SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1131

(SENATE AUTHORS: HOFFMAN, Housley, Gustafson, Koran and Lang)

DATE	D-PG	OFFICIAL STATUS
02/10/2025	323	Introduction and first reading Referred to Health and Human Services
03/12/2026		Comm report: To pass as amended and re-refer to Judiciary and Public Safety

A bill for an act

relating to health occupations; establishing licensure for massage therapy and Asian bodywork therapy; establishing fees; providing criminal penalties; appropriating money; amending Minnesota Statutes 2024, sections 146A.01, subdivision 4; 146A.06, subdivision 3; 146A.09, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 148.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1
MASSAGE THERAPY AND ASIAN BODYWORK THERAPY

Section 1. **[148.636] CITATION.**

Sections 148.636 to 148.6373 may be cited as the "Minnesota Massage Therapy and Asian Bodywork Therapy Act."

Sec. 2. **[148.6361] DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of sections 148.636 to 148.6373, the terms defined in this section have the meanings given.

Subd. 2. **Advisory council.** "Advisory council" means the Massage Therapy Advisory Council established under section 148.6372.

Subd. 3. **Applicant.** "Applicant" means an individual who has submitted an application to the commissioner according to sections 148.636 to 148.6373.

Subd. 4. **Asian bodywork therapy.** (a) "Asian bodywork therapy" means therapy based upon Chinese medical principles with the intent of promoting, maintaining, and restoring health and well-being by affecting the body and emotions.

(b) Asian bodywork therapy may use any of the following techniques:

(1) pressing;

(2) soothing;

(3) kneading;

(4) vibration;

(5) friction;

(6) passive stretching within the client's physiological range of motion;

(7) active assistive and resistive movement;

(8) stretching; and

(9) tapping, movement, exercising, or manipulation of the soft tissues.

(c) Methods of assessment and evaluation for Asian bodywork therapy may include a health history and intake interview; observation; listening; questioning; palpation; and with the client's permission or if the client is a minor, the permission of the client's legal guardian or parent, consultation with the client's other health care providers.

Subd. 5. **Client.** "Client" means a recipient of massage therapy services or Asian bodywork therapy services.

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of health or a designee.

Subd. 7. **Contact hours.** "Contact hours" means the number of hours during which a student is engaged in learning activities provided by a board-approved training program. Contact hours include synchronous or asynchronous distance learning and in-person learning.

Subd. 8. **Credentialing examination.** "Credentialing examination" means an examination approved by the commissioner that meets recognized psychometric principles and standards and is administered by a national testing organization.

Subd. 9. **Licensed Asian bodywork therapist.** "Licensed Asian bodywork therapist" or "Asian bodywork therapist" means an individual who meets the qualifications in sections 148.636 to 148.6373 for the practice of Asian bodywork therapy and is licensed by the commissioner.

Subd. 10. **Licensed massage therapist.** "Licensed massage therapist" or "massage therapist" means an individual who meets the qualifications in sections 148.636 to 148.6373 for the practice of massage therapy and is licensed by the commissioner.

Subd. 11. **Massage therapy.** (a) "Massage therapy" means the manual manipulation of the soft tissues of the body to promote, maintain, and restore health and well-being.

(b) Massage therapy may use any of the following techniques:

(1) stroking;

(2) gliding;

(3) lifting;

(4) kneading;

(5) jostling;

(6) vibration;

(7) percussion;

(8) compression;

(9) friction;

(10) holding;

(11) passive stretching within the client's physiological range of motion;

(12) movement or manipulation of the soft tissues;

(13) active assistive and resistive movement; and

(14) stretching.

(c) Methods of assessment for massage therapy may include a health history and intake interview; observation of posture and movement; palpation; range of motion assessment; and with the client's permission or if the client is a minor, the permission of the client's legal guardian or parent, consultation with the client's other health care providers.

Subd. 12. **Municipality.** "Municipality" means a county, town, or home rule charter or statutory city.

Sec. 3. **[148.6362] DUTIES OF THE COMMISSIONER.**

The commissioner, in consultation with the advisory council, shall:

(1) issue licenses to qualified applicants according to sections 148.636 to 148.6373;

(2) adopt rules, including standards of practice and a professional code of ethics, necessary to implement the provisions of sections 148.636 to 148.6373;

(3) assign duties to the advisory council that are necessary to implement the provisions of sections 148.636 to 148.6373;

(4) approve a credentialing examination;

(5) establish educational requirements, approve massage therapy and Asian bodywork therapy schools or programs, and conduct or provide for surveys of schools, programs, and courses;

(6) enforce sections 148.636 to 148.6373 and investigate violations of section 148.6370 by a licensee or applicant;

(7) impose discipline as described in section 148.6370;

(8) maintain a record of names and addresses of licensees; and

(9) distribute information regarding massage therapy and Asian bodywork therapy standards, including applications and forms necessary to carry out the provisions of sections 148.636 to 148.6373.

Sec. 4. **[148.6363] LIMITATIONS ON PRACTICE; DATA PRACTICES.**

Subdivision 1. **Limitations.** The practice of massage therapy and Asian bodywork therapy does not include:

(1) performing examinations for the purpose of diagnosis;

(2) providing treatments that are outside the scope of massage therapy or Asian bodywork therapy practice;

(3) attempts to adjust, manipulate, or mobilize any articulation of the body or spine by the use of high-velocity, low-amplitude thrusting force;

(4) attempts to stimulate various points of the body by needle insertion or interruption of the cutaneous integrity by needle insertion to secure therapeutic relief of symptoms;

(5) prescriptive exercise;

(6) manual or mechanical traction when applied to the spine or extremities for the purposes of joint mobilization or manipulation;

(7) injection therapy;

(8) laser therapy;

(9) microwave diathermy;

(10) electrical stimulation;

(11) ultrasound;

(12) iontophoresis; or

(13) phonophoresis.

Subd. 2. **Referrals to other health care providers.** If a reasonably prudent licensed massage therapist or Asian bodywork therapist finds a client's medical condition is beyond the scope of practice established by sections 148.636 to 148.6373 for a licensed massage therapist or Asian bodywork therapist, the therapist must refer the client to a licensed health care provider. Nothing in this subdivision prohibits the massage therapist or Asian bodywork therapist from continuing to comanage a client's care.

Sec. 5. **[148.6364] UNLICENSED PRACTICE PROHIBITED; PROTECTED TITLES AND RESTRICTIONS ON USE.**

Effective January 1, 2027, no person shall practice or attempt to practice massage therapy or Asian bodywork therapy or use any of the terms or titles "licensed massage therapist," "LMT," "licensed Asian bodywork therapist," "LABT," or any other term or title that may lead the public to believe that the person is engaged in the practice of massage therapy or Asian bodywork therapy unless the person is licensed under sections 148.636 to 148.6373 as a licensed massage therapist or licensed Asian bodywork therapist.

Sec. 6. **[148.6365] EXEMPTIONS; OTHER HEALTH CARE PROVIDERS.**

Subdivision 1. **Other professions.** Nothing in sections 148.636 to 148.6373 shall be construed to prohibit, restrict, or regulate the practice of any profession or occupation licensed or registered in the state by an individual licensed or registered to practice the profession or occupation or to perform any act that falls within the scope of practice of the profession or occupation.

Subd. 2. **Complementary and alternative health care practitioner.** (a) Nothing in sections 148.636 to 148.6373 shall be construed to prohibit, restrict, or regulate the practice of any individual who is engaged in providing complementary and alternative health care practices as defined in section 146A.01, subdivision 4, provided that the practitioner does not advertise or imply that the practitioner is licensed according to sections 148.636 to 148.6373 and the practices are not designated or implied to be massage therapy or Asian bodywork therapy.

(b) This subdivision includes any complementary and alternative health care practitioner who is recognized by or meets the established standards of either a professional organization

or credentialing body that represents or certifies the respective practice based on a minimum level of training, demonstration of competency, and adherence to ethical standards, and:

(1) uses touch, words, and directed movement to deepen awareness of existing patterns of movement as well as to suggest new possibilities of movement;

(2) uses energy or superficial touch to affect the energy systems of the human body;

(3) uses touch to effect change in the structure of the body while engaged in the practice of structural integration; or

(4) practices reflexology.

Subd. 3. **Other exemptions.** Nothing in sections 148.636 to 148.6373 shall be construed to prohibit, restrict, or regulate individuals providing:

(1) massage emergency response team services working in conjunction with disaster relief officials;

(2) massage therapy services or Asian bodywork therapy services provided by out-of-state massage therapists or Asian bodywork therapists that are incidental to a specific event, such as an amateur sports competition, dance performance or event, or other similar athletic events;

(3) instruction of education courses in massage therapy or Asian bodywork therapy if the instruction does not involve the direct delivery of massage therapy services or Asian bodywork therapy services;

(4) massage therapy services or Asian bodywork therapy services provided as an employee of the United States government or any federal government entity while acting in the course and scope of such employment;

(5) massage therapy services or Asian bodywork therapy services provided by massage therapy students or Asian bodywork therapy students practicing under supervision as part of a school-sanctioned activity; or

(6) massage therapy services or Asian bodywork therapy services provided without remuneration to family members.

Sec. 7. **[148.6366] REQUIREMENTS FOR LICENSURE.**

Subdivision 1. **General licensure requirements.** (a) To be eligible for licensure as a massage therapist or Asian bodywork therapist according to sections 148.636 to 148.6373, an applicant must submit to the commissioner:

(1) a completed application on a form provided by the commissioner that includes:

(i) the applicant's name, Social Security number, home address and telephone number, and business address and telephone number;

(ii) a list of credentials held by the applicant in this state or in any other jurisdiction;

(iii) a description of any jurisdiction's refusal to license or credential the applicant;

(iv) a description of all professional disciplinary actions initiated against the applicant in this state or any other jurisdiction;

(v) any history of drug or alcohol abuse;

(vi) any misdemeanor, gross misdemeanor, or felony convictions; and

(vii) any other additional information requested by the commissioner;

(2) proof, as required by the commissioner, that the applicant has satisfactorily completed a postsecondary massage therapy program or Asian bodywork therapy program through a school or program that:

(i) is licensed by or registered with the Minnesota Office of Higher Education or has conditional approval for a registered school and provisional license from the Minnesota Office of Higher Education; and

(ii) meets the education and training requirements described under subdivision 2 or 3;

(3) proof of successful passage of a credentialing examination approved by the commissioner;

(4) proof, as required by the commissioner, of current professional liability insurance coverage or school liability insurance coverage as applicable with at least $2,000,000 of coverage per occurrence and $6,000,000 annual aggregate; and

(5) any applicable fees as specified in section 148.6373.

(b) The applicant must submit to a criminal background check conducted in accordance with section 214.075 and pay any fees associated with conducting the criminal background check.

(c) The applicant must sign the application certifying that the information in the application is true and correct to the best of the applicant's knowledge and authorizing the commissioner to obtain access to the applicant's records in this state or any other jurisdiction in which the applicant has engaged in the practice of massage therapy or Asian bodywork therapy.

Subd. 2. **Education and training requirements for massage therapy licensure.** (a) An applicant for licensure as a massage therapist under subdivision 1 whose application is received by the commissioner before July 1, 2030, must submit to the commissioner proof of satisfactorily completing a postsecondary program that meets the requirements in subdivision 1, paragraph (a), clause (2), item (i), and includes education and training in:

(1) anatomy;

(2) physiology;

(3) pathology;

(4) massage therapy;

(5) massage therapy history, theory, and research;

(6) professional ethics;

(7) therapeutic interpersonal communications and standards of practice;

(8) business and legal practices related to massage therapy; and

(9) supervised practice demonstrating safe use of equipment and supplies.

(b) An applicant for licensure as a massage therapist under subdivision 1 whose application is received by the commissioner on or after July 1, 2030, must submit to the commissioner proof of satisfactorily completing a postsecondary massage therapy program that meets the requirements in subdivision 1, paragraph (a), clause (2), item (i), and either:

(1) has programmatic accreditation for massage therapy training programs from an agency recognized by the United States Department of Education; or

(2) includes at least 625 contact hours of education and training composed of 500 contact hours of instruction in the areas listed in paragraph (a) and 125 contact hours of student clinical practice.

(c) A program may require more than 625 total contact hours of education and training, and may require more than 125 hours of supervised clinical practice, if at least 500 contact hours are devoted to instruction in the subjects listed in paragraph (a).

(d) A student shall not begin a supervised clinical practice of massage therapy without student or professional liability insurance coverage of up to $2,000,000 per occurrence and $6,000,000 annual aggregate. The school or program may offer the student or professional liability insurance coverage required under this paragraph to the student.

Subd. 3. **Education and training requirements for Asian bodywork therapy licensure.** (a) An applicant for licensure as an Asian bodywork therapist under subdivision 1 whose application is received by the commissioner before July 1, 2030, must submit to the commissioner proof of satisfactorily completing a postsecondary program that meets the requirements in subdivision 1, paragraph (a), clause (2), item (i), and includes education and training in:

(1) anatomy;

(2) physiology;

(3) pathology;

(4) Asian bodywork therapy;

(5) traditional Chinese medicine theory;

(6) Asian bodywork history, theory, and research;

(7) professional ethics;

(8) therapeutic interpersonal communications and standards of practice;

(9) business and legal practices related to Asian bodywork therapy; and

(10) supervised practice demonstrating safe use of equipment and supplies.

(b) An applicant for licensure as an Asian bodywork therapist under subdivision 1 whose application is received by the commissioner on or after July 1, 2030, must submit to the commissioner proof of satisfactorily completing a postsecondary program that meets the requirements in subdivision 1, paragraph (a), clause (2), item (i), and either:

(1) has programmatic accreditation for Asian bodywork therapy training programs from an agency recognized by the United States Department of Education; or

(2) includes at least 625 contact hours of education and training composed of 500 contact hours of instruction in the areas listed in paragraph (a) and 125 contact hours of student clinical practice.

(c) An Asian bodywork therapy school or program may require more than 625 total contact hours of education and training, and may require more than 125 hours of supervised clinical practice, if at least 500 contact hours are devoted to instruction in the subjects listed in paragraph (a).

(d) A student shall not begin a supervised clinical practice of Asian bodywork therapy without providing proof to the Asian bodywork therapy school or program of professional

liability insurance coverage of up to $2,000,000 per occurrence and $6,000,000 annual aggregate. The school or program may offer the professional liability insurance coverage required under this paragraph to the student.

Subd. 4. **Licensure by endorsement.** (a) To be eligible for licensure by endorsement, an applicant must:

(1) meet the requirements for licensure in subdivision 1 with the exception of subdivision 1, paragraph (a), clauses (2) and (3);

(2) provide proof as required by the commissioner that the massage therapy training program or Asian bodywork therapy training program at the time of the applicant's enrollment met the postsecondary education requirements in the jurisdiction in which the program was provided; and

(3) provide proof as required by the commissioner of a current and unrestricted equivalent credential in another jurisdiction that has qualifications at least equivalent to the requirements of sections 148.636 to 148.6373.

(b) Licenses issued by endorsement expire on the same schedule and must be renewed by the procedures described under section 148.6367, subdivision 2.

Subd. 5. **Licensure by prior experience.** (a) To be eligible for licensure by prior experience, an applicant must submit to the commissioner:

(1) the requirements for licensure in subdivision 1, with the exception of subdivision 1, paragraph (a), clauses (2) and (3); and

(2) proof of experience, as required by the commissioner, in the practice of massage therapy or Asian bodywork therapy for at least two of the previous five years immediately preceding the licensure application date.

(b) Licenses issued under this subdivision expire on the same schedule and must be renewed by the procedures described under section 148.6367, subdivision 2, unless the license is canceled due to nonrenewal under section 148.6367, subdivision 8, in which case the individual must apply for a new license under the initial licensure requirements in subdivision 1.

(c) The application for licensure by prior experience under this subdivision must be received by the commissioner before July 1, 2030.

Subd. 6. **Temporary permit.** (a) The commissioner may issue a temporary permit to practice massage therapy or Asian bodywork therapy to an applicant eligible for licensure

under this section if the application for licensure is complete, all applicable requirements have been met, and applicable fees have been paid. The temporary permit remains valid until the commissioner takes action on the applicant's application, or 90 days from the temporary permit's issuance, whichever is sooner.

(b) A temporary permit holder is considered a licensee for purposes of sections 148.6369 and 148.6370.

(c) Practicing without a temporary permit is a violation of section 148.6369.

Sec. 8. **[148.6367] LICENSE RENEWAL.**

Subdivision 1. **Licensure expiration.** Licenses issued according to sections 148.635 to 148.6363 expire biennially.

Subd. 2. **Renewal.** To be eligible for licensure renewal, an applicant must biennially, or as determined by the commissioner, submit to the commissioner:

(1) a completed renewal application on a form provided by the commissioner;

(2) any applicable fees as specified in section 148.6373;

(3) proof of current professional liability coverage with at least $2,000,000 of coverage per occurrence and $6,000,000 annual aggregate; and

(4) any additional information requested by the commissioner to clarify information presented in the renewal application. The applicant must submit the information within 30 days after the commissioner's request, or the renewal request is canceled.

Subd. 3. **Continuing education.** (a) A licensed massage or Asian bodywork therapist must obtain continuing education in the two-year licensing period.

(b) Continuing education hours will be determined by the board.

(c) Activities qualifying as continuing education will be determined by the board and may be completed in person or online.

(d) All continuing education must be obtained between the effective and expiration dates of the license.

Subd. 4. **Change of address.** A licensee or applicant who changes addresses must inform the commissioner in writing within 30 days of the change of address. Notices or other correspondence mailed to or served on a licensee or applicant at the licensee or applicant's current address on file are considered received by the licensee or applicant.

Subd. 5. **Licensure renewal notice.** (a) At least 60 days before the licensure expiration date, the commissioner shall send out a renewal notice to the last known address of the licensee. The notice must include:

(1) a renewal application;

(2) a notice of fees required for renewal; and

(3) information stating that licensure will expire without further action by the commissioner if an application for licensure renewal is not received before the deadline for renewal.

(b) The licensee's failure to receive the renewal notice does not relieve the licensee of the obligation to meet the deadline and other requirements for licensure renewal. Failure to receive the notice is not grounds for challenging expiration of licensed status.

Subd. 6. **Renewal deadline.** The renewal application and fee must be received by the commissioner or must be postmarked before the license's expiration date. If the postmark is illegible, the application is timely if received by the third working day after the deadline.

Subd. 7. **Inactive status and return to active status.** (a) A license may be placed in inactive status upon application to the commissioner by the licensee and upon payment of an inactive status fee as specified in section 148.6373. Failure to pay the annual inactive status fee shall result in a lapse of licensure.

(b) A licensee seeking licensure restoration to active status from inactive status must:

(1) apply to the commissioner for licensure renewal according to subdivision 2; and

(2) submit the applicable reactivation fee as specified in section 148.6373.

(c) If the license has been in inactive status for more than five years, the applicant must also receive a passing score on a credentialing examination before the restoration of the license to active status.

Subd. 8. **Licensure following lapse for two years or less.** To regain active licensure status for a license that has lapsed for two years or less, the applicant must:

(1) apply to the commissioner for licensure renewal according to subdivision 2; and

(2) submit all applicable renewal fees for the period not licensed, including the fee for late renewal.

Subd. 9. **Cancellation due to nonrenewal.** The commissioner shall not renew, reissue, reinstate, or restore a license that has lapsed and has not been renewed within two years.

An individual whose license is canceled for nonrenewal must obtain a new license by applying for licensure and fulfilling all requirements under section 148.6366, subdivision 1, for initial licensure as a massage therapist or Asian bodywork therapist.

Sec. 9. **[148.6368] COMMISSIONER ACTION ON APPLICATIONS.**

Subdivision 1. **General.** (a) The commissioner must act on each application for licensure or renewal according to this section.

(b) The commissioner shall determine if the applicant meets the requirements for licensure or renewal under section 148.6366 or 148.6367. The commissioner may investigate information provided by an applicant to determine whether the information is accurate and complete and may request additional information or documentation.

(c) The commissioner shall notify each applicant in writing of action taken on the application, the grounds for denying licensure if licensure is denied, and the applicant's right to review under paragraph (d).

(d) An applicant denied licensure may make a written request to the commissioner within 30 days of the commissioner's notice to appear before the advisory council and for the advisory council to review the commissioner's decision to deny licensure. After reviewing the denial, the advisory council shall make a recommendation to the commissioner as to whether the denial must be affirmed. Each applicant is allowed only one request for review per licensure period.

Subd. 2. **Licensure prohibited.** (a) Except as provided in paragraph (b), the commissioner shall deny an application for licensure if an applicant:

(1) has been convicted in this state of any of the following crimes or of equivalent crimes in another state:

(i) labor or sex trafficking under section 609.281, 609.282, 609.283, or 609.322;

(ii) criminal sexual conduct under sections 609.342 to 609.3451 or 609.3453; or

(iii) a violent crime as defined under section 611A.08, subdivision 6;

(2) is a registered sex offender under section 243.166;

(3) has been subject to disciplinary action under section 146A.09, if the commissioner determines that such denial is necessary to protect the public; or

(4) is charged with or under investigation for a complaint in this state or any other jurisdiction that would constitute a violation of statutes or rules established for the practice

of massage therapy or Asian bodywork therapy in this state and the charge or complaint has not been resolved in favor of the applicant.

(b) The commissioner may establish criteria whereby an individual convicted of an offense listed in paragraph (a) may become licensed if the criteria:

(1) utilize a rebuttable presumption that the applicant is not suitable for licensing or credentialing;

(2) provide a standard for overcoming the presumption; and

(3) require that a minimum of ten years has elapsed since the applicant was released from incarceration or supervisory jurisdiction related to the offense.

(c) The commissioner shall not consider an application under paragraph (b) if the commissioner determines that the victim involved in the offense was a client of the applicant at the time of the offense.

Sec. 10. **[148.6369] GROUNDS FOR DISCIPLINARY ACTION.**

Subdivision 1. **Grounds listed.** (a) The commissioner may deny, revoke, suspend, limit, or condition the licensure of a licensed massage therapist or licensed Asian bodywork therapist or may otherwise discipline a licensee. The fact that massage therapy or Asian bodywork therapy may be considered a less customary approach to health care must not by itself constitute the basis for disciplinary action.

(b) The following are grounds for disciplinary action regardless of whether injury to a client is established:

(1) failing to demonstrate the qualifications or to satisfy the requirements for licensure under sections 148.636 to 148.6373 or rules of the commissioner. In the case of an applicant, the burden of proof is on the applicant to demonstrate the qualifications or satisfy the requirements;

(2) advertising in a false, fraudulent, deceptive, or misleading manner, including but not limited to:

(i) advertising or holding oneself out as a "licensed massage therapist," "LMT," "licensed Asian bodywork therapist," "LABT," or any abbreviation or derivative thereof to indicate such a title, when such licensure is not valid or current for any reason;

(ii) advertising or holding oneself out as a "licensed massage therapist," "licensed Asian bodywork therapist," or any abbreviation or derivative thereof to indicate such a title, except

if the individual holds a license in another state or jurisdiction and does not provide services in Minnesota;

(iii) advertising a service, the provision of which would constitute a violation of this chapter or rules established by the commissioner; and

(iv) using fraud, deceit, or misrepresentation when communicating with the general public, health care providers, or other business professionals;

(3) falsifying information in a massage therapy or Asian bodywork therapy licensure or renewal application or attempting to obtain licensure, renewal, or reinstatement by fraud, deception, or misrepresentation, or aiding and abetting any of these acts;

(4) engaging in conduct with a client that is sexual or may reasonably be interpreted by the client as sexual, or engaging in any verbal behavior that is seductive or sexually demeaning to a client, or engaging in sexual exploitation of a client, without regard to who initiates such behaviors;

(5) committing an act of gross malpractice, negligence, or incompetency, or failing to practice massage therapy or Asian bodywork therapy with the level of care, skill, and treatment that is recognized by a reasonably prudent massage therapist or Asian bodywork therapist as being acceptable under similar conditions and circumstances;

(6) having an actual or potential inability to practice massage therapy or Asian bodywork therapy with reasonable skill and safety to clients by reason of illness, as a result of any mental or physical condition, or use of alcohol, drugs, chemicals, or any other material. Being adjudicated as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public by a court of competent jurisdiction, inside or outside of this state, may be considered evidence of an inability to practice massage therapy or Asian bodywork therapy;

(7) being the subject of disciplinary action as a massage therapist or Asian bodywork therapist in another state or jurisdiction if the commissioner or advisory council determines that the cause of the disciplinary action would be a violation under this state's statutes or rules of the commissioner had the violation occurred in this state;

(8) failing to notify the commissioner of revocation or suspension of a credential, or any other disciplinary action taken by this or any other state, territory, or country, including any restrictions on the right to practice; or the surrender or voluntary termination of a credential during a commissioner investigation of a complaint, as part of a disciplinary order, or while under a disciplinary order;

(9) conviction of a crime, including a finding or verdict of guilt, an admission of guilt, or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States, reasonably related to engaging in massage therapy practices or Asian bodywork therapy practices. Conviction, as used in this clause, includes a conviction for an offense that, if committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor regardless of its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered;

(10) if a licensee is on probation, failing to abide by terms of probation;

(11) practicing or offering to practice beyond the scope of the practice of massage therapy or Asian bodywork therapy;

(12) managing client records and information improperly, including but not limited to failing to maintain adequate client records, comply with a client's request made according to sections 144.291 to 144.298, or furnish a client record or report required by law;

(13) revealing a privileged communication from or relating to a client except when otherwise required or permitted by law;

(14) providing massage therapy services or Asian bodywork therapy services that are linked to the financial gain of a referral source;

(15) obtaining money, property, or services from a client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud;

(16) engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws;

(17) failing to consult with a client's health care provider who prescribed a course of massage therapy treatment or Asian bodywork therapy treatment if the treatment needs to be altered from the original written order to conform with standards in the massage therapy or Asian bodywork therapy field or the licensee's level of training or experience;

(18) failing to cooperate with an investigation of the commissioner or the commissioner's representatives, including failing to: respond fully and promptly to any question raised by or on behalf of the commissioner relating to the subject of the investigation; execute all releases requested by the commissioner; provide copies of client records as reasonably requested by the commissioner to assist in the commissioner's investigation; and appear at conferences or hearings scheduled by the commissioner or the commissioner's staff;

(19) interfering with an investigation or disciplinary proceeding, including by willful misrepresentation of facts or by the use of threats or harassment to prevent a person from providing evidence in a disciplinary proceeding or any legal action;

(20) violating a statute, rule, order, or agreement for corrective action that the commissioner issued or is otherwise authorized or empowered to enforce;

(21) aiding or abetting a person in violating sections 148.636 to 148.6373;

(22) failing to report to the commissioner other massage therapists or Asian bodywork therapists who commit violations of sections 148.636 to 148.6373; and

(23) failing to notify the commissioner in writing of the entry of a final judgment by a court of competent jurisdiction against the licensee for malpractice of massage therapy or Asian bodywork therapy, or any settlement by the licensee in response to charges or allegations of malpractice of massage therapy or Asian bodywork therapy. The notice must be provided to the commissioner within 60 days after the entry of a judgment or date of settlement, and must contain the name of the court, case number, and the names of all parties to the action.

Subd. 2. **Evidence.** In disciplinary actions alleging a violation of subdivision 1, a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency must be admissible into evidence without further authentication and must constitute prima facie evidence of the violation.

Subd. 3. **Examination; access to medical data.** The commissioner may take the actions described in section 148.261, subdivision 5, if the commissioner has probable cause to believe that grounds for disciplinary action exist under subdivision 1, paragraph (b), clause (6). The requirements and limitations described in section 148.261, subdivision 5, must apply.

Sec. 11. **[148.6370] DISCIPLINE; REPORTING.**

For purposes of sections 148.636 to 148.6373, massage therapists or Asian bodywork therapists and applicants for licensure are subject to sections 148.262 to 148.266.

Sec. 12. **[148.6371] EFFECT ON MUNICIPAL ORDINANCES.**

Subdivision 1. **License authority.** Effective July 1, 2027, the provisions of sections 148.636 to 148.6373 preempt the licensure and regulation of massage therapists or Asian bodywork therapists by a municipality, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or Asian bodywork

therapist, or applicant for a municipality's credential to practice massage therapy or Asian bodywork therapy.

Subd. 2. **Municipal regulation.** Sections 148.636 to 148.6373 do not limit a municipality from:

(1) requiring a massage therapy or Asian bodywork therapy establishment to obtain a business license or permit to conduct business in the municipality; or

(2) regulating other professions or occupations.

Sec. 13. **[148.6372] MASSAGE THERAPY ADVISORY COUNCIL.**

Subdivision 1. **Creation; membership.** (a) The Massage Therapy Advisory Council is created and is composed of five members appointed by the commissioner. All members must have resided in this state for at least three years immediately preceding appointment. The advisory council consists of:

(1) two public members, as defined in section 214.02; and

(2) three members who are licensed under sections 148.636 to 148.6373, two of whom must be licensed as massage therapists.

(b) No more than one member of the advisory council may be an owner or administrator of a massage therapy education provider.

Subd. 2. **Administration.** The advisory council is established and administered under section 15.059.

Subd. 3. **Chair.** The advisory council shall elect a chair from among its members.

Subd. 4. **Duties.** The advisory council shall:

(1) advise the commissioner on establishing standards of practice and a code of ethics for licensed massage therapists or Asian bodywork therapists;

(2) advise the commissioner on distributing information regarding massage therapy or Asian bodywork therapy practice standards;

(3) review applications and make recommendations for granting or denying applications for licensure or licensure renewal;

(4) advise the commissioner on issues related to receiving and investigating complaints, conducting hearings, and imposing disciplinary action in relation to complaints filed against licensed massage therapists or Asian bodywork therapists; and

(5) perform other duties authorized for advisory councils under chapter 214, as directed by the commissioner.

Subd. 5. **Expiration.** Notwithstanding section 15.059, the advisory council does not expire.

Sec. 14. **[148.6373] FEES.**

Subdivision 1. **Fees.** Fees are as follows:

(1) initial licensure with application fee must not exceed $285;

(2) biennial licensure renewal fee must not exceed $185;

(3) duplicate licensure certificate, $15;

(4) late fee, $50;

(5) annual inactive status, $50;

(6) inactive to active status reactivation, $50;

(7) temporary permit, $50; and

(8) returned check, $35.

Subd. 2. **Late renewal fee.** An application for licensure renewal submitted after the deadline must be accompanied by a late fee in addition to the required fees.

Subd. 3. **Nonrefundable fees.** All of the fees in this section are nonrefundable.

Subd. 4. **Deposit.** Fees collected by the commissioner under this section must be deposited into the state government special revenue fund.

Sec. 15. **INITIAL MASSAGE THERAPY ADVISORY COUNCIL.**

Subdivision 1. **Initial member appointments.** The commissioner of health shall make the initial appointments to the Massage Therapy Advisory Council authorized under Minnesota Statutes, section 148.6372, by January 1, 2027. The initial therapist members appointed to the advisory council need not be licensed under Minnesota Statutes, sections 148.636 to 148.6373, prior to initial appointment, but must be a practicing massage therapist or Asian bodywork therapist with at least five years experience in the practice of massage therapy or Asian bodywork therapy. A massage therapist or Asian bodywork therapist initially appointed to the advisory council must obtain licensure under Minnesota Statutes, sections 148.636 to 148.6373, by July 1, 2028. If the massage therapist member does not obtain licensure by July 1, 2028, the member must be removed from the advisory council

by the commissioner and a new member who is licensed under Minnesota Statutes, sections 148.636 to 148.6373, must be appointed by the commissioner.

Subd. 2. **First advisory council meeting; initial chair.** The commissioner of health shall designate one member from the initial appointments to call the first meeting of the advisory council. The first meeting must be convened by May 15, 2027. The advisory council shall elect a chair from its members at the first advisory council meeting.

Sec. 16. **APPROPRIATION.**

$..... in fiscal year 2026 and $..... in fiscal year 2027 are appropriated from the state government special revenue fund to the commissioner of health to implement Minnesota Statutes, sections 148.636 to 148.6373. The base for this appropriation is $.....

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 17. **EFFECTIVE DATE.**

Sections 1 to 15 are effective January 1, 2027, unless a different date is indicated.

ARTICLE 2
CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 2024, section 146A.01, subdivision 4, is amended to read:

Subd. 4. **Complementary and alternative health care practices.** (a) "Complementary and alternative health care practices" means the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (1) acupressure; (2) anthroposophy; (3) aroma therapy; (4) ayurveda; (5) cranial sacral therapy; (6) culturally traditional healing practices; (7) detoxification practices and therapies; (8) energetic healing; (9) polarity therapy; (10) folk practices; (11) healing practices utilizing food, food supplements, nutrients, and the physical forces of heat, cold, water, touch, and light; (12) Gerson therapy and colostrum therapy; (13) healing touch; (14) herbology or herbalism; (15) homeopathy; (16) nondiagnostic iridology; (17) body work, ~~massage, and massage therapy~~ somatic movement therapy and movement education, structural integration practices, and reflexology practices; (18) meditation; (19) mind-body healing practices; (20) naturopathy; (21) noninvasive instrumentalities; and (22) traditional Oriental practices, such as Qi Gong energy healing.

(b) Complementary and alternative health care practices do not include surgery, x-ray radiation, administering or dispensing legend drugs and controlled substances, practices

that invade the human body by puncture of the skin, setting fractures, the use of medical devices as defined in section 147A.01, any practice included in the practice of dentistry as defined in section 150A.05, subdivision 1, or the manipulation or adjustment of articulations of joints or the spine as described in section 146.23 or 148.01.

(c) Complementary and alternative health care practices do not include practices that are permitted under section 147.09, clause (11), or 148.271, clause (5).

(d) This chapter does not apply to, control, prevent, or restrict the practice, service, or activity of lawfully marketing or distributing food products, including dietary supplements as defined in the federal Dietary Supplement Health and Education Act, educating customers about such products, or explaining the uses of such products. Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments.

EFFECTIVE DATE. This section is effective July 1, 2027.

Sec. 2. Minnesota Statutes 2024, section 146A.06, subdivision 3, is amended to read:

Subd. 3. **Exchanging information.** (a) The office shall establish internal operating procedures for:

(1) exchanging information with state boards; agencies, including the Office of Ombudsman for Mental Health and Developmental Disabilities; health-related and law enforcement facilities; departments responsible for licensing health-related occupations, facilities, and programs; and law enforcement personnel in this and other states; and

(2) coordinating investigations involving matters within the jurisdiction of more than one regulatory agency.

(b) The procedures for exchanging information must provide for the forwarding to the entities described in paragraph (a), clause (1), of information and evidence, including the results of investigations, that are relevant to matters within the regulatory jurisdiction of the organizations in paragraph (a). The data have the same classification in the hands of the agency receiving the data as they have in the hands of the agency providing the data.

(c) The office shall establish procedures for exchanging information with other states regarding disciplinary action against unlicensed complementary and alternative health care practitioners.

(d) The office shall forward to another governmental agency any complaints received by the office that do not relate to the office's jurisdiction but that relate to matters within

the jurisdiction of the other governmental agency. The agency to which a complaint is forwarded shall advise the office of the disposition of the complaint. A complaint or other information received by another governmental agency relating to a statute or rule that the office is empowered to enforce must be forwarded to the office to be processed in accordance with this section.

(e) The office shall furnish to a person who made a complaint a description of the actions of the office relating to the complaint.

(f) The office shall report to the commissioner of health all final disciplinary actions against individuals practicing massage therapy or Asian bodywork therapy as unlicensed complementary and alternative health care practitioners. Upon request by the commissioner, the office must share all complaint, investigatory, and disciplinary data regarding a named individual who has practiced or is practicing massage therapy or Asian bodywork therapy as an unlicensed complementary and alternative health care practitioner.

EFFECTIVE DATE. This section is effective July 1, 2027.

Sec. 3. Minnesota Statutes 2024, section 146A.09, is amended by adding a subdivision to read:

Subd. 8. **Licensed massage therapists.** A person whose licensure as a massage therapist or Asian bodywork therapist under sections 148.636 to 148.6373 has been suspended or revoked by the commissioner of health must not practice as an unlicensed complementary and alternative health care practitioner under this chapter during a period of suspension or revocation.

EFFECTIVE DATE. This section is effective July 1, 2027.

APPENDIX
Article locations for 25-01642

ARTICLE 1 MASSAGE THERAPY AND ASIAN BODYWORK THERAPY..... Page.Ln 1.8
ARTICLE 2 CONFORMING AMENDMENTS..... Page.Ln 20.14