

House Study Bill 671 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON BLOOMINGDALE)

A BILL FOR

1 An Act relating to the licensure of massage establishments, and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 152C.1, Code 2026, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 1A. "Establishment" means a location where
4 massage therapy is practiced. "Establishment" does not include
5 any of the following:

6 a. A location where massage therapy is provided by a massage
7 therapist at the site of the customer.

8 b. Stand-alone devices, including chairs, that are operated
9 by the customer.

10 c. A location within a licensed health care facility where
11 a person exempted from this chapter pursuant to section 152C.9,
12 subsection 1, practices the person's licensed profession or under
13 the prescription of supervision of a licensed person.

14 d. A student clinic operated by a school of massage therapy
15 approved by the board.

16 e. A location where a sole practitioner practices massage
17 therapy.

18 NEW SUBSECTION. 5. "Sole practitioner" means a massage
19 therapist who provides massage therapy at a location over which
20 the massage therapist exercises physical control and from which
21 only the massage therapist offers and provides massage therapy.

22 Sec. 2. Section 152C.4, subsection 1, unnumbered paragraph 1,
23 Code 2026, is amended to read as follows:

24 The board, or its authorized agents, may inspect any ~~facility~~
25 establishment that advertises or offers the services of massage
26 therapy. The board may, by order, impose a civil penalty upon
27 a person who practices as a massage therapist without a license
28 issued under this chapter, ~~or~~ a person or business that employs
29 an individual who is not licensed under this chapter, or a person
30 who operates an establishment without a license. The penalty
31 shall not exceed one thousand dollars for each offense. Each
32 day of a continued violation after an order or citation by the
33 board constitutes a separate offense, with the maximum penalty
34 not to exceed ten thousand dollars. In determining the amount of
35 a civil penalty, the board may consider the following:

1 Sec. 3. Section 152C.5B, subsection 2, Code 2026, is amended
2 to read as follows:

3 2. A person licensed or who purports to be licensed under
4 this chapter shall, upon the request of any peace officer
5 investigating a complaint of illegal services, present a copy
6 of the person's valid Iowa massage therapist license, a valid
7 establishment license, if applicable, and a government-issued
8 identification to the peace officer. A person who violates this
9 subsection commits a serious misdemeanor.

10 Sec. 4. Section 152C.7, Code 2026, is amended to read as
11 follows:

12 **152C.7 Suspension and revocation of licenses.**

13 The board may suspend, revoke, or impose probationary
14 conditions upon a license issued pursuant to rules adopted in
15 accordance with ~~section 152C.3~~ this chapter.

16 Sec. 5. NEW SECTION. **152C.10 Establishment license.**

17 1. Beginning July 1, 2027, an establishment shall not operate
18 unless the owner has obtained a license issued by the board. The
19 owner shall apply to the board on forms prescribed by the board.
20 The board may perform a sanitary inspection of an establishment
21 prior to the issuance of a license and may perform a sanitary
22 inspection of each establishment biennially. An inspection of an
23 establishment may also be conducted upon receipt of a complaint
24 by the board.

25 2. The application must be accompanied by the biennial
26 license fee determined pursuant to section 147.80. The license
27 is valid for two years from the date of issue and may be renewed.

28 3. The board may deny an application for an establishment
29 license if the applicant is any of the following:

30 a. A massage therapist who is not in good standing with the
31 board or whose license is currently suspended.

32 b. A person who is under criminal investigation or who has
33 a criminal history determined by the board to be disqualifying.
34 The board may also consider criminal investigations and histories
35 of owners and officers of an applicant that is a legal person.

1 Disqualifying criminal acts include but are not limited to human
2 trafficking as described in section 710A.2, sexual exploitation
3 of a minor as described in section 728.12, sexual abuse as
4 defined in section 709.1, money laundering as described in
5 section 706B.2, child abuse as defined in section 232.68, and
6 dependent adult abuse as defined in section 235B.2.

7 4. The board may revoke an establishment license based
8 upon public complaint, upon receiving evidence of misconduct or
9 disqualifying criminal acts at the establishment, or if the board
10 discovers that the application for the establishment license was
11 fraudulent.

12 5. The board may take emergency action to suspend the
13 license of an establishment if the board learns of pending
14 criminal charges against an establishment owner or officer. An
15 establishment shall not operate with a suspended license.

16 6. An establishment shall keep records for a period of three
17 years from the date the record is created, which shall include
18 all of the following:

19 a. The name and license number of each massage therapist who
20 has worked at the establishment.

21 b. A calendar or schedule of appointments and receipts which
22 shall include the name of each client, and the name of each
23 massage therapist who provided massage therapy to the client.

24 c. Any other records required by the board by rule.

25 7. A school of massage therapy teaching a massage therapy
26 curriculum approved by the board is exempt from licensing as an
27 establishment.

28 8. The board shall adopt rules pursuant to chapter 17A to
29 implement this section, which shall include all of the following:

30 a. A process for the evaluation of applications and the
31 issuance of establishment licenses.

32 b. Requirements for adequate, safe, and sanitary
33 establishments.

34 c. Requirements for compliance with state and local building,
35 fire, and health codes necessary to ensure the safe and effective

1 practice of massage therapy.

2 d. Requirements for retention of client and ownership
3 records.

4 e. Requirements for initial and periodic sanitary inspections
5 of establishments.

6 f. Requirements for the transfer of an establishment license.

7

EXPLANATION

8

The inclusion of this explanation does not constitute agreement with

9

the explanation's substance by the members of the general assembly.

10 This bill relates to the licensure of massage therapy
11 establishments. Beginning July 1, 2027, the bill requires a
12 massage therapy establishment, defined in the bill as a location
13 where massage therapy is practiced, to obtain a license in
14 order to operate. The bill requires an applicant to submit
15 an application in a form prescribed by the board of massage
16 therapy (board) and it must be accompanied by an application
17 fee. The board may perform a sanitary inspection of a
18 proposed establishment prior to issuing a license and biennially
19 thereafter, or upon receipt of a complaint.

20 The bill allows the board to deny an application if the
21 applicant is a massage therapist who is not in good standing
22 or holds a suspended license, or if the applicant is under
23 criminal investigation or has a disqualifying criminal history,
24 as described in the bill. The bill allows the board to revoke
25 a license based on public complaint, upon receiving evidence
26 of misconduct, including disqualifying criminal acts, or upon
27 a finding that the application was fraudulent. The board may
28 also take emergency action to suspend a license upon discovery
29 of pending criminal charges against an establishment owner or
30 officer. An establishment license is valid for two years and may
31 be renewed.

32 The bill requires an establishment to maintain certain
33 records for three years, including information regarding massage
34 therapists who have worked at the establishment and the clients
35 to whom they have provided massage therapy. The bill also

1 requires a person under investigation by a peace officer for
2 the provision of illegal services to provide a copy of the
3 establishment license, if applicable. A person who violates this
4 provision of the bill is guilty of a serious misdemeanor. A
5 serious misdemeanor is punishable by confinement for no more than
6 one year and a fine of at least \$430 but not more than \$2,560.

7 The bill exempts certain people from the requirement to
8 obtain an establishment license, including massage therapists
9 providing massage therapy at a customer's location, operators
10 of devices such as massage chairs, certain licensed health
11 care professionals, student clinics operated by a school of
12 massage therapy, and sole practitioners. The bill defines "sole
13 practitioner" as a massage therapist who provides massage therapy
14 at a location over which the massage therapist exercises physical
15 control and from which only the massage therapist offers and
16 provides massage therapy.

17 The bill requires the board to adopt rules to implement the
18 bill. The rules shall include application, sanitation, building
19 safety, record retention, inspection, and license transfer
20 requirements.