H.588 - Amendment to Massage Therapist/Massage Therapy Establishment Provisions
Senate Government Operations Committee
Heather Chadwick, AMTA-VT
March 31, 2026

This amendment proposes to:

1. Delete the Massage Therapy Establishments ***Registration*** provisions in H.588, starting at Sec. 18
2. Repeal the Massage Therapist ***Registration*** provisions in statute
3. Create ***licensure*** provisions for both Massage Therapists and Massage Therapy Establishments in statute

***

Sec. 18. 3 V.S.A. § 123 is amended to read:
§ 123. DUTIES OF OFFICE
* * *
(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:
* * *

(N) peer support providers and peer recovery support specialists certified under 26 V.S.A. chapter 60; and

(O) community-based perinatal doulas certified under 26 V.S.A. chapter 84.; and

(P) massage therapists and massage therapy establishments licensed under 26 V.S.A. chapter 105.

Sec. 18a. REPEAL
26 V.S.A. chapter 105 (Massage Therapists, Bodyworkers, and Touch Professionals) is repealed on July 1, 2027.

Sec. 18b.. 26 V.S.A. chapter 105 is added to read
CHAPTER 105. MASSAGE THERAPISTS
Subchapter 1. General Provisions
§ 5401. DEFINITIONS
As used in this chapter:

(1) "Director" means the Director of the Office of Professional Regulation.

(2)(A) "Establishment" means any place of business:

(i) that offers the practice of massage or where the practice of massage is conducted on the premises of the business;

(ii) where two or more persons, regardless of employee or contractor status, regularly engage in the practice of massage; or

(iii) that represents itself to the public by any title or description of services incorporating the words "massage," "massage therapy," "massage therapist," "massage practitioner," "massagist," "masseur," "masseuse," or other words defined by the Director in rules.

(B) A "place of business" includes any office, clinic, facility, salon, spa, or other location not otherwise exempted under this chapter where two or more persons engage in the practice of massage.

(3) "License" means a current authorization granted by the Director permitting the practice of massage therapy.

(4)(A) "Massage" means systems of structured touch that are:

(i)(I) applied to the superficial, soft or deep tissue, muscle, or connective tissue of another person by manual means, including friction, gliding, rocking, tapping, kneading, and nonspecific stretching; or

(II) designed to affect the energy fields of the body for the purpose of promoting and maintaining health and well-being; and

(ii) provided to clients in a manner in which the clients have a reasonable expectation of privacy.

(B) "Massage" may include the use of therapies such as heliotherapy or hydrotherapy; the use of moist, hot, and cold external applications; and the use of oils or other lubricants.

(C) "Massage" does not include the diagnosis of illness, disease, impairment, or disability.

(5) "Massage therapist" means a person who holds a license from the Office to practice massage.

(6) "Practice of massage" means offering or engaging in massage in exchange for consideration.

§ 5402. PROHIBITIONS

(a) An individual shall not engage in or offer the practice of massage unless the individual is licensed with the Office.

(b) It shall be a violation of this chapter for any individual to engage in the practice of massage, or to offer to engage in the practice of massage, if the individual's license has been suspended or revoked.

(c) An individual shall not use in connection with the individual's name any letters, words, titles, or insignia indicating or implying that the individual is offering or engaging in the practice of massage, including the term "massage therapist," unless the individual holds a license in accordance with this chapter.

§ 5403. UNAUTHORIZED PRACTICE

It is unauthorized practice, punishable under 3 V.S.A. § 127:

(1) to engage in the practice of massage without an individual license from the Office; or

(2) to own or operate an unlicensed establishment.

§ 5404. EXEMPTIONS

The following individuals shall not require a license under this chapter:

(1) a student who is practicing massage as part of a professional massage education program; or

(2) a professional who is licensed, registered, or certified under this title and acting within the professional's scope of practice.

Subchapter 2. Administration

§ 5405. DUTIES OF THE DIRECTOR

(a) Generally. The Director shall:

(1) provide general information to applicants for licensure as a massage therapist or for a massage therapy establishment;

(2) receive applications for licensure and provide licenses to applicants qualified under this chapter;

(3) administer fees as established by law;

(4) refer all disciplinary matters to an administrative law officer;

(5) renew, revoke, and reinstate licenses as ordered by an administrative law officer; and

(6) explain complaint procedures to the public.

(b) Rules.

(1) The Director shall adopt rules requiring an individual or establishment licensee to disclose to each new client before the first treatment the following information:

(A) the professional qualifications and experience of the licensee;

(B) actions that constitute unprofessional conduct;

(C) the method for filing a complaint against a licensee; and

(D) the method for making a consumer inquiry with the Office.

(2) The Director shall adopt rules regarding the display of:

(A) the licenses of employed or contracted massage therapists at an establishment; and

(B) information regarding unprofessional conduct and filing complaints with the Office.

(3) The rules described in this subsection shall include provisions relating to the manner in which the information disclosed shall be distributed or displayed and a requirement that a licensee and the client sign an acknowledgement that the information was disclosed.

(4) The Director may adopt other rules as necessary to perform the duties under this chapter.

§ 5406. ADVISOR APPOINTEES

(a) The Secretary of State shall appoint three advisors who are licensed massage therapists who have been actively engaged in the practice of massage, as described in this chapter, to advise the Director on matters relating to the practice of massage.

(b) The Secretary shall appoint the advisors to serve, at the Secretary's pleasure, for five-year staggered terms. To stagger the advisors' terms, the Secretary may initially appoint two of the advisors for less than a five-year term.

Subchapter 3. Licenses

§ 5407. APPLICATION

An applicant for licensure as a massage therapist shall:

(1) be at least 18 years of age;

(2) be a graduate of a professional massage therapy education program of 650 hours of instruction accredited by a national accreditation agency or approved by the Director;

(3) pass an examination approved by the Director; and

(4) provide proof of current professional liability insurance, in accordance with rules developed by the Director.

§ 5408. LICENSURE BY ENDORSEMENT

The Director may issue a license to an individual under this chapter if the individual holds a license or other authorization to practice massage therapy from a U.S. or Canadian jurisdiction that the Director finds has requirements for the practice of massage therapy that are substantially equivalent to those under this chapter.

§ 5409. ESTABLISHMENTS; LICENSURE AND INSPECTION

(a) Each establishment that employs or contracts with more than one massage therapist shall apply for an establishment license under this chapter and shall pay the required fee. An individual who is the sole person who practices massage therapy in an establishment shall not be required to obtain an establishment license for that establishment.

(b) An applicant for licensure as an establishment shall meet standards adopted by the Director by rule. The Director may require that an application for establishment licensure include:

(1) the ownership of the business;

(2) the name, location, and licensing history of any past or present establishment under the same ownership;

(3) the location and ownership of the establishment's premises;

(4) proof of business licensure with the Secretary of State;

(5) proof of current professional liability insurance, in accordance with rules developed by the Director; and

(6) other information required by the Director in rule.

(c) An establishment shall have a designated massage therapist licensed under this chapter who shall be professionally responsible for the overall cleanliness and sanitation of the establishment and for legal requirements relating to the operation of the establishment and who shall ensure that the establishment's license is conspicuously displayed for clients.

(d) A person authorized by the Director may enter any establishment for the purpose of inspection. A fee shall not be charged for any inspection under this subsection.

§ 5410. LICENSE RENEWAL

(a) A license under this chapter shall be renewed every two years by submission of a new, completed application and shall be accompanied by payment of the required fee.

(b) A license that has lapsed shall be renewed upon payment of the biennial renewal fee and the late renewal penalty.

(c) A licensee shall complete a number of continuing education hours as determined by rule by the Director.

§ 5411. FEES

Applicants and persons regulated under this chapter shall pay those fees set forth in 3 V.S.A. § 125(b).

§ 5412. LICENSURE GENERALLY; DISPLAY OF LICENSE

(a) The Director shall issue a license or renew a license, upon payment of the fees required under this chapter, to an applicant or licensee who has satisfactorily met all the requirements of this chapter.

(b) An individual and an establishment granted a license shall conspicuously display the license for clients in the principal office, place of business, or place of employment.

§ 5413. UNPROFESSIONAL CONDUCT

Unprofessional conduct means the conduct set forth in 3 V.S.A. § 129a and the following:

(1) engaging in activities in violation of 13 V.S.A. § 2605 (voyeurism);

(2) engaging with a client in sexual conduct as defined in 13 V.S.A.§ 2821:

(A) in an establishment; or

(B) while engaged in the practice of massage with a client;

(3) conviction of a crime committed while engaged in the practice of massage;

(4) performing massage that the massage therapist knows or has reason to know has not been authorized by a client or the client's legal representative;

(5) practicing massage therapy in an unlicensed establishment; and

(6) engaging in conduct of a character likely to deceive, defraud, or harm the public.

Sec. 18c. TRANSITIONAL PROVISIONS

(a) On or before July 1, 2026, the Director of the Office of Professional Regulation shall establish a procedure so that an individual who has been engaged in the practice of massage therapy may become licensed on the effective date of this act without meeting the education and examination requirements for licensure set forth in this chapter if the Director, after due consultation with the massage advisor appointees, determines that the individual demonstrates through a peer-review process and production of such documentation as the Director may require that the individual possesses both significant experience and massage therapy competencies substantially equivalent to those of an individual eligible for licensure pursuant to this chapter.

(b) Any individual licensed under this section shall thereafter be eligible for license renewal pursuant to 26 V.S.A. § 5410.

(c) The ability of an individual to become licensed under this section shall expire on July 1, 2028.

EFFECTIVE DATES

(a) This section and Sec. 4 (transitional provisions) shall take effect on passage.

(b) The remaining sections shall take effect on July 1, 2027.