

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

any of the following in the performance of duties at the massage establishment:	194
	195
(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;	196
	197
	198
(2) Perform, offer, or agree to perform any act which would require the touching of the sexual or genital area of any other person;	199
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(3) Touch, offer, or agree to touch the sexual or genital area of any other person with any mechanical or electrical apparatus or appliance;	202
	203
	204
(4) Wear unclean clothing, no clothing, transparent clothing, or clothing that otherwise reveals the sexual or genital areas of the masseur or masseuse;	205
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	207
(5) Uncover or allow the sexual or genital area of any other person to be uncovered while providing massages.	208
	209
(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.	210
	211
	212
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Sec. 503.43. 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
	218
	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
reinstate 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
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(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