



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 744
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Schmidt

Emma Carroll, Research Analyst

SUMMARY

- Standardizes, for purposes of regulation by the State Medical Board and townships, terminology related to massage therapy and individuals authorized to perform massage therapy.
- Requires a person who is licensed by a board of township trustees to perform massages to also be licensed as a massage therapist by the State Medical Board.
- Reduces the penalty for practicing massage therapy without a license from a fifth degree felony on a first offense and a fourth degree felony on each subsequent offense to a first degree misdemeanor on a first offense and a fourth degree felony on each subsequent offense.
- Exempts professionals that may perform massage therapy as part of their scope of practice from massage therapist licensure.
- Prohibits the advertisement of massage services that are not performed by a massage therapist licensed by the Board.
- Establishes a consistent definition of “massage therapy” that applies to both licensure of massage therapists by the Board and by a board of township trustees.

DETAILED ANALYSIS

Regulation of massage therapy

The bill makes changes to the laws governing massage therapy as they relate to (1) professions regulated by the State Medical Board and (2) terminology relating to the authority of townships to regulate massage establishments and their employees.

Massage therapy definition

Under current law, the State Medical Board regulates “massage therapy” as a limited branch of medicine. Individuals practicing massage therapy must hold a license from the Board.

Current law defines “massage therapy” as “the treatment of disorders of the human body by manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.” The bill modifies the definition by doing the following:¹

- Removing the specification that massage therapy involves the “treatment of disorders of the human body”;
- Adding “exerting pressure on,” “stimulating with the hands,” “rubbing,” “tapping,” and “pounding,” as massage techniques;
- Specifying that electrical apparatuses or appliances may be applied externally as part of massage therapy.

Separately, townships have the authority to regulate massage establishments and masseurs and masseuses performing massages at those establishments. The bill applies the new definition of massage therapy to township regulatory authority.

Under continuing law, townships have the authority to regulate “massage establishments,” “masseurs,” and “masseur” performing “massages” at those establishments. That definition of massage is “any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance.” The bill standardizes the terminology by eliminating this definition and instead defining “massage therapy” as it relates to township licensure the same way it is defined for the Board.²

Exemption from licensure requirements

Under the bill, the State Medical Board continues to regulate massage therapy as a limited branch of medicine. The bill clarifies, however, that certain licensed professionals are not required to be licensed as a massage therapist to perform massage therapy, to the extent that the professional’s scope of practice authorizes the professional to use massage techniques and the massage techniques are performed by the professional in the course of and at the location of the professional’s authorized profession. Exempt from licensure are the following: a barber, cosmetologist, nurse, physician assistant, chiropractor, occupational therapist, physical therapist, athletic trainer, or acupuncturist. Massage students are also not required to hold a license to practice massage therapy when enrolled at a school, college, or institution in good standing with the Board.³

¹ R.C. 4731.04(C).

² R.C. 503.40(A), with conforming changes in R.C. 503.41, 503.42, 503.45, and 503.47.

³ R.C. 4731.15(F), with conforming changes in R.C. 503.41(E) and 4731.41(A).

Practicing massage therapy without a license – penalties

The bill reduces the penalty for practicing massage therapy without a license. Current law establishes that practicing medicine and surgery, or any of its branches such as massage therapy, without the appropriate license or certificate from the Board is a fifth degree felony on a first offense and a fourth degree felony on each subsequent offense. The bill reduces the penalty for practicing massage therapy without a license to a first degree misdemeanor on a first offense and a fourth degree felony on each subsequent offense, while otherwise retaining the same penalty for practicing medicine and surgery without a license.⁴

Advertising an unlicensed massage

The bill prohibits the advertisement of massage therapy, relaxation massage, or any other massage technique or method, or any related service, unless the service is to be performed by a massage therapist licensed by the Board, a massage therapy student, or a professional for whom massage therapy is included in the professional's scope of practice (see "**Exemption from licensure requirements**" above). A person who violates this prohibition is guilty of advertising an unlicensed massage, which is a fourth degree misdemeanor on the first offense and a third degree misdemeanor on each subsequent offense.⁵

Continuing law prohibits advertising massage services with the suggestion or promise of sexual activity. This offense is currently known as "unlawful advertising of a massage." To avoid confusion with the new advertising offense, the bill renames this offense to "advertising a sexual massage."⁶

Township massage regulation

Under continuing law, a township may regulate massage establishments and their employees within the unincorporated territory of the township. To do so, a board of township trustees must adopt a resolution requiring (1) massage establishments to be permitted by the township and (2) any individual performing massage ("masseur" or "masseuse") to be licensed by the township.⁷ The bill maintains the authority of townships to issue massage licenses, but changes the terminology for a person who has obtained a township-issued license from masseur and masseuse to "massager." Additionally, the bill imposes a new requirement that all massagers licensed by a board of township trustees must also be licensed to practice massage therapy by the State Medical Board.⁸

⁴ R.C. 4731.99(A) and (B).

⁵ R.C. 2927.17(B) and (C)(2).

⁶ R.C. 2927.17(C)(1).

⁷ R.C. 503.41 and 503.42.

⁸ R.C. 530.40(C), 503.45(D), and 503.46(B), with conforming changes in R.C. 503.42, 503.44, 503.48, and 503.49.

HISTORY

Action	Date
Introduced	03-10-26
