

HB 1469-FN-A - AS AMENDED BY THE HOUSE

19Feb2026... 0615h

2026 SESSION

26-3052

09/06

HOUSE BILL

1469-FN-A

AN ACT relative to the licensing requirements for massage therapy establishments.

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

AMENDED ANALYSIS

This bill requires massage establishments to be licensed and regulated 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.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 requirements for massage therapy establishments.

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 Massage Therapists and Massage Establishments. RSA 328-B:2, VII is repealed and
8 reenacted to read as follows:

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

15 3 New Paragraph; Massage Therapists and Massage Establishments; Definitions. Amend RSA
16 328-B:2 by inserting after paragraph VIII the following new paragraph:

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

19 4 New Paragraphs; Massage Therapists and Massage Establishments; Prohibited Acts. Amend
20 RSA 328-B:3 by inserting after paragraph VI the following new paragraphs:

21 VII. Operate an establishment without an establishment license.

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

24 5 New Paragraph; Massage Therapists and Massage Establishments; Rulemaking. Amend RSA
25 328-B:4 by inserting after paragraph VII the following new paragraph:

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

27 (a) Standards for licensing massage establishments.

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

30 (c) Standards for inspections of establishments.

31 (d) Requirements to open, close, relocate, or renew an establishment.

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

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

(g) Required documentation to verify sole proprietor or independent contractor designation.

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

328-B:5 Advisory Board of Massage Therapists.

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

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

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

8 Massage Therapists and Massage Establishments. RSA 328-B:8, V is repealed and reenacted to read as follows:

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

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

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

10 New Section; Massage Therapists and Massage Establishments; Licensure of Establishments. Amend RSA 328-B by inserting after section 13 the following new section:

328-B:14 Massage Establishment Licensure.

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

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

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

9 IV. Only establishments issued a license by the executive director shall use the terms
10 “licensed massage establishment” or “massage establishment.”

11 V. The license fees for establishments shall be determined in rules adopted by the executive
12 director under RSA 541-A.

13 11 Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Definitions RSA
14 328-H:2, III is repealed and reenacted to read as follows:

15 III. “Bodywork establishment” means a commercial location where reflexology, structural
16 integration, and/or Asian bodywork therapy is advertised, and where it is practiced by more than one
17 person. “Bodywork establishment” does not include locations where bodywork is offered as an
18 adjunct to medical care in a location or facility operated by licensed healthcare professionals
19 operating within their scope of practice, temporary and incidental bodywork offered in the open in
20 public accommodations, or other exceptions as permitted by rules.

21 12 New Paragraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
22 Definitions. Amend RSA 328-H:2 by inserting after paragraph VII the following new paragraph:

23 VIII. “Sole proprietor” means any person who owns a business by himself or herself and does
24 not have any employees within his or her business.

25 13 New Paragraphs; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
26 Prohibited Acts. Amend RSA 328-H:4 by inserting after paragraph V the following new paragraphs:

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

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

32 14 New Subparagraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
33 Rulemaking. Amend RSA 328-H:5, VIII by inserting after subparagraph (l) the following new
34 subparagraph:

35 (m) Regulate establishments including:

36 (1) Standards for licensing massage establishments.

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

(3) Standards for inspections of establishments, including inspections conducted as part of the initial licensure process.

(4) Requirements to open, close, relocate, or renew an establishment.

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

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

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

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

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

328-H:13 Exemptions.

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

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

17 New Section; Reflexologists, Structural Integrators; and Asian Bodywork Therapists; Licensure of Establishments. Amend RSA 328-H by inserting after section 17 the following new section:

328-H:18 Establishment Licensure.

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

II. In addition to licenses issued under paragraph I, the board may issue an establishment license to an applicant who does not hold a personal reflexologist, structural integrator, or Asian bodywork therapist license provided that the owner employs a licensed reflexologist, structural integrator, or Asian bodywork therapist as manager. This paragraph shall not authorize such owner to personally engage as a practitioner under this chapter.

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1 18 Office of Professional Licensure and Certification; New Classified Position. One investigative
2 paralegal position, labor grade 22, is hereby established as a classified position in the office of
3 professional licensure and certification.

4 19 Effective Date. This act shall take effect July 1, 2027.

**HB 1469-FN-A- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2026-0615h)**

AN ACT relative to the licensing requirements for massage therapy establishments.

FISCAL IMPACT:

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable Increase		
Revenue Fund	Office of Professional Licensure and Certification Fund			
Expenditures*	\$0	\$0	\$101,000	\$102,000
Funding Source	Office of Professional Licensure and Certification Fund			
Appropriations*	\$0	\$0	\$0	\$0
Funding Source	None			

***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 establishes licensure and regulatory requirements for massage, reflexology, structural integration, and Asian bodywork therapy establishments under the Office of Professional Licensure and Certification (OPLC) and authorizes the executive director to adopt rules relative to licensing standards, operational requirements, inspections, recordkeeping, public display of licensure, and exemptions. This bill also establishes an investigative paralegal position in the Office of Professional Licensure and Certification (OPLC).

The OPLC states that the fiscal impact to the OPLC fund for this position is an increase in expenditures of \$101,000 in FY 2028, \$102,000 in FY 2029, and \$107,000 in FY 2030. The impact begins in FY 2028 as the effective date of the bill is July 1, 2027. Expenditures may be offset by licensing and administrative fees, as well as fines and penalties resulting from disciplinary actions. However, because the number of establishments that will require licensure,

as well as the number of potential fines and penalties, is unknown, total revenue cannot be estimated at this time.

The bill adds compensation for members of the Advisory Board of Massage Therapists by removing the prohibition on compensation. Any expenditure increase will depend on the per diem rate and number of meetings held annually and is assumed to be minimal.

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