

As Reported by the House Commerce and Labor Committee

133rd General Assembly

Regular Session

Sub. H. B. No. 374

2019-2020

Representatives Plummer, Manchester

Cosponsor: Representative Manning, G.

A BILL

To amend sections 503.40, 503.41, 503.42, 503.43, 1
503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2
2927.17, 4731.04, 4731.15, and 4731.41; to enact 3
section 503.411; and to repeal sections 503.45 4
and 503.46 of the Revised Code to make changes 5
to the massage therapy licensing law. 6

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

Section 1. That sections 503.40, 503.41, 503.42, 503.43, 7
503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2927.17, 8
4731.04, 4731.15, and 4731.41 be amended and section 503.411 of 9
the Revised Code be enacted to read as follows: 10

Sec. 503.40. As used in sections 503.40 to 503.49 of the 11
Revised Code: 12

(A) "Massage therapy" ~~means any method of exerting~~ 13
~~pressure on, stroking, kneading, rubbing, tapping, pounding,~~ 14
~~vibrating, or stimulating the external soft tissue of the body~~ 15
~~with the hands, or with the aid of any mechanical or electrical~~ 16
~~apparatus or appliance~~ has the same meaning as in section 17
4731.04 of the Revised Code. 18

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

(1) In exchange for anything of value; or

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

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

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

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 48
only after public hearing at not fewer than two regular sessions 49
of the board. The board shall cause to be published in a 50
newspaper of general circulation in the township, or as provided 51
in section 7.16 of the Revised Code, notice of the public 52
hearings, including the time, date, and place, once a week for 53
two weeks immediately preceding the hearings. The board shall 54
make available proposed establishment regulations, registration 55
requirements, or amendments to the public at the office of the 56
board. 57

(C) ~~Regulations~~ Establishment regulations, registration 58
requirements, or amendments adopted by the board are effective 59
thirty days after the date of adoption unless, within thirty 60
days after the adoption of the regulations, requirements, or 61
amendments, the township fiscal officer receives a petition, 62
signed by a number of qualified electors residing in the 63
unincorporated area of the township equal to not less than ten 64
per cent of the total vote cast for all candidates for governor 65
in the area at the most recent general election at which a 66
governor was elected, requesting the board to submit the 67
regulations, requirements, or amendments to the electors of the 68
area for approval or rejection at the next primary or general 69
election occurring at least ninety days after the board receives 70
the petition. 71

No establishment regulation, registration requirement, or 72
amendment for which the referendum vote has been requested is 73
effective unless a majority of the votes cast on the issue is in 74
favor of the regulation, requirement, or amendment. Upon 75
certification by the board of elections that a majority of the 76
votes cast on the issue was in favor of the regulation, 77
requirement, or amendment, the regulation, requirement, or 78

amendment takes immediate effect. 79

(D) The board shall make available establishment 80
regulations and registration requirements it adopts or amends to 81
the public at the office of the board and shall cause to be 82
published once a notice of the availability of the regulations 83
and requirements in a newspaper of general circulation in the 84
township within ten days after their adoption or amendment. 85

(E) Nothing in sections 503.40 to 503.49 of the Revised 86
Code shall be construed to allow a board of township trustees to 87
license any massage therapist or otherwise regulate the practice 88
of any limited branch of medicine specified in section 4731.15 89
of the Revised Code or the practice of providing therapeutic 90
massage by a licensed physician, a licensed podiatrist, a 91
licensed chiropractor, ~~a licensed podiatrist,~~ a licensed nurse, 92
or any other licensed health professional. ~~As~~ 93

As used in this division, "licensed" means licensed, 94
certified, or registered to practice in this state. 95

Sec. 503.411. If a board of township trustees has adopted 96
a resolution under section 503.41 of the Revised Code to 97
regulate massage establishments, all of the following apply: 98

(A) The massage establishment regulations shall include a 99
requirement that all massage therapy performed in a massage 100
establishment be performed by a person who meets one or more of 101
the following conditions and that does not exclude any such 102
person: 103

(1) Is licensed by the state cosmetology and barber board, 104
or its predecessors or successors, and provides massage therapy 105
as a portion of, and incidental to, barber services in 106
accordance with Chapter 4709. of the Revised Code or cosmetology 107

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| <u>services in accordance with Chapter 4713. of the Revised Code;</u> | 108 |
| <u>(2) Is licensed by the board of nursing, or its</u> | 109 |
| <u>predecessors or successors, and provides massage therapy as a</u> | 110 |
| <u>portion of, and incidental to, nursing services in accordance</u> | 111 |
| <u>with Chapter 4723. of the Revised Code;</u> | 112 |
| <u>(3) Is licensed by the state medical board, or its</u> | 113 |
| <u>predecessors or successors, and provides massage therapy as a</u> | 114 |
| <u>portion of, and incidental to, medical services in accordance</u> | 115 |
| <u>with Chapter 4730. or 4731. of the Revised Code or acupuncture</u> | 116 |
| <u>or oriental medicine in accordance with Chapter 4762. of the</u> | 117 |
| <u>Revised Code;</u> | 118 |
| <u>(4) Is licensed by the state chiropractic board, or its</u> | 119 |
| <u>predecessors or successors, and provides massage therapy as a</u> | 120 |
| <u>portion of, and incidental to, chiropractic services in</u> | 121 |
| <u>accordance with Chapter 4734. of the Revised Code;</u> | 122 |
| <u>(5) Is licensed by the state medical board, or its</u> | 123 |
| <u>predecessors or successors, as a massage therapist in accordance</u> | 124 |
| <u>with Chapter 4731. of the Revised Code;</u> | 125 |
| <u>(6) Is licensed by the Ohio occupational therapy, physical</u> | 126 |
| <u>therapy, and athletic trainers board, or its predecessors or</u> | 127 |
| <u>successors, and provides massage therapy as a portion of, and</u> | 128 |
| <u>incidental to, services provided as an occupational therapist,</u> | 129 |
| <u>physical therapist, or athletic trainer in accordance with</u> | 130 |
| <u>Chapter 4755. of the Revised Code;</u> | 131 |
| <u>(7) Is enrolled and regularly and actively participating</u> | 132 |
| <u>in a program of study to achieve the training necessary to</u> | 133 |
| <u>obtain the massage therapist license specified in division (A)</u> | 134 |
| <u>(5) of this section and the program of study is in good standing</u> | 135 |
| <u>as determined by the state medical board.</u> | 136 |

(B) No person shall knowingly act as a massage therapist 137
for a massage establishment located in the unincorporated area 138
of the township without first having obtained a license from a 139
board specified in division (A) of this section or without being 140
a student as provided in division (A) (7) of this section. 141

(C) The massage establishment regulations may include any 142
of the following: 143

(1) A requirement that the massage establishment fully 144
comply with any applicable zoning resolution and amendments to 145
the resolution that are adopted by the board under Chapter 519. 146
of the Revised Code; 147

(2) Designated hours as prohibited hours of operation; 148

(3) The prohibitions set forth in division (B) of section 149
503.42 of the Revised Code; 150

(4) Any other regulation considered by the board to be 151
necessary for the health, safety, and welfare of the township 152
residents, subject to division (E) of section 503.41 of the 153
Revised Code. 154

Sec. 503.42. If a board of township trustees has adopted a 155
resolution under section 503.41 of the Revised Code that 156
includes a permit requirement to operate a massage 157
establishment: 158

(A) No person shall ~~engage in, conduct or carry on, or~~ 159
~~permit to be engaged in, conducted or carried on in the~~ 160
~~unincorporated areas of the township, the operation of~~ operate a 161
massage establishment in the unincorporated areas of a township 162
without first having obtained a permit from the board of 163
township trustees as provided in section 503.43 of the Revised 164
Code. 165

~~(B) No individual shall act as a masseur or masseuse for a
massage establishment located in the unincorporated areas of the
township without first having obtained a license from the board
of township trustees as provided in section 503.45 of the
Revised Code.~~ 166
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~~(C) No owner or operator of a massage establishment
located in the unincorporated ~~areas~~ area of the township shall
knowingly do any of the following:~~ 171
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~~(1) Employ an unlicensed masseur or masseuse as a massage
therapist a person who does not meet one of the criteria listed
in division (A) of section 503.411 of the Revised Code;~~ 174
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~~(2) Refuse to allow appropriate state or local
authorities, including police officers, access to the massage
establishment for any health or safety inspection conducted
pursuant to a massage establishment regulation or massage
therapist registration requirement adopted by the township under
section 503.41 of the Revised Code;~~ 177
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~~(3) Operate during the hours designated as prohibited
hours of operation by the board of township trustees;~~ 183
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~~(4) Employ any person under the age of eighteen.~~ 185

~~(D) No person employed in a massage establishment located
in the unincorporated area of the township shall knowingly do
any of the following in the performance of duties at the massage
establishment:~~ 186
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~~(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;~~ 190
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~~(2) Perform, offer, or agree to perform any act which~~ 193

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| would require the touching of the sexual or genital area of any | 194 |
| other person; | 195 |
| (3) Touch, offer, or agree to touch the sexual or genital | 196 |
| area of any other person with any mechanical or electrical | 197 |
| apparatus or appliance; | 198 |
| (4) Wear unclean clothing, no clothing, transparent | 199 |
| clothing, or clothing that otherwise reveals the sexual or | 200 |
| genital areas of the masseur or masseuse; | 201 |
| (5) Uncover or allow the sexual or genital area of any | 202 |
| other person to be uncovered while providing massages. | 203 |
| (E) No licensed masseur or masseuse shall accept or | 204 |
| continue employment at a massage establishment that does not | 205 |
| have a current, valid permit issued by the board of township | 206 |
| trustees. | 207 |
| Sec. 503.43. If a board of township trustees has adopted a | 208 |
| resolution under section 503.41 of the Revised Code <u>that</u> | 209 |
| <u>includes a permit requirement to operate a massage</u> | 210 |
| <u>establishment</u> , the application for a permit to operate a massage | 211 |
| establishment shall be made to the board and shall include the | 212 |
| following: | 213 |
| (A) An initial, nonrefundable filing fee of two hundred | 214 |
| fifty dollars and an annual nonrefundable renewal fee of one | 215 |
| hundred twenty-five dollars; | 216 |
| (B) A health and safety report of an inspection of the | 217 |
| premises performed within thirty days of the application to | 218 |
| determine compliance with applicable health and safety codes, | 219 |
| which inspection appropriate state or local authorities acting | 220 |
| pursuant to an agreement with the board shall perform; | 221 |

(C) The full name and address of any person applying for a permit, including any partner or limited partner of a partnership applicant, any officer or director of a corporate applicant, and any stock holder holding more than two per cent of the stock of a corporate applicant having less than a total of fifty employees or any stock holder holding more than twenty-five per cent of the stock of a corporate applicant having more than a total of fifty employees, the date of birth ~~and social-security number~~ of each individual, and the federal identification number of any partnership or corporation; 222-231

(D) Authorization for an investigation into the criminal record of any person applying for a permit; 232-233

(E) Proof that the massage establishment fully complies with any applicable zoning resolution and amendments to the resolution adopted by the board under Chapter 519. of the Revised Code; 234-237

(F) Any other information determined by the board to be necessary for the health, safety, and welfare of the township residents, subject to division (E) of section 503.41 of the Revised Code. 238-241

A permit issued under this section to a massage establishment shall expire one year after the date of issuance, except that no massage establishment shall be required to discontinue business 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 establishment's permit. Each permit shall contain the name of the applicant, the address of the massage establishment, and the expiration date of the permit. 242-250

Sec. 503.44. If a board of township trustees has adopted a 251
resolution under section 503.41 of the Revised Code that 252
includes a permit requirement to operate a massage 253
establishment, it shall deny any application for a permit to 254
operate a massage establishment or revoke, at any time, a 255
previously issued permit, for any of the following reasons: 256

(A) Falsification of any of the information required for 257
the application or failure to fully complete the application; 258

(B) Failure to cooperate with any required health or 259
safety inspection; 260

(C) Any one of the persons named on the application is 261
under the age of eighteen; 262

(D) Any one of the persons named on the application has 263
been convicted of or pleaded guilty to any violation of Chapter 264
2907. of the Revised Code, or any violation of any municipal 265
ordinance that is substantially equivalent to any offense 266
contained in Chapter 2907. of the Revised Code, within five 267
years preceding the application; 268

~~(E) Any masseur or masseuse employed at the licensed 269
massage establishment has been convicted of or pleaded guilty to 270
a violation of division (D) of section 503.42 of the Revised 271
Code. 272~~

Sec. 503.47. If a board of township trustees has adopted a 273
resolution under section 503.41 of the Revised Code that 274
includes a permit requirement to operate a massage 275
establishment, the regulations adopted for that purpose may 276
require any of the following: 277

(A) A massage establishment to display its current permit 278
in an area open to the public; 279

(B) ~~Each massager~~ A massage establishment to display the 280
~~massager's license~~ massage therapists' licenses to practice at 281
all times in the areas of the massage establishment where ~~the~~ 282
~~licensee is providing massages~~ massage therapy is provided; 283

(C) Massage establishments to undergo periodic health and 284
safety inspections to determine continual compliance with 285
applicable health and safety codes; 286

(D) ~~Massagers to undergo periodic physical examinations~~ 287
~~performed by a licensed physician, a physician assistant, a~~ 288
~~clinical nurse specialist, a certified nurse practitioner, or a~~ 289
~~certified nurse-midwife certifying that the massager continues~~ 290
~~to be free from communicable diseases;~~ 291

~~(E)~~ Any other requirement reasonably thought necessary by 292
the board for the health, safety, and welfare of township 293
residents, subject to division (E) of section 503.41 of the 294
Revised Code. 295

Sec. 503.48. A board of township trustees acting under 296
sections 503.40 to 503.49 of the Revised Code that has adopted a 297
resolution under section 503.41 of the Revised Code need not 298
hold any hearing in connection with an order denying or revoking 299
a permit to operate a massage establishment ~~or masseur or~~ 300
~~masseuse license~~. The board shall maintain a complete record of 301
each proceeding and shall notify the applicant in writing of its 302
order. Any person adversely affected by an order of the board 303
denying or revoking a permit to operate a massage establishment 304
~~or masseur or masseuse license~~ may appeal from the order of the 305
board to the court of common pleas of the county in which the 306
township is located, ~~the place of business of the permit holder~~ 307
~~is located, or the person is a resident~~. The appeal shall be in 308
accordance with Chapter 2506. of the Revised Code. 309

Sec. 503.49. If a board of township trustees has adopted a 310
resolution under section 503.41 of the Revised Code that 311
includes a permit requirement to operate a massage 312
establishment, the board shall deposit the fees collected by the 313
township for massage establishment permits ~~and masseur and~~ 314
~~masseuse licenses~~ in the township general fund and first use the 315
fees for the cost of administering and enforcing massage 316
establishment regulations and massage therapist registration 317
requirements adopted under section 503.41 of the Revised Code. 318

Sec. 503.50. (A) Whoever violates division (A) ~~or (B)~~ of 319
section 503.42 of the Revised Code is guilty of a misdemeanor of 320
the first degree. 321

(B) Whoever violates division (B) of section 503.411 or 322
division (C), (D), or (E) (B) of section 503.42 of the Revised 323
Code is guilty of a misdemeanor of the third degree. 324

Sec. 715.61. (A) As used in this section: 325

(1) "Massage establishment" has the same meaning as in 326
section 503.40 of the Revised Code. 327

(2) "Massage therapy" has the same meaning as in section 328
4731.04 of the Revised Code. 329

(B) Any municipal corporation may regulate and license 330
manufacturers and dealers in explosives, chattel mortgage and 331
salary loan brokers, peddlers, public ballrooms, scavengers, 332
intelligence officers, billiard rooms, bowling alleys, livery, 333
sale, and boarding stables, dancing or riding academies or 334
schools, race courses, ball grounds, street musicians, 335
secondhand dealers, junk shops, and all persons engaged in the 336
trade, business, or profession of manicuring, ~~massaging,~~ or 337
chiropody. In the granting of any license a municipal 338

corporation may charge such fees as the legislative authority 339
deems proper and expedient. 340

(C) (1) A municipal corporation may regulate and license 341
massage establishments within its jurisdiction and may require 342
the registration of persons performing massage therapy at the 343
massage establishment. 344

(2) If a municipal corporation regulates massage 345
establishments under this section, the regulations shall include 346
a requirement that all massage therapy performed in the massage 347
establishment be performed by a person described in division (A) 348
of section 503.411 of the Revised Code. 349

Sec. 2927.17. (A) No person, by means of a statement, 350
solicitation, or offer in a print or electronic publication, 351
sign, placard, storefront display, or other medium, shall 352
advertise massage therapy, relaxation massage, any other massage 353
technique or method, or any related service, with the suggestion 354
or promise of sexual activity. 355

(B) Whoever violates this section is guilty of unlawful 356
advertising of massage, a misdemeanor of the first degree. 357

(C) Nothing in this section prevents the legislative 358
authority of a municipal corporation or township from enacting 359
any regulation of the advertising of massage further than and in 360
addition to the provisions of divisions (A) and (B) of this 361
section. 362

(D) As used in this section, ~~"sexual:~~ 363

(1) "Massage therapy" has the same meaning as in section 364
4731.04 of the Revised Code. 365

(2) "Sexual activity" has the same meaning as in section 366

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| 2907.01 of the Revised Code. | 367 |
| Sec. 4731.04. As used in this chapter: | 368 |
| (A) "Cosmetic therapy" means the permanent removal of hair | 369 |
| from the human body through the use of electric modalities | 370 |
| approved by the state medical board for use in cosmetic therapy | 371 |
| and may include the systematic friction, stroking, slapping, and | 372 |
| kneading or tapping of the face, neck, scalp, or shoulders. | 373 |
| (B) "Fifth pathway training" means supervised clinical | 374 |
| training obtained in the United States as a substitute for the | 375 |
| internship or social service requirements of a foreign medical | 376 |
| school. | 377 |
| (C) "Graduate medical education" means education received | 378 |
| through any of the following: | 379 |
| (1) An internship, residency, or clinical fellowship | 380 |
| program conducted in the United States and accredited by either | 381 |
| the accreditation council for graduate medical education of the | 382 |
| American medical association or the American osteopathic | 383 |
| association; | 384 |
| (2) A clinical fellowship program that is not accredited | 385 |
| as described in division (C) (1) of this section, but is | 386 |
| conducted in the United States at an institution with a | 387 |
| residency program that is accredited as described in that | 388 |
| division and is in a clinical field the same as or related to | 389 |
| the clinical field of the fellowship program; | 390 |
| (3) An internship program conducted in Canada and | 391 |
| accredited by the committee on accreditation of preregistration | 392 |
| physician training programs of the federation of provincial | 393 |
| medical licensing authorities of Canada; | 394 |

(4) A residency program conducted in Canada and accredited 395
by either the royal college of physicians and surgeons of Canada 396
or the college of family physicians of Canada. 397

(D) "Massage therapy" means the ~~treatment of disorders of~~ 398
~~the human body by the~~ manipulation of soft tissue through the 399
systematic external application of massage techniques including 400
touch, stroking, friction, vibration, percussion, kneading, 401
stretching, compression, and joint movements within the normal 402
physiologic range of motion; and adjunctive thereto, the 403
external application of water, heat, cold, topical preparations, 404
and mechanical devices. 405

"Massage therapy" does not include the manipulation of the 406
reproductive organs, perineum, rectum, or anus unless the action 407
is undertaken pursuant to a prescription issued by a person who 408
is authorized under this chapter to practice medicine and 409
surgery or osteopathic medicine and surgery or the action is 410
performed under the supervision of such a physician. 411

(E) "Reflexology" means a protocol of manual techniques 412
that are applied to specific reflex areas on the feet, hands, 413
and outer ears for the purpose of stimulating the complex neural 414
pathways linking body systems to achieve optimal body function. 415
Manual techniques include thumb- and finger-walking, as well as 416
hook and backup and rotating-on-a-point. 417

Sec. 4731.15. (A) The state medical board also shall 418
regulate the following limited branches of medicine: massage 419
therapy and cosmetic therapy, and to the extent specified in 420
section 4731.151 of the Revised Code, naprapathy and 421
mechanotherapy. The board shall adopt rules governing the 422
limited branches of medicine under its jurisdiction. The rules 423
shall be adopted in accordance with Chapter 119. of the Revised 424

Code. 425

(B) A license to practice a limited branch of medicine 426
issued by the state medical board is valid for a two-year period 427
unless revoked or suspended and expires on the date that is two 428
years after the date of issuance. The license may be renewed for 429
additional two-year periods in accordance with division (C) of 430
this section. 431

(C) Both of the following apply with respect to the 432
renewal of licenses to practice a limited branch of medicine: 433

(1) Each person seeking to renew a license to practice a 434
limited branch of medicine shall apply for biennial renewal with 435
the state medical board in a manner prescribed by the board. An 436
applicant for renewal shall pay a biennial renewal fee of one 437
hundred dollars. 438

(2) At least one month before a license expires, the board 439
shall provide a renewal notice to the license holder. 440

(D) All persons who hold a license to practice a limited 441
branch of medicine issued by the state medical board shall 442
provide the board notice of any change of address. The notice 443
shall be submitted to the board not later than thirty days after 444
the change of address. 445

(E) A license to practice a limited branch of medicine 446
shall be automatically suspended if the license holder fails to 447
renew the license in accordance with division (C) of this 448
section. Continued practice after the suspension of the license 449
to practice shall be considered as practicing in violation of 450
sections 4731.34 and 4731.41 of the Revised Code. 451

If a license has been suspended pursuant to this division 452
for two years or less, it may be reinstated. The board shall 453

reinstate the license upon an applicant's submission of a 454
renewal application and payment of a reinstatement fee of one 455
hundred twenty-five dollars. With regard to reinstatement of a 456
license to practice cosmetic therapy, the applicant also shall 457
submit with the application a certification that the number of 458
hours of continuing education necessary to have a suspended 459
license reinstated have been completed, as specified in rules 460
the board shall adopt in accordance with Chapter 119. of the 461
Revised Code. 462

If a license has been suspended pursuant to this division 463
for more than two years, it may be restored. Subject to section 464
4731.222 of the Revised Code, the board may restore the license 465
upon an applicant's submission of a restoration application and 466
a restoration fee of one hundred fifty dollars and compliance 467
with sections 4776.01 to 4776.04 of the Revised Code. The board 468
shall not restore to an applicant a license to practice unless 469
the board, in its discretion, decides that the results of the 470
criminal records check do not make the applicant ineligible for 471
a license issued pursuant to section 4731.17 of the Revised 472
Code. 473

(F) The following persons are not required to hold a 474
license to practice massage therapy issued under this chapter: 475

(1) A person authorized to practice under Chapter 4709., 476
4713., 4723., 4730., 4734., 4755., or 4762. of the Revised Code, 477
provided that the scope of practice authorizes the person to use 478
massage techniques; 479

(2) An enrolled student practicing massage therapy as part 480
of a program of study at a school, college, or institution in 481
good standing as determined by the board in accordance with 482
division (A) of section 4731.16 of the Revised Code; 483

(3) A person holding a license to practice cosmetic 484
therapy issued under this chapter and whose practice may include 485
massage techniques; 486

(4) A person who holds a certification issued by the 487
American reflexology certification board or its successor and 488
who practices reflexology in this state; 489

(5) An enrolled student practicing reflexology as part of 490
a program of study at a school, college, or institution with a 491
certificate of registration issued by the state board of career 492
colleges and schools under section 3332.05 of the Revised Code. 493

Sec. 4731.41. (A) ~~No~~ Except as provided in division (F) of 494
section 4731.15 of the Revised Code, no person shall practice 495
medicine and surgery, or any of its branches, without the 496
appropriate license or certificate from the state medical board 497
to engage in the practice. No person shall advertise or claim to 498
the public to be a practitioner of medicine and surgery, or any 499
of its branches, without a license or certificate from the 500
board. No person shall open or conduct an office or other place 501
for such practice without a license or certificate from the 502
board. No person shall conduct an office in the name of some 503
person who has a license or certificate to practice medicine and 504
surgery, or any of its branches. No person shall practice 505
medicine and surgery, or any of its branches, after the person's 506
license or certificate has been revoked, or, if suspended, 507
during the time of such suspension. 508

A license or certificate signed by the secretary of the 509
board to which is affixed the official seal of the board to the 510
effect that it appears from the records of the board that no 511
such license or certificate to practice medicine and surgery, or 512
any of its branches, in this state has been issued to the person 513

specified therein, or that a license or certificate to practice, 514
if issued, has been revoked or suspended, shall be received as 515
prima-facie evidence of the record of the board in any court or 516
before any officer of the state. 517

(B) No license or certificate from the state medical board 518
is required by a physician who comes into this state to practice 519
medicine at a free-of-charge camp accredited by the SeriousFun 520
children's network that specializes in providing therapeutic 521
recreation, as defined in section 2305.231 of the Revised Code, 522
for individuals with chronic illnesses as long as all of the 523
following apply: 524

(1) The physician provides documentation to the medical 525
director of the camp that the physician is licensed and in good 526
standing to practice medicine in another state; 527

(2) The physician provides services only at the camp or in 528
connection with camp events or camp activities that occur off 529
the grounds of the camp; 530

(3) The physician receives no compensation for the 531
services; 532

(4) The physician provides those services within this 533
state for not more than thirty days per calendar year; 534

(5) The camp has a medical director who holds an 535
unrestricted license to practice medicine issued in accordance 536
with division (A) of this section. 537

(C) Division (A) of this section does not apply to a 538
person who meets both of the following conditions: 539

(1) The person holds in good standing a valid license to 540
practice medicine and surgery issued by another state. 541

(2) The person is practicing as a volunteer without 542
remuneration during a charitable event that lasts not more than 543
seven days. 544

When a person meets the conditions of this division, the 545
person shall be deemed authorized by the state medical board, 546
during the course of the charitable event, to practice medicine 547
and surgery and shall be subject to the provisions of this 548
chapter authorizing the board to take disciplinary action 549
against a physician. Not less than seven calendar days before 550
the first day of the charitable event, the person or the event's 551
organizer shall notify the board of the person's intent to 552
practice medicine and surgery at the event. During the course of 553
the charitable event, the person's scope of practice is limited 554
to the procedures that a physician authorized under this chapter 555
to practice medicine and surgery is authorized to perform unless 556
the person's scope of practice in the other state is more 557
restrictive than in this state. If the latter is the case, the 558
person's scope of practice is limited to the procedures that a 559
physician in the other state may perform. 560

Section 2. That existing sections 503.40, 503.41, 503.42, 561
503.43, 503.44, 503.47, 503.48, 503.49, 503.50, 715.61, 2927.17, 562
4731.04, 4731.15, and 4731.41 of the Revised Code are hereby 563
repealed. 564

Section 3. That sections 503.45 and 503.46 of the Revised 565
Code are hereby repealed. 566