

PROFESSIONAL LICENSING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bridger Bolinder

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies licensure provisions related to animal massage therapists.

Highlighted Provisions:

This bill:

▶ allows an individual to engage in the practice of animal massage therapy without a massage therapist license.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-28-307, as last amended by Laws of Utah 2023, Chapter 62

58-47b-304, as last amended by Laws of Utah 2023, Chapter 225

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-28-307** is amended to read:

58-28-307. Exemptions from chapter.

In addition to the exemptions from licensure in Section **58-1-307** this chapter does not apply to:



28 (1) an individual who practices veterinary medicine, surgery, or dentistry upon any
29 animal owned by the individual, and the employee of that individual when the practice is upon
30 an animal owned by the employee's employer, and incidental to employment, except:

31 (a) this exemption does not apply to an individual, or the individual's employee, when
32 the ownership of an animal was acquired for the purpose of circumventing this chapter; and

33 (b) this exemption does not apply to the administration, dispensing, or prescribing of a
34 prescription drug, or nonprescription drug intended for off label use, unless the administration,
35 dispensing, or prescribing of the drug is obtained through an existing veterinarian-patient
36 relationship;

37 (2) an individual who as a student at a veterinary college approved by the board
38 engages in the practice of veterinary medicine, surgery, and dentistry as part of the individual's
39 academic training and under the direct supervision and control of a licensed veterinarian, if that
40 practice is during the last two years of the college course of instruction and does not exceed an
41 18-month duration;

42 (3) a veterinarian who is an officer or employee of the government of the United
43 States, or the state, or its political subdivisions, and technicians under the veterinarian's
44 supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that
45 government;

46 (4) an individual while engaged in the vaccination of poultry, pullorum testing, typhoid
47 testing of poultry, and related poultry disease control activity;

48 (5) an individual who is engaged in bona fide and legitimate medical, dental,
49 pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or
50 dentistry is directly related to, and a necessary part of, that research;

51 (6) a veterinarian licensed under the laws of another state rendering professional
52 services in association with licensed veterinarians of this state for a period not to exceed 90
53 days;

54 (7) a registered pharmacist of this state engaged in the sale of veterinary supplies,
55 instruments, and medicines, if the sale is at the registered pharmacist's regular place of
56 business;

57 (8) an individual in this state engaged in the sale of veterinary supplies, instruments,
58 and medicines, except prescription drugs which must be sold in compliance with state and

59 federal regulations, if the supplies, instruments, and medicines are sold in original packages
60 bearing adequate identification and directions for application and administration and the sale is
61 made in the regular course of, and at the regular place of business;

62 (9) an individual rendering emergency first aid to animals in those areas where a
63 licensed veterinarian is not available, and if suspicious reportable diseases are reported
64 immediately to the state veterinarian;

65 (10) an individual performing or teaching nonsurgical bovine artificial insemination;

66 (11) an individual affiliated with an institution of higher education who teaches
67 nonsurgical bovine embryo transfer or any technician trained by or approved by an institution
68 of higher education who performs nonsurgical bovine embryo transfer, but only if any
69 prescription drug used in the procedure is prescribed and administered under the direction of a
70 veterinarian licensed to practice in Utah;

71 (12) (a) the practice of animal chiropractic by a chiropractic physician licensed under
72 Chapter 73, Chiropractic Physician Practice Act, who has been certified by the American
73 Veterinary Chiropractic Association for performing chiropractic on an animal;

74 (b) upon written referral by a licensed veterinarian, the practice of animal physical
75 therapy by a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act, who
76 has completed at least 100 hours of animal physical therapy training, including quadruped
77 anatomy and hands-on training, approved by the division;

78 (c) ~~[upon written referral by a licensed veterinarian, the practice of animal massage~~
79 ~~therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act,~~
80 ~~who has completed at least 60 hours of animal massage therapy training, including quadruped~~
81 ~~anatomy and hands-on training, approved by the division;]~~ the practice of animal massage
82 therapy by an individual who has completed at least 60 hours of animal massage therapy
83 training in areas specified by the division in rule made in accordance with Title 63G, Chapter
84 3, Utah Administrative Rulemaking Act; and

85 (d) upon written referral by a licensed veterinarian, the practice of acupuncture by an
86 acupuncturist licensed under Chapter 72, Acupuncture Licensing Act, who has completed a
87 course of study on animal acupuncture approved by the division;

88 (13) unlicensed assistive personnel performing duties appropriately delegated to the
89 unlicensed assistive personnel in accordance with Section 58-28-502;

90 (14) an animal shelter employee who is:
91 (a) (i) acting under the indirect supervision of a licensed veterinarian; and
92 (ii) performing animal euthanasia in the course and scope of employment; and
93 (b) acting under the indirect supervision of a veterinarian who is under contract with
94 the animal shelter, administering a rabies vaccine to a shelter animal in accordance with the
95 Compendium of Animal Rabies Prevention and Control;

96 (15) an individual providing appropriate training for animals; however, this exception
97 does not include diagnosing any medical condition, or prescribing or dispensing any
98 prescription drugs or therapeutics;

99 (16) an individual who performs teeth floating if the individual:

100 (a) has a valid certification from the International Association of Equine Dentistry, or
101 an equivalent certification designated by division rule made in collaboration with the board, to
102 perform teeth floating;

103 (b) administers or uses a sedative drug only if the individual is under the direct
104 supervision of a veterinarian in accordance with Subsection 58-28-502(2)(a)(iv); and

105 (17) an individual testing a bovine for pregnancy if the individual has:

106 (a) obtained a masters degree or higher in animal reproductive physiology; and

107 (b) completed at least eight hours of continuing education on animal reproductive
108 physiology within the previous two-year period.

109 Section 2. Section 58-47b-304 is amended to read:

110 **58-47b-304. Exemptions from licensure.**

111 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
112 individuals may engage in the practice of massage therapy or the practice of limited massage
113 therapy, subject to the stated circumstances and limitations, without being licensed under this
114 chapter:

115 (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;

116 (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;

117 (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a,
118 Nurse Midwife Practice Act;

119 (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;

120 (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice

- 121 Act, while under the general supervision of a physical therapist;
- 122 (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic
123 Medical Practice Act;
- 124 (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice
125 Act;
- 126 (h) a hospital staff member employed by a hospital, who practices massage as part of
127 the staff member's responsibilities;
- 128 (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;
- 129 (j) a student in training enrolled in a massage therapy school approved by the division;
- 130 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician
131 Practice Act;
- 132 (l) (i) an occupational therapist licensed under Chapter 42a, Occupational Therapy
133 Practice Act; and
- 134 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational
135 Therapy Practice Act, while under the general supervision of an occupational therapist;
- 136 (m) an individual performing animal massage therapy under the rules made by the
137 division in accordance with Subsection 58-38-307(12);
- 138 [~~m~~] (n) an individual performing gratuitous massage; and
- 139 [~~m~~] (o) an individual:
- 140 (i) certified by or through, and in good standing with, an industry organization that is
141 recognized by the division and that represents a profession with established standards and
142 ethics:
- 143 (A) who is certified to practice reflexology and whose practice is limited to the scope
144 of practice of reflexology;
- 145 (B) who is certified to practice a type of zone therapy, including foot zone therapy, and
146 whose practice is limited to the scope of practice for which the individual is certified;
- 147 (C) who is certified to practice ortho-bionomy and whose practice is limited to the
148 scope of practice of ortho-bionomy;
- 149 (D) who is certified to practice bowerwork and whose practice is limited to the scope
150 of practice of bowerwork; or
- 151 (E) who is certified to practice a type of brain integration and whose practice is limited

152 to the scope of practice for which the individual is certified;

153 (ii) whose clients remain fully clothed from the shoulders to the knees; and

154 (iii) whose clients do not receive gratuitous massage from the individual.

155 (2) An individual described in Subsection (1) may not represent oneself as a massage
156 therapist, massage apprentice, massage assistant, or massage assistant in-training.

157 (3) This chapter may not be construed to:

158 (a) authorize any individual licensed under this chapter to engage in any manner in the
159 practice of medicine as defined by the laws of this state;

160 (b) require insurance coverage or reimbursement for massage therapy or limited
161 massage therapy from third party payors; or

162 (c) prevent an insurance carrier from offering coverage for massage therapy or limited
163 massage therapy.

164 **Section 3. Effective date.**

165 This bill takes effect on May 1, 2024.