring public display of licensure and secure recordkeeping procedures.

3 (g) Procedures for disciplinary action, including cease and desist orders, suspension,
4 limitation, or revocation of establishment licensure.

5 (h) Requiring the licensee to obtain a certificate of good standing from the secretary of
6 state.

7 (i) Qualifications for exemption of schools, health facilities, or others from massage
8 establishment license requirements in RSA 328-B:14.

9 (j) Required documentation to verify sole proprietor or independent contractor
10 designation.

11 6 Massage Therapists and Massage Establishments; Advisory Board. Amend the introductory
12 paragraph of RSA 328-B:5 to read as follows:

13 328-B:5 Advisory Board of Massage Therapists.

14 The executive director shall establish the advisory board of massage therapists. The board shall
15 consist of 3 massage therapists who are licensees in the state of New Hampshire. The members
16 shall be appointed for 3 years, staggered so that the term of one member expires each year, and they
17 shall hold office until successors are appointed~~[, and shall serve on the board without any~~
18 ~~compensation]~~. In no event shall a member serve more than 2 full consecutive terms. The board
19 shall:

20 7 New Paragraph; Massage Therapists and Massage Establishments; License Issuance. Amend
21 RSA 328-B:6 by inserting after paragraph I the following new paragraph:

22 I-a. Initial licenses shall be valid until the next succeeding expiration date in accordance
23 with RSA 328-B:7.

24 8 Massage Therapists and Massage Establishments; License Renewal. Amend RSA 328-B:7 to
25 read as follows:

26 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire ***in***
27 ***accordance with RSA 310:8***, on the last day of the birth month of the licensee in the even-
28 numbered year, upon approval of the executive director of the renewal application and submission of
29 the required renewal fee ***for massage therapists or the required fee as determined in rules***
30 ***adopted by the executive director for massage establishments***.

31 9 New Paragraph; Massage Therapists and Massage Establishments. Amend RSA 328-B:8 by
32 inserting after paragraph V the following new paragraph:

33 VI. Has engaged in illegal activity, including but not limited to prostitution or human
34 trafficking.

35 10 New Paragraph; Massage Therapists and Massage Establishments; Exemptions. Amend
36 RSA 328-B:10 by inserting after paragraph III the following new paragraph:

1 IV. Nothing in this chapter shall require a residential care or health facility licensed
2 pursuant to RSA 151:2 to obtain an establishment license under this chapter.

3 11 New Sections; Massage Therapists and Massage Establishments; Licensure and Inspection of
4 Establishments. Amend RSA 328-B by inserting after section 13 the following new sections:

5 328-B:14 Massage Establishment Licensure.

6 I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish,
7 conduct or maintain an establishment without first having obtained an establishment license from
8 the board. Any New Hampshire licensed massage therapist may obtain an establishment license
9 upon application and payment of fee provided that the establishment meets all requirements
10 established in the rules of the board. Massage establishment licenses granted pursuant to this
11 chapter shall be conspicuously posted within the establishment.

12 II. In addition to licenses issued under paragraph I, the executive director may issue an
13 establishment license to an applicant who does not hold a personal massage therapist license
14 provided that the owner employs a licensed massage therapist as manager. This paragraph shall
15 not authorize such owner to personally engage in massage therapy.

16 III. The requirement for establishment licensure under paragraph I shall not apply to a sole
17 proprietor of his or her business or independent contractors. If a sole proprietor or independent
18 contractor is providing services without a prior appointment, the sole proprietor or independent
19 contractor shall obtain an establishment license.

20 IV. Only establishments issued a license by the executive director shall use the terms
21 "licensed massage establishment" or "massage establishment."

22 V. The license fees for establishments shall be determined in rules adopted by the executive
23 director under RSA 541-A. Establishments that are licensed as an establishment, shop, or facility
24 under one of the occupations or professions regulated by the office of professional licensure and
25 certification in RSA 310:2 shall pay a reduced fee for a massage establishment license.

26 VI. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of massage
27 establishments.

28 328-B:15 Inspectors.

29 I. The office of professional licensure and certification shall employ inspectors and authorize
30 them to enter and inspect any establishment licensed under this chapter for the purpose of
31 ascertaining whether or not the administrative rules of the board and the provisions of this chapter
32 are being observed. Each inspector shall file a report of inspection findings and results with the
33 executive director. Salaries and necessary expenses shall be charged against the office of
34 professional licensure and certification fund.

35 II. The executive director shall adopt rules under RSA 541-A relative to the qualifications of
36 an inspector under this section.

1 12 Grandfathering of Municipal Bylaws and Ordinances. Notwithstanding RSA 328-B:14, VI, a
2 license for a massage establishment issued by a municipality in effect on the effective date of this act
3 shall remain valid for purposes of RSA 328-B:14 until the expiration of the term of the license.

4 13 New Paragraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
5 Definitions. Amend RSA 328-H:2 by inserting after paragraph II the following new paragraph:

6 II-a. "Establishment" means a place where massage therapy services are offered by more
7 than one person.

8 14 New Paragraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
9 Definitions. Amend RSA 328-H:2 by inserting after paragraph VII the following new paragraph:

10 VIII. "Sole proprietor" means any person who owns a business by himself or herself and does
11 not have any employees within his or her business.

12 15 New Paragraphs; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
13 Prohibited Acts. Amend RSA 328-H:4 by inserting after paragraph V the following new paragraphs:

14 VI. Operate a reflexology, structural integration, or Asian bodywork therapy establishment
15 without an establishment license.

16 VII. Operate a reflexology, structural integration, or Asian bodywork therapy establishment
17 unless such establishment is at all times under the direct supervision and management of a
18 practitioner licensed under this chapter.

19 16 New Subparagraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
20 Rulemaking. Amend RSA 328-H:5, VIII by inserting after subparagraph (l) the following new
21 subparagraph:

22 (m) Regulate establishments including:

23 (1) Issue, suspend, revoke, renew, and deny licenses in accordance with rules
24 adopted under RSA 541-A.

25 (2) Hold hearings and conduct investigations, public or confidential, and issue orders
26 relating to such hearings and investigations. The contested case provisions of RSA 541-A:31-36 shall
27 apply when a person is aggrieved by a decision of the executive director under this chapter. Appeals
28 shall be made in accordance with RSA 541.

29 (3) Conditions, requirements, and standards for operation under an establishment
30 license, including health and safety standards.

31 (4) Standards and procedures for inspections of establishments, including
32 inspections conducted as part of the initial licensure process.

33 (5) A fine schedule for violations of the administrative rules adopted by the executive
34 director under this chapter.

35 (6) Application forms and procedures to open, close, relocate, or renew an
36 establishment.

37 (7) Requiring public display of licensure and secure recordkeeping procedures.

1 (8) Procedures for disciplinary action, including cease and desist orders, suspension,
2 limitation, or revocation of establishment licensure.

3 (9) Requiring an applicant for licensure to obtain a certificate of good standing from
4 the secretary of state.

5 (10) Establishing the fees for licensure of a reflexology, structural integration, or
6 Asian bodywork therapy establishment in rules adopted by the executive director under RSA 541-A.
7 Establishments that are licensed as an establishment, shop, or facility under one of the occupations
8 or professions regulated by the office of professional licensure and certification in RSA 310:2 shall
9 pay a reduced fee for a reflexology, structural integration, or Asian bodywork therapy establishment
10 license.

11 (11) Qualifications for exemption of schools, health facilities, or others from
12 reflexology, structural integration, or Asian bodywork therapy establishment license requirements in
13 RSA 328-H:18.

14 17 New Paragraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
15 Rulemaking. Amend RSA 328-H:10 by inserting after paragraph V the following new paragraph:

16 VI. Has engaged in illegal activity including but not limited to prostitution or human
17 trafficking.

18 18 Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Exemptions. Amend
19 RSA 328-H:13 to read as follows:

20 328-H:13 Exemptions.

21 I. Nothing in this chapter shall prevent a person licensed by this state pursuant to any other
22 provision of law from performing the occupation for which he or she is licensed.

23 II. ***Nothing in this chapter shall require a residential care or health facility***
24 ***licensed pursuant to RSA 151:2 to obtain an establishment license under this chapter.***

25 19 New Sections; Reflexologists, Structural Integrators; and Asian Bodywork Therapists;
26 Licensure and Inspection of Establishments. Amend RSA 328-H by inserting after section 17 the
27 following new sections:

28 328-H:18 Establishment Licensure.

29 I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish,
30 conduct or maintain an establishment without first having obtained an establishment license from
31 the executive director. Any New Hampshire licensed reflexologist, structural integrator, or Asian
32 bodywork therapist may obtain an establishment license upon application and fee provided that the
33 establishment meets all requirements established in the rules adopted by the executive director.
34 Establishment licenses granted pursuant to this chapter shall be conspicuously posted within the
35 establishment.

36 II. In addition to licenses issued under paragraph I, the board may issue an establishment
37 license to an applicant who does not hold a personal reflexologist, structural integrator, or Asian

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1 bodywork therapist license provided that the owner employs a licensed reflexologist, structural
2 integrator, or Asian bodywork therapist as manager. This paragraph shall not authorize such owner
3 to personally engage in massage therapy act as a practitioner under this chapter.

4 III. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of
5 reflexology, structural integration, or Asian bodywork therapy establishments.

6 328-H:19 Inspectors.

7 I. The office of professional licensure and certification shall employ inspectors and authorize
8 them to enter and inspect any establishment licensed under this chapter for the purpose of
9 ascertaining whether or not the administrative rules of the executive director and the provisions of
10 this chapter are being observed. Each inspector shall file a report with the executive director of
11 inspection findings and results. Salaries and necessary expenses shall be charged against the fees
12 and other moneys collected under this chapter.

13 II. The executive director shall adopt rules relative to the qualifications of an inspector
14 under this section.

15 20 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

16 I. One investigative paralegal position, labor grade 22, is hereby established as a classified
17 position in the office of professional licensure and certification.

18 II. The amount necessary to pay for the position established in paragraph I, which shall be
19 in addition to any sums appropriated in 01-21-21-215010-2406 for the division of health professions,
20 is hereby appropriated to the executive director of the office of professional licensure and
21 certification. Salaries and necessary expenses shall be charged against the office of professional
22 licensure and certification fund established in RSA 310:5.

23 21 Effective Date. This act shall take effect January 1, 2027.

**HB 1469-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the licensing and inspections requirements for massage therapy establishments, and making an appropriation therefor.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable Increase		
<i>Revenue Fund</i>	Office of Professional Licensure and Certification Fund			
Expenditures*	\$0	\$403,000+	\$316,500+	\$326,500+
<i>Funding Source</i>	Office of Professional Licensure and Certification Fund			
Appropriations*	\$0	\$101,000	\$102,000	\$107,000
<i>Funding Source</i>	Office of Professional Licensure and Certification Fund			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable		
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill creates a licensing requirement for massage establishments and authorizes funding for an investigative paralegal position. The bill states that this funding is in addition to any amounts appropriated under accounting unit 01-21-21-215010-2406 for the Division of Health Professions, however, accounting unit 01-21-21-215010-2406 is not an active accounting unit and is not found in the FY 2026-2027 operating budget. Salaries and related expenses will be charged to the Office of Professional Licensure and Certification Fund.

The OPLC states that this bill requires hiring three new positions a paralegal, a chief inspector, and an inspector, and purchasing two vehicles to support field inspections (see cost breakdown in table below). The OPLC anticipates that some of these costs will be offset by licensing and administrative fees, as well as fines and penalties resulting from disciplinary actions. However, not all enforcement actions result in recoverable costs, making full cost recovery uncertain. The

OPLC also notes that the bill does not provide sufficient funding to cover all anticipated expenditures, and the agency's current budget cannot absorb the additional costs without impacting other operations.

ESTIMATED FISCAL IMPACT (ROUNDED)			
	FY 2027	FY 2028	FY 2029
Investigative Paralegals Salary and Benefits	\$101,000	\$102,000	\$107,000
Inspector (Compliance Officer-4) Salary and Benefits	\$101,000	\$106,000	\$107,000
Chief Inspector (Compliance Officer-5) Salary and Benefits	\$101,000	\$106,000	\$110,000
Two Vehicles and Maintenance for Vehicles	\$100,000	\$2,000	\$2,000
Total Estimated Cost	\$403,000	\$316,000	\$326,000

The bill establishes the position of investigative paralegal position, labor grade 22, and allows the salary and necessary expenses to be charged against the Office of Professional Licensure and Certification Fund established in RSA 310:5.

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Office of Professional Licensure and Certification, Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association