

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 255**

**Representatives Miller, K., Ghanbari**

**Cosponsors: Representatives Carruthers, Brennan**



**A BILL**

To amend sections 503.40, 503.41, 503.42, 503.43, 1  
503.44, 503.47, 503.48, 503.49, 503.50, 4731.15, 2  
4731.41, and 5502.01; to enact sections 503.411 3  
and 5502.75; and to repeal sections 503.45 and 4  
503.46 of the Revised Code to make changes to 5  
the laws governing massage establishments and to 6  
establish a nontherapeutic massage registration 7  
and to amend the version of section 503.41 of 8  
the Revised Code scheduled to take effect on 9  
December 29, 2023, to continue the change on and 10  
after that date. 11

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 503.40, 503.41, 503.42, 503.43, 12  
503.44, 503.47, 503.48, 503.49, 503.50, 4731.15, 4731.41, and 13  
5502.01 be amended and sections 503.411 and 5502.75 of the 14  
Revised Code be enacted to read as follows: 15

**Sec. 503.40.** As used in sections 503.40 to 503.49 of the 16  
Revised Code: 17

(A) "Massage therapy" ~~means any method of exerting~~ 18

~~pressure on, stroking, kneading, rubbing, tapping, pounding,~~ 19  
~~vibrating, or stimulating the external soft tissue of the body~~ 20  
~~with the hands, or with the aid of any mechanical or electrical~~ 21  
~~apparatus or appliance~~ has the same meaning as in section 22  
4731.04 of the Revised Code. 23

(B) "Massage establishment" means any fixed place of 24  
business where ~~a person offers massages~~ massage therapy is 25  
provided: 26

(1) In exchange for anything of value; or 27

(2) In connection with the provision of another legitimate 28  
service. 29

(C) ~~"Masseur" or "masseuse"~~ "Massage therapist" means any 30  
~~individual person who performs massages at a massage~~ 31  
~~establishment~~ massage therapy. 32

(D) ~~"Sexual or genital area" includes the genitalia, pubic~~ 33  
~~area, anus, perineum of any person, and the breasts of a~~ 34  
~~female~~ "Registration" means to provide information to the board 35  
of township trustees to indicate the location of the 36  
establishment, the names of individuals employed there, and 37  
evidence of current state licensure or student status of anyone 38  
providing massage therapy at the establishment as provided in 39  
division (A) of section 503.411 of the Revised Code. 40

**Sec. 503.41.** (A) A board of township trustees, by 41  
resolution, may regulate ~~and require the registration of~~ massage 42  
establishments ~~and their employees~~ within the unincorporated 43  
territory of the township and may require the registration of 44  
persons performing massage therapy at the massage 45  
establishments. In accordance with sections 503.40 to 503.49 of 46  
the Revised Code, for ~~that purpose~~ those purposes, the board, by 47

a majority vote of all members, may adopt, amend, administer, 48  
and enforce such establishment regulations and registration 49  
requirements within the unincorporated territory of the 50  
township. 51

(B) A board may adopt establishment regulations, 52  
registration requirements, and amendments under this section 53  
only after public hearing at not fewer than two regular sessions 54  
of the board. The board shall cause to be published in a 55  
newspaper of general circulation in the township, or as provided 56  
in section 7.16 of the Revised Code, notice of the public 57  
hearings, including the time, date, and place, once a week for 58  
two weeks immediately preceding the hearings. The board shall 59  
make available proposed establishment regulations, registration 60  
requirements, or amendments to the public at the office of the 61  
board. 62

(C) ~~Regulations~~ Establishment regulations, registration 63  
requirements, or amendments adopted by the board are effective 64  
thirty days after the date of adoption unless, within thirty 65  
days after the adoption of the regulations, requirements, or 66  
amendments, the township fiscal officer receives a petition, 67  
signed by a number of qualified electors residing in the 68  
unincorporated area of the township equal to not less than ten 69  
per cent of the total vote cast for all candidates for governor 70  
in the area at the most recent general election at which a 71  
governor was elected, requesting the board to submit the 72  
regulations, requirements, or amendments to the electors of the 73  
area for approval or rejection at the next primary or general 74  
election occurring at least ninety days after the board receives 75  
the petition. 76

No establishment regulation, registration requirement, or 77

amendment for which the referendum vote has been requested is 78  
effective unless a majority of the votes cast on the issue is in 79  
favor of the regulation, requirement, or amendment. Upon 80  
certification by the board of elections that a majority of the 81  
votes cast on the issue was in favor of the regulation, 82  
requirement, or amendment, the regulation, requirement, or 83  
amendment takes immediate effect. 84

(D) The board shall make available establishment 85  
regulations and registration requirements it adopts or amends to 86  
the public at the office of the board and shall cause to be 87  
published once a notice of the availability of the regulations 88  
and requirements in a newspaper of general circulation in the 89  
township within ten days after their adoption or amendment. 90

(E) Nothing in sections 503.40 to 503.49 of the Revised 91  
Code shall be construed to allow a board of township trustees to 92  
license any massage therapist or otherwise regulate the practice 93  
of any limited branch of medicine specified in section 4731.15 94  
of the Revised Code or the practice of providing therapeutic 95  
massage by a licensed physician, a licensed podiatrist, a 96  
licensed chiropractor, ~~a licensed podiatrist~~, a licensed nurse, 97  
or any other licensed health professional. ~~As~~ 98

As used in this division, "licensed" means licensed, 99  
certified, or registered to practice in this state. 100

**Sec. 503.411.** If a board of township trustees has adopted 101  
a resolution under section 503.41 of the Revised Code to 102  
regulate massage establishments, all of the following apply: 103

(A) The massage establishment regulations may include a 104  
requirement that all massage therapy performed in a massage 105  
establishment be performed by a person who meets one or more of 106

the following conditions and that does not exclude any such 107  
person: 108

(1) Is licensed by the state cosmetology and barber board, 109  
or its predecessors or successors, and provides massage therapy 110  
as a portion of, and incidental to, barber services in 111  
accordance with Chapter 4709. of the Revised Code or cosmetology 112  
services in accordance with Chapter 4713. of the Revised Code; 113

(2) Is licensed by the board of nursing, or its 114  
predecessors or successors, and provides massage therapy as a 115  
portion of, and incidental to, nursing services in accordance 116  
with Chapter 4723. of the Revised Code; 117

(3) Is licensed by the state medical board, or its 118  
predecessors or successors, and provides massage therapy as a 119  
portion of, and incidental to, medical services in accordance 120  
with Chapter 4730. or 4731. of the Revised Code or acupuncture 121  
in accordance with Chapter 4762. of the Revised Code; 122

(4) Is licensed by the state chiropractic board, or its 123  
predecessors or successors, and provides massage therapy as a 124  
portion of, and incidental to, chiropractic services in 125  
accordance with Chapter 4734. of the Revised Code; 126

(5) Is licensed by the state medical board, or its 127  
predecessors or successors, as a massage therapist in accordance 128  
with Chapter 4731. of the Revised Code; 129

(6) Is licensed by the Ohio occupational therapy, physical 130  
therapy, and athletic trainers board, or its predecessors or 131  
successors, and provides massage therapy as a portion of, and 132  
incidental to, services provided as an occupational therapist, 133  
physical therapist, or athletic trainer in accordance with 134  
Chapter 4755. of the Revised Code; 135

(7) Is enrolled and regularly and actively participating 136  
in a program of study to achieve the training necessary to 137  
obtain the massage therapist license specified in division (A) 138  
(5) of this section and the program of study is in good standing 139  
as determined by the state medical board. 140

(B) If a board of township trustees has adopted a 141  
resolution as described in division (A) of this section, no 142  
person shall knowingly act as a massage therapist for a massage 143  
establishment located in the unincorporated area of the township 144  
without first having obtained a license from a board specified 145  
in division (A) of this section or without being a student as 146  
provided in division (A)(7) of this section. 147

(C) The massage establishment regulations may include any 148  
of the following: 149

(1) A requirement that the massage establishment fully 150  
comply with any applicable zoning resolution and amendments to 151  
the resolution that are adopted by the board under Chapter 519. 152  
of the Revised Code; 153

(2) Designated hours as prohibited hours of operation; 154

(3) The prohibitions set forth in division (B) of section 155  
503.42 of the Revised Code; 156

(4) Any other regulation considered by the board to be 157  
necessary for the health, safety, and welfare of the township 158  
residents, subject to division (E) of section 503.41 of the 159  
Revised Code. 160

**Sec. 503.42.** If a board of township trustees has adopted a 161  
resolution under section 503.41 of the Revised Code that 162  
includes a permit requirement to operate a massage 163  
establishment: 164

(A) No person shall ~~engage in, conduct or carry on, or~~ 165  
~~permit to be engaged in, conducted or carried on in the~~ 166  
~~unincorporated areas of the township, the operation of~~ operate a 167  
massage establishment in the unincorporated areas of a township 168  
without first having obtained a permit from the board of 169  
township trustees as provided in section 503.43 of the Revised 170  
Code. 171

(B) ~~No individual shall act as a masseur or masseuse for a~~ 172  
~~massage establishment located in the unincorporated areas of the~~ 173  
~~township without first having obtained a license from the board~~ 174  
~~of township trustees as provided in section 503.45 of the~~ 175  
~~Revised Code.~~ 176

~~(C)~~ No owner or operator of a massage establishment 177  
located in the unincorporated ~~areas~~ area of the township shall 178  
knowingly do any of the following: 179

(1) ~~Employ an unlicensed masseur or masseuse as a massage~~ 180  
~~therapist a person who does not meet one of the criteria listed~~ 181  
~~in division (A) of section 503.411 of the Revised Code;~~ 182

(2) Refuse to allow appropriate state or local 183  
authorities, including police officers, access to the massage 184  
establishment for any health or safety inspection conducted 185  
pursuant to a massage establishment regulation or massage 186  
therapist registration requirement adopted by the township under 187  
section 503.41 of the Revised Code; 188

(3) Operate during the hours designated as prohibited 189  
hours of operation by the board of township trustees; 190

(4) Employ any person under the age of eighteen. 191

~~(D) No person employed in a massage establishment located~~ 192  
~~in the unincorporated area of the township shall knowingly do~~ 193

<del>any of the following in the performance of duties at the massage establishment:</del>	194
	195
<del>(1) Place his or her hand upon, touch with any part of his or her body, fondle in any manner, or massage the sexual or genital area of any other person;</del>	196
	197
	198
<del>(2) Perform, offer, or agree to perform any act which would require the touching of the sexual or genital area of any other person;</del>	199
	200
	201
<del>(3) Touch, offer, or agree to touch the sexual or genital area of any other person with any mechanical or electrical apparatus or appliance;</del>	202
	203
	204
<del>(4) Wear unclean clothing, no clothing, transparent clothing, or clothing that otherwise reveals the sexual or genital areas of the masseur or masseuse;</del>	205
	206
	207
<del>(5) Uncover or allow the sexual or genital area of any other person to be uncovered while providing massages.</del>	208
	209
<del>(E) No licensed masseur or masseuse shall accept or continue employment at a massage establishment that does not have a current, valid permit issued by the board of township trustees.</del>	210
	211
	212
	213
<b>Sec. 503.43.</b> If a board of township trustees has adopted a resolution under section 503.41 of the Revised Code <u>that</u>	214
<u>includes a permit requirement to operate a massage</u>	215
<u>establishment</u> , the application for a permit to operate a massage establishment shall be made to the board and shall include the	216
following:	217
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	219
(A) An initial, nonrefundable filing fee of two hundred	220
fifty dollars and an annual nonrefundable renewal fee of one	221

hundred twenty-five dollars; 222

(B) A health and safety report of an inspection of the 223  
premises performed within thirty days of the application to 224  
determine compliance with applicable health and safety codes, 225  
which inspection appropriate state or local authorities acting 226  
pursuant to an agreement with the board shall perform; 227

(C) The full name and address of any person applying for a 228  
permit, including any partner or limited partner of a 229  
partnership applicant, any officer or director of a corporate 230  
applicant, and any stock holder holding more than two per cent 231  
of the stock of a corporate applicant having less than a total 232  
of fifty employees or any stock holder holding more than twenty- 233  
five per cent of the stock of a corporate applicant having more 234  
than a total of fifty employees, the date of birth ~~and social-~~ 235  
~~security number~~ of each individual, and the federal 236  
identification number of any partnership or corporation; 237

(D) Authorization for an investigation into the criminal 238  
record of any person applying for a permit; 239

(E) Proof that the massage establishment fully complies 240  
with any applicable zoning resolution and amendments to the 241  
resolution adopted by the board under Chapter 519. of the 242  
Revised Code; 243

(F) Any other information determined by the board to be 244  
necessary for the health, safety, and welfare of the township 245  
residents, subject to division (E) of section 503.41 of the 246  
Revised Code. 247

A permit issued under this section to a massage 248  
establishment shall expire one year after the date of issuance, 249  
except that no massage establishment shall be required to 250

discontinue business because of the failure of the board to act 251  
on a renewal application filed in a timely manner and pending 252  
before the board on the expiration date of the establishment's 253  
permit. Each permit shall contain the name of the applicant, the 254  
address of the massage establishment, and the expiration date of 255  
the permit. 256

**Sec. 503.44.** If a board of township trustees has adopted a 257  
resolution under section 503.41 of the Revised Code that 258  
includes a permit requirement to operate a massage 259  
establishment, it shall deny any application for a permit to 260  
operate a massage establishment or revoke, at any time, a 261  
previously issued permit, for any of the following reasons: 262

(A) Falsification of any of the information required for 263  
the application or failure to fully complete the application; 264

(B) Failure to cooperate with any required health or 265  
safety inspection; 266

(C) Any one of the persons named on the application is 267  
under the age of eighteen; 268

(D) Any one of the persons named on the application has 269  
been convicted of or pleaded guilty to any violation of Chapter 270  
2907. of the Revised Code, or any violation of any municipal 271  
ordinance that is substantially equivalent to any offense 272  
contained in Chapter 2907. of the Revised Code, within five 273  
years preceding the application; 274

~~(E) Any masseur or masseuse employed at the licensed 275  
massage establishment has been convicted of or pleaded guilty to 276  
a violation of division (D) of section 503.42 of the Revised 277  
Code. 278~~

**Sec. 503.47.** If a board of township trustees has adopted a 279

resolution under section 503.41 of the Revised Code that 280  
includes a permit requirement to operate a massage 281  
establishment, the regulations adopted for that purpose may 282  
require any of the following: 283

(A) A massage establishment to display its current permit 284  
in an area open to the public; 285

(B) ~~Each massager~~ A massage establishment to display the 286  
~~massager's license~~ massage therapists' licenses to practice at 287  
all times in the areas of the massage establishment where ~~the~~ 288  
~~licensee is providing massages~~ massage therapy is provided; 289

(C) Massage establishments to undergo periodic health and 290  
safety inspections to determine continual compliance with 291  
applicable health and safety codes; 292

(D) ~~Massagers to undergo periodic physical examinations~~ 293  
~~performed by a licensed physician, a physician assistant, a~~ 294  
~~clinical nurse specialist, a certified nurse practitioner, or a~~ 295  
~~certified nurse midwife certifying that the massager continues~~ 296  
~~to be free from communicable diseases;~~ 297

~~(E)~~ Any other requirement reasonably thought necessary by 298  
the board for the health, safety, and welfare of township 299  
residents, subject to division (E) of section 503.41 of the 300  
Revised Code. 301

**Sec. 503.48.** A board of township trustees acting under 302  
sections 503.40 to 503.49 of the Revised Code that has adopted a 303  
resolution under section 503.41 of the Revised Code need not 304  
hold any hearing in connection with an order denying or revoking 305  
a permit to operate a massage establishment ~~or masseur or~~ 306  
~~masseuse~~ license. The board shall maintain a complete record of 307  
each proceeding and shall notify the applicant in writing of its 308

order. Any person adversely affected by an order of the board 309  
denying or revoking a permit to operate a massage establishment 310  
~~or masseur or masseuse license~~ may appeal from the order of the 311  
board to the court of common pleas of the county in which the 312  
township is located, ~~the place of business of the permit holder~~ 313  
~~is located, or the person is a resident.~~ The appeal shall be in 314  
accordance with Chapter 2506. of the Revised Code. 315

**Sec. 503.49.** If a board of township trustees has adopted a 316  
resolution under section 503.41 of the Revised Code that 317  
includes a permit requirement to operate a massage 318  
establishment, the board shall deposit the fees collected by the 319  
township for massage establishment permits ~~and masseur and~~ 320  
~~masseuse licenses~~ in the township general fund and first use the 321  
fees for the cost of administering and enforcing massage 322  
establishment regulations and massage therapist registration 323  
requirements adopted under section 503.41 of the Revised Code. 324

**Sec. 503.50.** (A) Whoever violates division (A) ~~or (B)~~ of 325  
section 503.42 of the Revised Code is guilty of a misdemeanor of 326  
the first degree. 327

(B) Whoever violates division (B) of section 503.411 or 328  
~~division (C), (D), or (E)~~ (B) of section 503.42 of the Revised 329  
Code is guilty of a misdemeanor of the third degree. 330

**Sec. 4731.15.** (A) The state medical board also shall 331  
regulate the following limited branches of medicine: massage 332  
therapy, and to the extent specified in section 4731.151 of the 333  
Revised Code, naprapathy and mechanotherapy. The board shall 334  
adopt rules governing the limited branches of medicine under its 335  
jurisdiction. The rules shall be adopted in accordance with 336  
Chapter 119. of the Revised Code. 337

(B) A license to practice a limited branch of medicine 338  
issued by the state medical board is valid for a two-year period 339  
unless revoked or suspended and expires on the date that is two 340  
years after the date of issuance. The license may be renewed for 341  
additional two-year periods in accordance with division (C) of 342  
this section. 343

(C) Both of the following apply with respect to the 344  
renewal of licenses to practice a limited branch of medicine: 345

(1) Each person seeking to renew a license to practice a 346  
limited branch of medicine shall apply for biennial renewal with 347  
the state medical board in a manner prescribed by the board. An 348  
applicant for renewal shall pay a biennial renewal fee of one 349  
hundred dollars. 350

(2) At least one month before a license expires, the board 351  
shall provide a renewal notice to the license holder. 352

(D) All persons who hold a license to practice a limited 353  
branch of medicine issued by the state medical board shall 354  
provide the board notice of any change of address. The notice 355  
shall be submitted to the board not later than thirty days after 356  
the change of address. 357

(E) A license to practice a limited branch of medicine 358  
shall be automatically suspended if the license holder fails to 359  
renew the license in accordance with division (C) of this 360  
section. Continued practice after the suspension of the license 361  
to practice shall be considered as practicing in violation of 362  
sections 4731.34 and 4731.41 of the Revised Code. 363

If a license has been suspended pursuant to this division 364  
for two years or less, it may be reinstated. The board shall 365  
reinstatement the license upon an applicant's submission of a 366

renewal application and payment of a reinstatement fee of one 367  
hundred twenty-five dollars. 368

If a license has been suspended pursuant to this division 369  
for more than two years, it may be restored. Subject to section 370  
4731.222 of the Revised Code, the board may restore the license 371  
upon an applicant's submission of a restoration application and 372  
a restoration fee of one hundred fifty dollars and compliance 373  
with sections 4776.01 to 4776.04 of the Revised Code. The board 374  
shall not restore to an applicant a license to practice unless 375  
the board, in its discretion, decides that the results of the 376  
criminal records check do not make the applicant ineligible for 377  
a license issued pursuant to section 4731.17 of the Revised 378  
Code. 379

(F) Nothing in this chapter shall be construed to require 380  
an individual who performs only nontherapeutic massage, as 381  
defined in section 5502.75 of the Revised Code, to hold a 382  
license to practice massage therapy issued under this chapter. 383  
Nothing in this chapter shall be construed to require an 384  
individual who holds a license to practice massage therapy 385  
issued under this chapter to be registered under section 5502.75 386  
of the Revised Code, regardless of whether the individual 387  
performs both nontherapeutic massage and massage therapy. 388

**Sec. 4731.41.** (A) No Except as provided in division (F) of 389  
section 4731.15 of the Revised Code, no person shall practice 390  
medicine and surgery, or any of its branches, without the 391  
appropriate license or certificate from the state medical board 392  
to engage in the practice. No person shall advertise or claim to 393  
the public to be a practitioner of medicine and surgery, or any 394  
of its branches, without a license or certificate from the 395  
board. No person shall open or conduct an office or other place 396

for such practice without a license or certificate from the 397  
board. No person shall conduct an office in the name of some 398  
person who has a license or certificate to practice medicine and 399  
surgery, or any of its branches. No person shall practice 400  
medicine and surgery, or any of its branches, after the person's 401  
license or certificate has been revoked, or, if suspended, 402  
during the time of such suspension. 403

A license or certificate signed by the secretary of the 404  
board to which is affixed the official seal of the board to the 405  
effect that it appears from the records of the board that no 406  
such license or certificate to practice medicine and surgery, or 407  
any of its branches, in this state has been issued to the person 408  
specified therein, or that a license or certificate to practice, 409  
if issued, has been revoked or suspended, shall be received as 410  
prima-facie evidence of the record of the board in any court or 411  
before any officer of the state. 412

(B) No license or certificate from the state medical board 413  
is required by a physician who comes into this state to practice 414  
medicine at a free-of-charge camp accredited by the SeriousFun 415  
children's network that specializes in providing therapeutic 416  
recreation, as defined in section 2305.231 of the Revised Code, 417  
for individuals with chronic illnesses as long as all of the 418  
following apply: 419

(1) The physician provides documentation to the medical 420  
director of the camp that the physician is licensed and in good 421  
standing to practice medicine in another state; 422

(2) The physician provides services only at the camp or in 423  
connection with camp events or camp activities that occur off 424  
the grounds of the camp; 425

(3) The physician receives no compensation for the services;	426 427
(4) The physician provides those services within this state for not more than thirty days per calendar year;	428 429
(5) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with division (A) of this section.	430 431 432
(C) Division (A) of this section does not apply to a person who meets both of the following conditions:	433 434
(1) The person holds in good standing a valid license to practice medicine and surgery issued by another state.	435 436
(2) The person is practicing as a volunteer without remuneration during a charitable event that lasts not more than seven days.	437 438 439
When a person meets the conditions of this division, the person shall be deemed authorized by the state medical board, during the course of the charitable event, to practice medicine and surgery and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a physician. Not less than seven calendar days before the first day of the charitable event, the person or the event's organizer shall notify the board of the person's intent to practice medicine and surgery at the event. During the course of the charitable event, the person's scope of practice is limited to the procedures that a physician authorized under this chapter to practice medicine and surgery is authorized to perform unless the person's scope of practice in the other state is more restrictive than in this state. If the latter is the case, the person's scope of practice is limited to the procedures that a	440 441 442 443 444 445 446 447 448 449 450 451 452 453 454

physician in the other state may perform. 455

**Sec. 5502.01.** (A) The department of public safety shall 456  
administer and enforce the laws relating to the registration, 457  
licensing, sale, and operation of motor vehicles and the laws 458  
pertaining to the licensing of drivers of motor vehicles. 459

The department shall compile, analyze, and publish 460  
statistics relative to motor vehicle accidents and the causes of 461  
them, prepare and conduct educational programs for the purpose 462  
of promoting safety in the operation of motor vehicles on the 463  
highways, and conduct research and studies for the purpose of 464  
promoting safety on the highways of this state. 465

(B) The department shall administer the laws and rules 466  
relative to trauma and emergency medical services specified in 467  
Chapter 4765. of the Revised Code and any laws and rules 468  
relative to medical transportation services specified in Chapter 469  
4766. of the Revised Code. 470

(C) The department shall administer and enforce the laws 471  
contained in Chapters 4301. and 4303. of the Revised Code and 472  
enforce the rules and orders of the liquor control commission 473  
pertaining to retail liquor permit holders. 474

(D) The department shall administer the laws governing the 475  
state emergency management agency and shall enforce all 476  
additional duties and responsibilities as prescribed in the 477  
Revised Code related to emergency management services. 478

(E) The department shall conduct investigations pursuant 479  
to Chapter 5101. of the Revised Code in support of the duty of 480  
the department of job and family services to administer the 481  
supplemental nutrition assistance program throughout this state. 482  
The department of public safety shall conduct investigations 483

necessary to protect the state's property rights and interests 484  
in the supplemental nutrition assistance program. 485

(F) The department of public safety shall enforce 486  
compliance with orders and rules of the public utilities 487  
commission and applicable laws in accordance with Chapters 488  
4905., 4921., and 4923. of the Revised Code regarding commercial 489  
motor vehicle transportation safety, economic, and hazardous 490  
materials requirements. 491

(G) Notwithstanding Chapter 4117. of the Revised Code, the 492  
department of public safety may establish requirements for its 493  
enforcement personnel, including its enforcement agents 494  
described in section 5502.14 of the Revised Code, that include 495  
standards of conduct, work rules and procedures, and criteria 496  
for eligibility as law enforcement personnel. 497

(H) The department shall administer, maintain, and operate 498  
the Ohio criminal justice network. The Ohio criminal justice 499  
network shall be a computer network that supports state and 500  
local criminal justice activities. The network shall be an 501  
electronic repository for various data, which may include arrest 502  
warrants, notices of persons wanted by law enforcement agencies, 503  
criminal records, prison inmate records, stolen vehicle records, 504  
vehicle operator's licenses, and vehicle registrations and 505  
titles. 506

(I) The department shall coordinate all homeland security 507  
activities of all state agencies and shall be a liaison between 508  
state agencies and local entities for those activities and 509  
related purposes. 510

(J) The department shall administer and enforce the laws 511  
relative to private investigators and security service providers 512

specified in Chapter 4749. of the Revised Code. 513

(K) The department shall administer criminal justice 514  
services in accordance with sections 5502.61 to 5502.66 of the 515  
Revised Code. 516

(L) The department shall administer the Ohio school safety 517  
and crisis center and the Ohio mobile training team in 518  
accordance with sections 5502.70 to 5502.703 of the Revised 519  
Code. 520

(M) The department shall coordinate security measures and 521  
operations, and may direct the department of administrative 522  
services to implement any security measures and operations the 523  
department of public safety requires, at the Vern Riffe Center 524  
and the James A. Rhodes state office tower. 525

Notwithstanding section 125.28 of the Revised Code, the 526  
director of public safety may recover the costs of directing 527  
security measures and operations under this division by either 528  
issuing intrastate transfer voucher billings to the department 529  
of administrative services, which the department shall process 530  
to pay for the costs, or, upon the request of the director of 531  
administrative services, the director of budget and management 532  
may transfer cash in the requested amount from the building 533  
management fund created under section 125.28 of the Revised 534  
Code. Payments received or cash transfers made under this 535  
division for the costs of directing security measures and 536  
operations shall be deposited into the state treasury to the 537  
credit of the security, investigations, and policing fund 538  
created under section 4501.11 of the Revised Code. 539

(N) The department shall issue nontherapeutic massage 540  
registrations and conduct investigations relating to those 541

registrations, pursuant to section 5502.75 of the Revised Code. 542

Sec. 5502.75. (A) As used in this section: 543

(1) "Massage therapy" has the same meaning as in section 544  
4731.04 of the Revised Code. 545

(2) "Nontherapeutic massage" means massage techniques that 546  
do not constitute massage therapy because they are performed for 547  
other reasons than treatment of disorders of the human body. 548

(B) Except as provided in division (C) of this section, no 549  
person shall perform nontherapeutic massage unless the 550  
individual holds a nontherapeutic massage registration pursuant 551  
to this section. 552

(C) Division (B) of this section does not apply to an 553  
individual who meets any of the following criteria: 554

(1) Is licensed by the state cosmetology and barber board, 555  
or its predecessors or successors, and provides massage as a 556  
portion of, and incidental to, barber services in accordance 557  
with Chapter 4709. of the Revised Code or cosmetology services 558  
in accordance with Chapter 4713. of the Revised Code; 559

(2) Is licensed by the board of nursing, or its 560  
predecessors or successors, and provides massage as a portion 561  
of, and incidental to, nursing services in accordance with 562  
Chapter 4723. of the Revised Code; 563

(3) Is licensed by the state medical board, or its 564  
predecessors or successors, and provides massage as a portion 565  
of, and incidental to, medical services in accordance with 566  
Chapter 4730. or 4731. of the Revised Code or acupuncture in 567  
accordance with Chapter 4762. of the Revised Code; 568

(4) Is licensed by the state chiropractic board, or its 569

predecessors or successors, and provides massage as a portion 570  
of, and incidental to, chiropractic services in accordance with 571  
Chapter 4734. of the Revised Code; 572

(5) Is licensed by the state medical board, or its 573  
predecessors or successors, as a massage therapist in accordance 574  
with Chapter 4731. of the Revised Code; 575

(6) Is licensed by the Ohio occupational therapy, physical 576  
therapy, and athletic trainers board, or its predecessors or 577  
successors, and provides massage as a portion of, and incidental 578  
to, services provided as an occupational therapist, physical 579  
therapist, or athletic trainer in accordance with Chapter 4755. 580  
of the Revised Code; 581

(7) Is enrolled and regularly and actively participating 582  
in a program of study to achieve the training necessary to 583  
obtain the massage therapist license specified in Chapter 4731. 584  
of the Revised Code and the program of study is in good standing 585  
as determined by the state medical board. 586

(D) An individual seeking a registration to practice 587  
nontherapeutic massage shall file with the department of public 588  
safety an application in the form and manner prescribed by the 589  
department. The application shall include all information the 590  
department considers necessary to process the application, 591  
including evidence satisfactory to the department that the 592  
applicant meets the requirements specified in division (E) of 593  
this section. The department shall review all applications 594  
received and issue nontherapeutic massage registrations unless 595  
cause for denial exists as provided in this section. 596

(E) To be eligible to receive a registration to practice 597  
nontherapeutic massage, an applicant shall demonstrate to the 598

department that the applicant is at least eighteen years of age, 599  
and must provide on the application all of the following 600  
information: 601

(1) The individual's name and home address; 602

(2) The individual's telephone number and electronic mail 603  
address; 604

(3) The individual's date of birth; 605

(4) The address and telephone number of the place of 606  
business where the individual will provide nontherapeutic 607  
massage. A post office box is not a place of business for 608  
purposes of this division. 609

(5) An indication of any occupational license, 610  
certificate, or registration to provide massage services issued 611  
by another jurisdiction that the individual currently holds; 612

(6) An indication of whether the individual has ever had 613  
an occupational license, certificate, or registration to provide 614  
massage services suspended, revoked, or denied by another 615  
jurisdiction. 616

(F) In accordance with Chapter 119. of the Revised Code, 617  
the department may deny or revoke a nontherapeutic massage 618  
registration if it determines, through the application process 619  
or otherwise, that any of the following apply: 620

(1) The individual has had an occupational license, 621  
certificate, or registration to provide massage services 622  
suspended, revoked, or denied by another jurisdiction; 623

(2) The individual has violated any provision of this 624  
section; 625

(3) The individual has engaged in other conduct that the department specifies as cause for denial or revocation in rules adopted under this section. 626  
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(G) An individual who has been issued a nontherapeutic massage registration under this section shall notify the department in writing of any changes to any of the information provided in an application submitted under this section, within thirty days of any such change. 629  
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(H) A place of business where nontherapeutic massage is performed shall comply with the same safety and sanitation requirements that apply to massage therapy establishments regulated under Chapter 503. of the Revised Code. 634  
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(I) The department may adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 638  
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Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 641  
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(J) The department shall investigate evidence appearing to show that a person has violated any provision of this section. 645  
646

(K) Whoever knowingly violates division (B) of this section is guilty of a misdemeanor of the third degree. 647  
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**Section 2.** That existing sections 503.40, 503.41, 503.42, 503.43, 503.44, 503.47, 503.48, 503.49, 503.50, 4731.15, 4731.41, and 5502.01 of the Revised Code are hereby repealed. 649  
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**Section 3.** That sections 503.45 and 503.46 of the Revised Code are hereby repealed. 652  
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**Section 4.** That the version of section 503.41 of the Revised Code that is scheduled to take effect on December 29, 2023, be amended to read as follows:

**Sec. 503.41.** (A) A board of township trustees, by resolution, may regulate ~~and require the registration of~~ massage establishments ~~and their employees~~ within the unincorporated territory of the township and may require the registration of persons performing massage therapy at the massage establishments. In accordance with sections 503.40 to 503.49 of the Revised Code, for ~~that purpose~~ those purposes, the board, by a majority vote of all members, may adopt, amend, administer, and enforce such establishment regulations and registration requirements within the unincorporated territory of the township.

(B) A board may adopt establishment regulations, registration requirements, and amendments under this section only after public hearing at not fewer than two regular sessions of the board. The board shall cause to be published in a newspaper of general circulation in the township, or as provided in section 7.16 of the Revised Code, notice of the public hearings, including the time, date, and place, once a week for two weeks immediately preceding the hearings. The board shall make available proposed establishment regulations, registration requirements, or amendments to the public at the office of the board.

(C) ~~Regulations~~ Establishment regulations, registration requirements, or amendments adopted by the board are effective thirty days after the date of adoption unless, within thirty days after the adoption of the regulations, requirements, or amendments, the township fiscal officer receives a petition,

signed by a number of qualified electors residing in the 684  
unincorporated area of the township equal to not less than ten 685  
per cent of the total vote cast for all candidates for governor 686  
in the area at the most recent general election at which a 687  
governor was elected, requesting the board to submit the 688  
regulations, requirements, or amendments to the electors of the 689  
area for approval or rejection at the next primary or general 690  
election occurring at least ninety days after the board receives 691  
the petition. 692

No establishment regulation, registration requirement, or 693  
amendment for which the referendum vote has been requested is 694  
effective unless a majority of the votes cast on the issue is in 695  
favor of the regulation, requirement, or amendment. Upon 696  
certification by the board of elections that a majority of the 697  
votes cast on the issue was in favor of the regulation,  698  
requirement, or amendment, the regulation, requirement, or 699  
amendment takes immediate effect. 700

(D) The board shall make available establishment 701  
regulations and registration requirements it adopts or amends to 702  
the public at the office of the board and shall cause to be 703  
published once a notice of the availability of the regulations 704  
and requirements in a newspaper of general circulation in the 705  
township within ten days after their adoption or amendment. 706

(E) Nothing in sections 503.40 to 503.49 of the Revised 707  
Code shall be construed to allow a board of township trustees to 708  
license any massage therapist or otherwise regulate the practice 709  
of any limited branch of medicine specified in section 4731.15 710  
of the Revised Code or the practice of providing therapeutic 711  
massage by a licensed physician, a licensed podiatrist, a 712  
licensed chiropractor, ~~a licensed podiatrist~~, a licensed nurse, 713

or any other licensed health professional. ~~As~~ 714

As used in this division, "licensed" means licensed, 715  
certified, or registered to practice in this state. 716

(F) If a township adopts establishment regulations to 717  
require the registration of massage establishments and their 718  
employees, the township shall comply with Chapter 4796. of the 719  
Revised Code. 720

**Section 5.** That the existing version of section 503.41 of 721  
the Revised Code that is scheduled to take effect December 29, 722  
2023, is hereby repealed. 723

**Section 6.** Sections 4 and 5 of this act take effect 724  
December 29, 2023. 725