

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 744**

**Representative Schmidt**

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To amend sections 503.40, 503.41, 503.42, 503.44, 1  
503.45, 503.46, 503.47, 503.48, 503.49, 2927.17, 2  
4731.04, 4731.15, 4731.41, and 4731.99 of the 3  
Revised Code to clarify the professionals that 4  
may perform massage therapy. 5

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

**Section 1.** That sections 503.40, 503.41, 503.42, 503.44, 6  
503.45, 503.46, 503.47, 503.48, 503.49, 2927.17, 4731.04, 7  
4731.15, 4731.41, and 4731.99 of the Revised Code be amended to 8  
read as follows: 9

**Sec. 503.40.** As used in sections 503.40 to 503.49 of the 10  
Revised Code: 11

(A) "Massage therapy" ~~means any method of exerting~~ 12  
~~pressure on, stroking, kneading, rubbing, tapping, pounding,~~ 13  
~~vibrating, or stimulating the external soft tissue of the body~~ 14  
~~with the hands, or with the aid of any mechanical or electrical~~ 15  
~~apparatus or appliance~~ has the same meaning as in section 16  
4731.04 of the Revised Code. 17

(B) "Massage establishment" means any fixed place of 18  
business where ~~a person offers massages~~ massage therapy is 19  
provided: 20

- (1) In exchange for anything of value; or 21
- (2) In connection with the provision of another legitimate 22  
service. 23
- (C) ~~"Masseur" or "masseuse"~~ "Massager" means any individual 24  
who has obtained a license from a board of township trustees as 25  
provided in section 503.45 and who performs ~~messages~~ massage 26  
therapy at a massage establishment. 27
- (D) "Sexual or genital area" includes the genitalia, pubic 28  
area, anus, perineum of any person, and the breasts of a female. 29
- Sec. 503.41.** (A) A board of township trustees, by 30  
resolution, may regulate and require the registration of massage 31  
establishments and their employees within the unincorporated 32  
territory of the township. In accordance with sections 503.40 to 33  
503.49 of the Revised Code, for that purpose, the board, by a 34  
majority vote of all members, may adopt, amend, administer, and 35  
enforce regulations within the unincorporated territory of the 36  
township. 37
- (B) A board may adopt regulations and amendments under 38  
this section only after public hearing at not fewer than two 39  
regular sessions of the board. The board shall publish notice of 40  
the public hearings, including the time, date, and place, once a 41  
week for two weeks immediately preceding the hearings using at 42  
least one of the following methods: 43
- (1) In the print or digital edition of a newspaper of 44  
general circulation in the township; 45
- (2) On the official public notice web site established 46  
under section 125.182 of the Revised Code; 47
- (3) On the web site and social media account of the 48

township. 49

The board shall make available proposed regulations or 50  
amendments to the public at the office of the board. 51

(C) Regulations or amendments adopted by the board are 52  
effective thirty days after the date of adoption unless, within 53  
thirty days after the adoption of the regulations or amendments, 54  
the township fiscal officer receives a petition, signed by a 55  
number of qualified electors residing in the unincorporated area 56  
of the township equal to not less than ten per cent of the total 57  
vote cast for all candidates for governor in the area at the 58  
most recent general election at which a governor was elected, 59  
requesting the board to submit the regulations or amendments to 60  
the electors of the area for approval or rejection at the next 61  
primary or general election occurring at least ninety days after 62  
the board receives the petition. 63

No regulation or amendment for which the referendum vote 64  
has been requested is effective unless a majority of the votes 65  
cast on the issue is in favor of the regulation or amendment. 66  
Upon certification by the board of elections that a majority of 67  
the votes cast on the issue was in favor of the regulation or 68  
amendment, the regulation or amendment takes immediate effect. 69

(D) The board shall make available regulations it adopts 70  
or amends to the public at the office of the board and shall 71  
cause to be published once a notice of the availability of the 72  
regulations within ten days after their adoption or amendment, 73  
using at least one of the following methods: 74

(1) In the print or digital edition of a newspaper of 75  
general circulation in the township; 76

(2) On the official public notice web site established 77

under section 125.182 of the Revised Code; 78

(3) On the web site and social media account of the 79  
township. 80

(E) Nothing in sections 503.40 to 503.49 of the Revised 81  
Code shall be construed to allow a board of township trustees 82  
~~to regulate~~ to regulate the practice of any limited branch of 83  
medicine specified in section 4731.15 of the Revised Code or the 84  
practice of providing ~~therapeutic~~ massage therapy by a ~~licensed~~ 85  
~~physician, a licensed chiropractor, a licensed podiatrist, a~~ 86  
~~licensed nurse, or any other licensed health professional~~ person 87  
who meets the conditions specified in division (F) of that 88  
section. As used in this division, "licensed" means licensed, 89  
~~certified, or registered to practice in this state.~~ 90

(F) If a township adopts regulations to require the 91  
registration of massage establishments and their employees, the 92  
township shall comply with Chapter 4796. of the Revised Code. 93

**Sec. 503.42.** If a board of township trustees has adopted a 94  
resolution under section 503.41 of the Revised Code: 95

(A) No person shall engage in, conduct or carry on, or 96  
permit to be engaged in, conducted or carried on in the 97  
unincorporated areas of the township, the operation of ~~a~~ 98  
massage establishment without first having obtained a permit 99  
from the board of township trustees as provided in section 100  
503.43 of the Revised Code. 101

(B) No individual shall act as a ~~masseur or masseuse~~ 102  
massager for a massage establishment located in the 103  
unincorporated areas of the township without first having 104  
obtained a license from the board of township trustees as 105  
provided in section 503.45 of the Revised Code. 106

(C) No owner or operator of a massage establishment	107
located in the unincorporated areas of the township shall	108
knowingly do any of the following:	109
(1) Employ an unlicensed <del>masseur or masseuse</del> <u>massager</u> ;	110
(2) Refuse to allow appropriate state or local	111
authorities, including police officers, access to the massage	112
establishment for any health or safety inspection conducted	113
pursuant to a regulation adopted by the township under section	114
503.41 of the Revised Code;	115
(3) Operate during the hours designated as prohibited	116
hours of operation by the board of township trustees;	117
(4) Employ any person under the age of eighteen.	118
(D) No person employed in a massage establishment located	119
in the unincorporated area of the township shall knowingly do	120
any of the following in the performance of duties at the massage	121
establishment:	122
(1) Place his or her hand upon, touch with any part of his	123
or her body, fondle in any manner, or massage the sexual or	124
genital area of any other person;	125
(2) Perform, offer, or agree to perform any act which	126
would require the touching of the sexual or genital area of any	127
other person;	128
(3) Touch, offer, or agree to touch the sexual or genital	129
area of any other person with any mechanical or electrical	130
apparatus or appliance;	131
(4) Wear unclean clothing, no clothing, transparent	132
clothing, or clothing that otherwise reveals the sexual or	133
genital areas of the <del>masseur or masseuse</del> <u>massager</u> ;	134

(5) Uncover or allow the sexual or genital area of any other person to be uncovered while providing ~~massages~~massage therapy. 135  
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(E) No licensed ~~masseur or masseuse~~massager shall accept or continue employment at a massage establishment that does not have a current, valid permit issued by the board of township trustees. 138  
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**Sec. 503.44.** If a board of township trustees has adopted a resolution under section 503.41 of the Revised Code, it shall deny any application for a permit to operate a massage establishment or revoke a previously issued permit, for any of the following reasons: 142  
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(A) Falsification of any of the information required for the application or failure to fully complete the application; 147  
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(B) Failure to cooperate with any required health or safety inspection; 149  
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(C) Any one of the persons named on the application is under the age of eighteen; 151  
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(D) Any one of the persons named on the application has been convicted of or pleaded guilty to any violation of Chapter 2907. of the Revised Code, or any violation of any municipal ordinance that is substantially equivalent to any offense contained in Chapter 2907. of the Revised Code, within five years preceding the application; 153  
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(E) Any ~~masseur or masseuse~~massager employed at the licensed massage establishment has been convicted of or pleaded guilty to a violation of division (D) of section 503.42 of the Revised Code. 159  
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**Sec. 503.45.** If a board of township trustees has adopted a resolution under section 503.41 of the Revised Code, the application for a license as a massager shall be made to the board and shall include the following:

(A) An initial, nonrefundable filing fee of one hundred dollars and an annual nonrefundable renewal fee of fifty dollars;

(B) The results of a physical examination performed by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife within thirty days of the application certifying that the applicant is free from communicable diseases;

(C) The full name, date of birth, address, and social security number of the applicant;

(D) Evidence that the applicant holds a current, valid license to practice massage therapy issued by the state medical board under section 4731.15 of the Revised Code;

(E) The results of an investigation by appropriate police agencies into the criminal record of the applicant, including a photograph taken no later than thirty days prior to the application, fingerprints, and background investigation;

~~(E)~~ (F) Any other information determined by the board to be necessary.

A license issued under this section to a massager shall expire one year after the date of issuance, except that no massager shall be required to discontinue performing ~~massages~~ massage therapy because of the failure of the board to act on a renewal application filed in a timely manner and pending before the board on the expiration date of the person's license. Each

license shall contain the full name of the applicant, a color 192  
photograph and a brief description of the person, and the 193  
expiration date of the license. 194

**Sec. 503.46.** If a board of township trustees has adopted a 195  
resolution under section 503.41 of the Revised Code, it shall 196  
deny the application for ~~a masseur or masseuse license licensure~~ 197  
as a massager or revoke a previously issued license for any of 198  
the following reasons: 199

(A) Falsification of any of the information required for 200  
the application or failure to fully complete the application; 201

(B) Failure to maintain a current, valid license to 202  
practice massage therapy issued by the state medical board under 203  
section 4731.15 of the Revised Code; 204

(C) The applicant is under the age of twenty-one. 205

~~(C)~~ (D) The applicant has been convicted of or pleaded 206  
guilty to any violation of Chapter 2907. of the Revised Code, or 207  
violation of any municipal ordinance that is substantially 208  
equivalent to any offense contained in Chapter 2907. of the 209  
Revised Code, within five years preceding the application. 210

~~(D)~~ (E) The applicant has been convicted of or pleaded 211  
guilty to a violation of division (D) of section 503.42 of the 212  
Revised Code. 213

**Sec. 503.47.** If a board of township trustees has adopted a 214  
resolution under section 503.41 of the Revised Code, the 215  
regulations adopted for that purpose may require any of the 216  
following: 217

(A) A message establishment to display its current permit 218  
in an area open to the public; 219

(B) Each massager to display the massager's license at all 220  
times in the areas where the licensee is providing 221  
~~massages~~massage therapy; 222

(C) Massage establishments to undergo periodic health and 223  
safety inspections to determine continual compliance with 224  
applicable health and safety codes; 225

(D) Massagers to undergo periodic physical examinations 226  
performed by a licensed physician, a physician assistant, a 227  
clinical nurse specialist, a certified nurse practitioner, or a 228  
certified nurse-midwife certifying that the massager continues 229  
to be free from communicable diseases; 230

(E) Any other requirement reasonably thought necessary by 231  
the board. 232

**Sec. 503.48.** A board of township trustees acting under 233  
sections 503.40 to 503.49 of the Revised Code need not hold any 234  
hearing in connection with an order denying or revoking a permit 235  
to operate a massage establishment or ~~masseur or~~ 236  
~~masseuse~~massager license. The board shall maintain a complete 237  
record of each proceeding and shall notify the applicant in 238  
writing of its order. Any person adversely affected by an order 239  
of the board denying or revoking a permit to operate a massage 240  
establishment or ~~masseur or masseuse~~massager license may appeal 241  
from the order of the board to the court of common pleas of the 242  
county in which the township is located, the place of business 243  
of the permit holder is located, or the person is a resident. 244  
The appeal shall be in accordance with Chapter 2506. of the 245  
Revised Code. 246

**Sec. 503.49.** If a board of township trustees has adopted a 247  
resolution under section 503.41 of the Revised Code, the board 248

shall deposit the fees collected by the township for massage 249  
establishment permits and ~~masseur and masseuse~~ massager licenses 250  
in the township general fund and first use the fees for the cost 251  
of administering and enforcing regulations adopted under section 252  
503.41 of the Revised Code. 253

**Sec. 2927.17.** (A) No person, by means of a statement, 254  
solicitation, or offer in a print or electronic publication, 255  
sign, placard, storefront display, or other medium, shall 256  
advertise massage therapy, relaxation massage, any other massage 257  
technique or method, or any related service, with the suggestion 258  
or promise of sexual activity. 259

(B) No person, by means of a statement, solicitation, or 260  
offer in a print or electronic publication, sign, placard, 261  
storefront display, or other medium, shall advertise massage 262  
therapy, relaxation massage, any other massage technique or 263  
method, or any related service unless the service is to be 264  
performed by a person who is licensed by the state medical board 265  
as a massage therapist in accordance with Chapter 4731. of the 266  
Revised Code or who meets the conditions specified in division 267  
(F) of section 4731.15 of the Revised Code. 268

(C) (1) Whoever violates division (A) of this section is 269  
guilty of ~~unlawful~~ advertising of a sexual massage, a 270  
misdemeanor of the first degree. 271

~~(C)~~ (2) Whoever violates division (B) of this section is 272  
guilty of advertising an unlicensed massage, a misdemeanor of 273  
the fourth degree on a first offense and a misdemeanor of the 274  
third degree on each subsequent offense. 275

(D) Nothing in this section prevents the legislative 276  
authority of a municipal corporation or township from enacting 277

any regulation of the advertising of massage further than and in 278  
addition to the provisions of divisions (A) ~~and~~, (B), and (C) of 279  
this section. 280

~~(D)~~ (E) As used in this section, ~~"sexual~~: 281

(1) "Massage therapy" has the same meaning as in section 282  
4731.04 of the Revised Code. 283

(2) "Sexual activity" has the same meaning as in section 284  
2907.01 of the Revised Code. 285

**Sec. 4731.04.** As used in this chapter: 286

(A) "Fifth pathway training" means supervised clinical 287  
training obtained in the United States as a substitute for the 288  
internship or social service requirements of a foreign medical 289  
school. 290

(B) "Graduate medical education" means education received 291  
through any of the following: 292

(1) An internship, residency, or clinical fellowship 293  
program conducted in the United States and accredited by either 294  
the accreditation council for graduate medical education of the 295  
American medical association or the American osteopathic 296  
association; 297

(2) A clinical fellowship program that is not accredited 298  
as described in division (B) (1) of this section, but is 299  
conducted in the United States at an institution with a 300  
residency program that is accredited as described in that 301  
division and is in a clinical field the same as or related to 302  
the clinical field of the fellowship program; 303

(3) An internship program conducted in Canada and 304  
accredited by the committee on accreditation of preregistration 305

physician training programs of the federation of provincial 306  
medical licensing authorities of Canada; 307

(4) A residency program conducted in Canada and accredited 308  
by either the royal college of physicians and surgeons of Canada 309  
or the college of family physicians of Canada. 310

(C) "Massage therapy" means the ~~treatment of disorders of~~ 311  
~~the human body by the~~ manipulation of soft tissue through the 312  
systematic external application of massage techniques including 313  
touch, exerting pressure on, stimulating with the hands, 314  
stroking, friction, vibration, percussion, kneading, stretching, 315  
compression, ~~and rubbing, tapping, pounding, and joint movements~~ 316  
within the normal physiologic range of motion; and adjunctive 317  
thereto, the external application of water, heat, cold, topical 318  
preparations, ~~and mechanical devices, and electrical apparatuses~~ 319  
or appliances. 320

**Sec. 4731.15.** (A) The state medical board also shall 321  
regulate the following limited branches of medicine: massage 322  
therapy, and to the extent specified in section 4731.151 of the 323  
Revised Code, naprapathy and mechanotherapy. The board shall 324  
adopt rules governing the limited branches of medicine under its 325  
jurisdiction. The rules shall be adopted in accordance with 326  
Chapter 119. of the Revised Code. 327

(B) A license to practice a limited branch of medicine 328  
issued by the state medical board is valid for a two-year period 329  
unless revoked or suspended and expires on the date that is two 330  
years after the date of issuance. The license may be renewed for 331  
additional two-year periods in accordance with division (C) of 332  
this section. 333

(C) Both of the following apply with respect to the 334

renewal of licenses to practice a limited branch of medicine: 335

(1) Each person seeking to renew a license to practice a 336  
limited branch of medicine shall apply for biennial renewal with 337  
the state medical board in a manner prescribed by the board. An 338  
applicant for renewal shall pay a biennial renewal fee of one 339  
hundred dollars. 340

(2) At least one month before a license expires, the board 341  
shall provide a renewal notice to the license holder. 342

(D) All persons who hold a license to practice a limited 343  
branch of medicine issued by the state medical board shall 344  
provide the board notice of any change of address. The notice 345  
shall be submitted to the board not later than thirty days after 346  
the change of address. 347

(E) A license to practice a limited branch of medicine 348  
shall be automatically suspended if the license holder fails to 349  
renew the license in accordance with division (C) of this 350  
section. Continued practice after the suspension of the license 351  
to practice shall be considered as practicing in violation of 352  
sections 4731.34 and 4731.41 of the Revised Code. 353

If a license has been suspended pursuant to this division 354  
for two years or less, it may be reinstated. The board shall 355  
reinstate the license upon an applicant's submission of a 356  
renewal application and payment of a reinstatement fee of one 357  
hundred twenty-five dollars. 358

If a license has been suspended pursuant to this division 359  
for more than two years, it may be restored. Subject to section 360  
4731.222 of the Revised Code, the board may restore the license 361  
upon an applicant's submission of a restoration application and 362  
a restoration fee of one hundred fifty dollars and compliance 363

with sections 4776.01 to 4776.04 of the Revised Code. The board 364  
shall not restore to an applicant a license to practice unless 365  
the board, in its discretion, decides that the results of the 366  
criminal records check do not make the applicant ineligible for 367  
a license issued pursuant to section 4731.17 of the Revised 368  
Code. 369

(F) The following persons are not required to hold a 370  
license to practice massage therapy issued under this chapter: 371

(1) A person authorized to practice under Chapter 4709., 372  
4713., 4723., 4730., 4734., 4755., or 4762. of the Revised Code, 373  
provided that the scope of practice authorizes the person to use 374  
massage techniques and the massage techniques are performed by 375  
the person in the course of and at the location of the person's 376  
practice of the authorized profession; 377

(2) An enrolled student practicing massage therapy as part 378  
of a program of study at a school, college, or institution in 379  
good standing as determined by the board in accordance with 380  
division (A) of section 4731.16 of the Revised Code. 381

**Sec. 4731.41.** (A) ~~No~~ Except as provided in division (F) of 382  
section 4731.15 of the Revised Code, no person shall practice 383  
medicine and surgery, or any of its branches, without the 384  
appropriate license or certificate from the state medical board 385  
to engage in the practice. No person shall advertise or claim to 386  
the public to be a practitioner of medicine and surgery, or any 387  
of its branches, without a license or certificate from the 388  
board. No person shall open or conduct an office or other place 389  
for such practice without a license or certificate from the 390  
board. No person shall conduct an office in the name of some 391  
person who has a license or certificate to practice medicine and 392  
surgery, or any of its branches. No person shall practice 393

medicine and surgery, or any of its branches, after the person's 394  
license or certificate has been revoked, or, if suspended, 395  
during the time of such suspension. 396

A license or certificate signed by the secretary of the 397  
board to which is affixed the official seal of the board to the 398  
effect that it appears from the records of the board that no 399  
such license or certificate to practice medicine and surgery, or 400  
any of its branches, in this state has been issued to the person 401  
specified therein, or that a license or certificate to practice, 402  
if issued, has been revoked or suspended, shall be received as 403  
prima-facie evidence of the record of the board in any court or 404  
before any officer of the state. 405

(B) No license or certificate from the state medical board 406  
is required by a physician who comes into this state to practice 407  
medicine at a free-of-charge camp accredited by the SeriousFun 408  
children's network that specializes in providing therapeutic 409  
recreation, as defined in section 2305.231 of the Revised Code, 410  
for individuals with chronic illnesses as long as all of the 411  
following apply: 412

(1) The physician provides documentation to the medical 413  
director of the camp that the physician is licensed and in good 414  
standing to practice medicine in another state; 415

(2) The physician provides services only at the camp or in 416  
connection with camp events or camp activities that occur off 417  
the grounds of the camp; 418

(3) The physician receives no compensation for the 419  
services; 420

(4) The physician provides those services within this 421  
state for not more than thirty days per calendar year; 422

(5) The camp has a medical director who holds an 423  
unrestricted license to practice medicine issued in accordance 424  
with division (A) of this section. 425

(C) Division (A) of this section does not apply to a 426  
person who meets both of the following conditions: 427

(1) The person holds in good standing a valid license to 428  
practice medicine and surgery issued by another state. 429

(2) The person is practicing as a volunteer without 430  
remuneration during a charitable event that lasts not more than 431  
seven days. 432

When a person meets the conditions of this division, the 433  
person shall be deemed authorized by the state medical board, 434  
during the course of the charitable event, to practice medicine 435  
and surgery and shall be subject to the provisions of this 436  
chapter authorizing the board to take disciplinary action 437  
against a physician. Not less than seven calendar days before 438  
the first day of the charitable event, the person or the event's 439  
organizer shall notify the board of the person's intent to 440  
practice medicine and surgery at the event. During the course of 441  
the charitable event, the person's scope of practice is limited 442  
to the procedures that a physician authorized under this chapter 443  
to practice medicine and surgery is authorized to perform unless 444  
the person's scope of practice in the other state is more 445  
restrictive than in this state. If the latter is the case, the 446  
person's scope of practice is limited to the procedures that a 447  
physician in the other state may perform. 448

**Sec. 4731.99.** (A) Whoever violates section 4731.41~~7~~ of the 449  
Revised Code, if the violation does not pertain to the practice 450  
of massage therapy, is guilty of a felony of the fifth degree on 451

a first offense and a felony of the fourth degree on each 452  
subsequent offense. 453

(B) Whoever violates section 4731.41 of the Revised Code, 454  
if the violation pertains to the practice of massage therapy, is 455  
guilty of a misdemeanor of the first degree on a first offense 456  
and a felony of the fourth degree on each subsequent offense. 457

(C) Whoever violates section 4731.43~~7~~ or 4731.60 of the 458  
Revised Code is guilty of a felony of the fifth degree on a 459  
first offense and a felony of the fourth degree on each 460  
subsequent offense. 461

~~(B)~~ (D) Whoever violates section 4731.49, 4731.50, or 462  
4731.81 of the Revised Code is guilty of a misdemeanor of the 463  
fourth degree on a first offense and a misdemeanor of the first 464  
degree on each subsequent offense. 465

~~(C)~~ (E) Whoever violates section 4731.46 or 4731.47 of the 466  
Revised Code is guilty of a felony of the fifth degree. 467

~~(D)~~ (F) Whoever violates section 4731.48 of the Revised 468  
Code is guilty of a misdemeanor of the fourth degree. 469

~~(E)~~ ~~(1)~~ (G) (1) Whoever violates division (B) (1), (C) (1), (C) 470  
(2), (D), or (E) of section 4731.224 of the Revised Code is 471  
guilty of a minor misdemeanor on a first offense and a 472  
misdemeanor of the fourth degree on each subsequent offense, 473  
except that an individual guilty of a subsequent offense shall 474  
not be subject to imprisonment, but to a fine alone of up to one 475  
thousand dollars for each offense. 476

(2) Whoever violates division (B) (2) or (C) (3) of section 477  
4731.224 of the Revised Code is guilty of a misdemeanor of the 478  
fourth degree on a first offense and a misdemeanor of the first 479  
degree on each subsequent offense. 480

~~(F)~~(H) Whoever violates section 4731.481 of the Revised Code is guilty of a misdemeanor of the first degree. 481  
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~~(G)~~(I) Whoever violates division (F) (5) of section 4731.22 of the Revised Code is guilty of a misdemeanor of the first degree. 483  
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**Section 2.** That existing sections 503.40, 503.41, 503.42, 486  
503.44, 503.45, 503.46, 503.47, 503.48, 503.49, 2927.17, 487  
4731.04, 4731.15, 4731.41, and 4731.99 of the Revised Code are 488  
hereby repealed. 489