

Amendment to HB 1458-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the licensing of massage establishments and massage, reflexology,
4 structural integration, and Asian bodywork facilities.

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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 New Paragraphs; Massage Therapists and Massage Establishments. Amend RSA 328-B:2 by
9 inserting after paragraph VI the following new paragraphs:

10 VI-a. "Massage establishment" means a commercial location where massage is advertised,
11 and where massage is performed by more than one person. "Massage establishment" does not
12 include locations where massage is offered as an adjunct to medical care in a location or facility
13 operated by licensed healthcare professionals operating within their scope of practice, temporary and
14 incidental massage offered in the open in public accommodations, or other exceptions as permitted
15 by rules.

16 VI-b. "Massage establishment proprietor" means the person operating a massage
17 establishment, specifically a person responsible for the lease or ownership of the massage
18 establishment, daily operations, and hiring or contracting with massage therapists practicing within
19 the establishment. "Massage establishment proprietor" does not include a property owner not
20 involved in business operations. A proprietor shall ensure that they and all massage therapists
21 employed or contracted for by the establishment hold a massage therapy license.

22 2 Massage Therapists and Massage Establishments; Prohibited Acts. RSA 328-B:3, II is
23 repealed and reenacted to read as follows:

24 II. Act as a massage establishment proprietor without holding the proprietor license and a
25 massage therapy license issued pursuant to this chapter.

26 3 New Subparagraphs; Massage Therapists and Massage Establishments; Rulemaking. Amend
27 RSA 328-B:4, VII by inserting after subparagraph (l) the following new subparagraphs:

28 (m) Exemptions from the definition of massage establishment which maintain the
29 intention to require a proprietor license only for those locations where there are multiple massage
30 therapists working in a location where there is no other oversight or visibility to the public or
31 passersby. The board shall recommend an exemption to the definition of massage establishment to
32 permit occasional assistance by another licensed massage therapist.

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1 (n) The qualifications for a massage establishment proprietor including verification of
2 identity through provision of a social security number or tax identification number and no prior
3 convictions under RSA 633, RSA 632-A, RSA 645:2, RSA 649-A or similar laws in other states, as
4 verified by a background check conducted by the department of safety, division of state police.

5 4 Massage Therapists and Massage Establishments; Advisory Board of Massage Therapists.
6 Amend RSA 328-B:5 to read as follows:

7 328-B:5 Advisory Board of Massage Therapists.

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

14 I. Review the qualifications of applicants for licenses.

15 II. Review the qualifications of individuals desiring to conduct massage workshops or
16 seminars who are not licensed in this state.

17 III. Review the continuing education programs for licensees.

18 IV. ***Review the exemptions to the definition of massage establishments and***
19 ***qualifications for a massage establishment proprietor license.***

20 V. Advise the executive director regarding the implementation of this chapter.

21 5 Massage Therapists and Massage Establishments; License Renewal. Amend RSA 328-B:7 to
22 read as follows:

23 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire ***in***
24 ***accordance with RSA 310:8*** ~~[on the last day of the birth month of the licensee in the even-~~
25 ~~numbered year, upon approval of the executive director of the renewal application and submission of~~
26 ~~the required renewal fee.]~~.

27 6 New Paragraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
28 Definitions. Amend RSA 328-H:2 by inserting after paragraph II the following new paragraph:

29 II-a. "Bodywork establishment" means a commercial location where reflexology, structural
30 integration, and/or Asian bodywork therapy is advertised, and where it is practiced by more than one
31 person. "Bodywork establishment" does not include locations where bodywork is offered as an
32 adjunct to medical care in a location or facility operated by licensed healthcare professionals
33 operating within their scope of practice, temporary and incidental bodywork offered in the open in
34 public accommodations, or other exceptions as permitted by rules.

35 7 New Paragraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
36 Definitions. Amend RSA 328-H:2 by inserting after paragraph VII the following new paragraph:

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1 VIII. "Proprietor" means the person operating an establishment at a specific location which
2 offers services licensed under this chapter by 2 or more practitioners. "Proprietor" shall include a
3 person responsible for the lease or ownership of the establishment, and the hiring or contracting
4 with practitioners operating within the establishment. A "proprietor" shall not include a property
5 owner not involved in business operations. A proprietor shall ensure that they and all bodywork
6 practitioners employed or contracted for by the establishment hold a practitioner license.

7 8 New Paragraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
8 Prohibited Acts. Amend RSA 328-H:4 by inserting after paragraph V the following new paragraph:

9 VI. Operate a bodywork establishment without holding a proprietor license and practitioner
10 license issued pursuant to this chapter.

11 9 New Subparagraphs; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
12 Rulemaking. Amend RSA 328-H:5, VIII by inserting after subparagraph (l) the following new
13 subparagraphs:

14 (m) Exemptions from the definition of bodywork establishment which maintain the
15 intention to require a proprietor license only for those locations where there are multiple
16 practitioners working in a location where there is no other oversight or visibility to the public or
17 passersby. The board shall recommend an exemption to the definition of bodywork establishment to
18 permit occasional assistance by another licensed practitioner.

19 (n) The qualifications for a bodywork establishment proprietor including verification of
20 identity through provision of a social security number or tax identification number and no prior
21 convictions under RSA 633, RSA 632-A, RSA 645:2, RSA 649-A or similar laws in other states, as
22 verified by a background check conducted by the department of safety, division of state police.

23 10 Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Renewal of
24 Practitioner License. RSA 328-H:9 is repealed and reenacted to read as follows:

25 328-H:9 Renewal of License. All licenses issued pursuant to this chapter shall expire in
26 accordance with RSA 310:8.

27 11 Effective Date. This act shall take effect July 2, 2027.

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2026-0638h

AMENDED ANALYSIS

This bill establishes a licensure requirement to operate massage establishments and massage, reflexology, structural integration, and Asian bodywork facilities and establishes standards for the operation of such facilities.