

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1606

By: Gise

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5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 establishing the Oklahoma Massage Therapy Board;  
9 amending 59 O.S. 2021, Section 4200.2, which relates  
10 to definitions; amending 59 O.S. 2021, Section  
11 4200.3, which relates to requirements to practice  
12 massage therapy; amending 59 O.S. 2021, Section  
13 4200.4, which relates to board authority; amending 59  
14 O.S. 2021, Section 4200.5, which relates to license  
15 requirements; amending 59 O.S. 2021, Section 4200.6,  
16 which relates to assigning and transferring licenses;  
17 amending 59 O.S. 2021, Section 4200.8, which relates  
18 to license examination; amending 59 O.S. 2021,  
19 Section 4200.9, which relates to out of state license  
20 holders; amending 59 O.S. 2021, Section 4200.11,  
21 which relates to disciplinary actions and  
22 proceedings; amending 59 O.S. 2021, Section 4200.12,  
23 which relates to immunity from liability; amending 59  
24 O.S. 2021, Section 4200.13, which relates to  
violations; modifying terms; providing for  
codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 4200.1a of Title 59, unless  
there is created a duplication in numbering, reads as follows:

The Oklahoma Massage Therapy Board is hereby established to  
carry out the duties and responsibilities of this act.

1 SECTION 2. AMENDATORY 59 O.S. 2021, Section 4200.2, is  
2 amended to read as follows:

3 Section 4200.2. As used in the Massage Therapy Practice Act:

4 1. "Board" means the ~~State Board of Cosmetology and Barbering~~  
5 Oklahoma Massage Therapy Board;

6 2. "Direct access" means the ability that the public has to  
7 seek out treatment by a massage therapist without the direct  
8 referral from a medical or health care professional;

9 3. "Massage therapist" means an individual who practices  
10 massage or massage therapy and is licensed under the Massage Therapy  
11 Practice Act. A massage therapist uses visual, kinesthetic, and  
12 palpatory skills to assess the body and may evaluate a condition to  
13 the extent of determining whether massage is indicated or  
14 contraindicated;

15 4. "Massage therapy" means the skillful treatment of the soft  
16 tissues of the human body. Massage is designed to promote general  
17 relaxation, improve movement, relieve somatic and muscular pain or  
18 dysfunction, stress and muscle tension, provide for general health  
19 enhancement, personal growth, education and the organization,  
20 balance and integration of the human body and includes, but is not  
21 limited to:

22 a. the use of touch, pressure, friction, stroking,  
23 gliding, percussion, kneading, movement, positioning,  
24 holding, range of motion and nonspecific stretching

1 within the normal anatomical range of movement, and  
2 vibration by manual or mechanical means with or  
3 without the use of massage devices that mimic or  
4 enhance manual measures, and

- 5 b. the external application of ice, heat and cold packs  
6 for thermal therapy, water, lubricants, abrasives and  
7 external application of herbal or topical preparations  
8 not classified as prescription drugs; and

9 5. "Massage therapy school" means a facility providing  
10 instruction in massage therapy.

11 SECTION 3. AMENDATORY 59 O.S. 2021, Section 4200.3, is  
12 amended to read as follows:

13 Section 4200.3. A. Unless a person is a licensed massage  
14 therapist, a person shall not:

- 15 1. Use the title of massage therapist;  
16 2. Represent himself or herself to be a massage therapist;  
17 3. Use any other title, words, abbreviations, letters, figures,  
18 signs or devices that indicate the person is a massage therapist; or  
19 4. Utilize the terms "massage", "massage therapy" or "massage  
20 therapist" when advertising or printing promotional material.

21 B. A person shall not maintain, manage or operate a massage  
22 therapy school offering education, instruction or training in  
23 massage therapy unless the school is a licensed massage therapy  
24 school pursuant to Section 7 of this act.

1 C. Individuals practicing massage therapy under the Massage  
2 Therapy Practice Act shall not perform any of the following:

- 3 1. Diagnosis of illness or disease;
- 4 2. High-velocity, low-amplitude thrust;
- 5 3. Electrical stimulation;
- 6 4. Application of ultrasound;
- 7 5. Use of any technique that interrupts or breaks the skin; or
- 8 6. Prescribing of medicines.

9 D. Nothing in the Massage Therapy Practice Act shall be  
10 construed to prevent:

11 1. Qualified members of other recognized professions who are  
12 licensed or regulated under Oklahoma law from rendering services  
13 within the scope of the license of the person, provided the person  
14 does not represent himself or herself as a massage therapist. A  
15 physician or other licensed health care provider providing health  
16 care services within the scope of practice of the physician or  
17 provider shall not be required to be licensed by or registered with  
18 the ~~State Board of Cosmetology and Barbering~~ Oklahoma Massage  
19 Therapy Board;

20 2. Students from rendering massage therapy services within the  
21 course of study when enrolled at a licensed massage therapy school;

22 3. Visiting massage therapy instructors from another state or  
23 territory of the United States, the District of Columbia or any  
24 foreign nation from teaching massage therapy, provided the

1 instructor is duly licensed or registered, if required, and is  
2 qualified in the instructor's place of residence for the practice of  
3 massage therapy;

4 4. Any nonresident person holding a current license,  
5 registration or certification in massage therapy from another state  
6 or recognized national certification system determined as acceptable  
7 by the Board when temporarily present in this state from providing  
8 massage therapy services as a part of an emergency response team  
9 working in conjunction with disaster relief officials or at special  
10 events such as conventions, sporting events, educational field  
11 trips, conferences, traveling shows or exhibitions;

12 5. Physicians or other health care professionals from  
13 appropriately referring to duly licensed massage therapists or limit  
14 in any way the right of direct access of the public to licensed  
15 massage therapists; or

16 6. The practice of any person in this state who uses touch,  
17 words and directed movement to deepen awareness of existing patterns  
18 of movement in the body as well as to suggest new possibilities of  
19 movement while engaged within the scope of practice of a profession  
20 with established standards and ethics, provided that the services  
21 are not designated or implied to be massage or massage therapy.  
22 Practices shall include but are not limited to the Feldenkrais  
23 Method of somatic education, Rolf Movement Integration by the Rolf  
24 Institute, the Trager Approach of movement education, and Body-Mind

1 Centering. Practitioners shall be recognized by or meet the  
2 established standards of either a professional organization or  
3 credentialing agency that represents or certifies the respective  
4 practice based on a minimal level of training, demonstration of  
5 competency, and adherence to ethical standards.

6 E. A physician or other licensed health care provider providing  
7 health care services within their scope of practice shall not be  
8 required to be licensed or registered with the ~~State Board of~~  
9 ~~Cosmetology~~ Oklahoma Massage Therapy Board.

10 SECTION 4. AMENDATORY 59 O.S. 2021, Section 4200.4, is  
11 amended to read as follows:

12 59-4200.4 A. ~~The State Board of Cosmetology and Barbering~~  
13 Oklahoma Massage Therapy Board is hereby authorized to adopt and  
14 promulgate rules pursuant to the Administrative Procedures Act that  
15 are necessary for the implementation and enforcement of the Massage  
16 Therapy Practice Act, including, but not limited to, qualifications  
17 for licensure, renewals, reinstatements, and continuing education  
18 requirements.

19 B. ~~The State Board of Cosmetology and Barbering~~ Oklahoma  
20 Massage Therapy Board is hereby empowered to perform investigations,  
21 to require the production of records and other documents relating to  
22 practices regulated by the Massage Therapy Practice Act, and to seek  
23 injunctive relief.

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1 C. There is hereby created an Advisory Board on Massage  
2 Therapy. The Advisory Board on Massage Therapy shall assist the  
3 Board in carrying out the provisions of this section regarding the  
4 qualifications, examination, registration, regulation, and standards  
5 of professional conduct of massage therapists. The Advisory Board  
6 on Massage Therapy shall consist of five (5) members to be appointed  
7 by the Governor for four-year terms as follows:

8 1. Three members who shall be licensed massage therapists and  
9 have practiced in Oklahoma for not less than three (3) years prior  
10 to their appointment;

11 2. One member who shall be an administrator or faculty member  
12 of a nationally accredited school of massage therapy; and

13 3. One who shall be a citizen member.

14 D. The fee for any license issued between the effective date of  
15 this act and May 1, 2017, shall be Twenty-five Dollars (\$25.00).  
16 The fee or renewal fee for any massage therapy license issued after  
17 May 1, 2017, shall be Fifty Dollars (\$50.00) per year. A duplicate  
18 license fee shall be Ten Dollars (\$10.00).

19 SECTION 5. AMENDATORY 59 O.S. 2021, Section 4200.5, is  
20 amended to read as follows:

21 Section 4200.5 A. Between the effective date of this act and  
22 May 1, 2017, the ~~State Board of Cosmetology and Barbering~~ Oklahoma  
23 Massage Therapy Board shall issue a license to practice massage  
24 therapy to any person who files a completed application, accompanied

1 by the required fees, and who submits satisfactory evidence that the  
2 applicant:

3 1. Is at least eighteen (18) years of age;

4 2. Has one or more of the following:

5 a. documentation that the applicant has completed and  
6 passed a nationally recognized competency examination  
7 in the practice of massage therapy,

8 b. an affidavit of at least five (5) years of work  
9 experience in the state, or

10 c. a certificate and transcript of completion from a  
11 massage school with at least five hundred (500) hours  
12 of education;

13 3. Provides proof of documentation that the applicant currently  
14 maintains liability insurance for practice as a massage therapist;  
15 and

16 4. Provides full disclosure to the Board of any criminal  
17 proceeding taken against the applicant including but not limited to  
18 pleading guilty or nolo contendere to, or receiving a conviction  
19 for, a felony crime that substantially relates to the practice of  
20 massage therapy and poses a reasonable threat to public safety.

21 B. To assist in determining the entry-level competence of an  
22 applicant who makes application for a license after May 1, 2017, the  
23 Board may adopt rules establishing additional standards or criteria

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1 for examination acceptance and may adopt only those examinations  
2 that meet the standards outlined in Section 4200.8 of this title.

3 C. 1. After May 1, 2017, except as otherwise provided in the  
4 Massage Therapy Practice Act, every person desiring to practice  
5 massage therapy in this state shall be required to first obtain a  
6 license from the Board.

7 2. After May 1, 2017, the Board may issue a license to an  
8 applicant who:

9 a. is at least eighteen (18) years of age,

10 b. provides documentation that the applicant has  
11 completed the equivalent of five hundred (500) hours  
12 of formal education in massage therapy from a state-  
13 licensed school,

14 c. provides documentation that the applicant has passed a  
15 nationally recognized competency examination approved  
16 by the Board,

17 d. provides proof that the applicant currently maintains  
18 liability insurance for practice as a massage  
19 therapist, and

20 e. provides full disclosure to the Board of any criminal  
21 proceeding taken against the applicant including  
22 pleading guilty or nolo contendere to, or receiving a  
23 conviction for, a felony crime that substantially  
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1 relates to the practice of massage therapy and poses a  
2 reasonable threat to public safety.

3 D. As used in this section:

4 1. "Substantially relates" means the nature of criminal conduct  
5 for which the person was convicted has a direct bearing on the  
6 fitness or ability to perform one or more of the duties or  
7 responsibilities necessarily related to the occupation; and

8 2. "Poses a reasonable threat" means the nature of criminal  
9 conduct for which the person was convicted involved an act or threat  
10 of harm against another and has a bearing on the fitness or ability  
11 to serve the public or work with others in the occupation.

12 SECTION 6. AMENDATORY 59 O.S. 2021, Section 4200.6, is  
13 amended to read as follows:

14 Section 4200.6. A. A massage therapy license issued by the  
15 ~~State Board of Cosmetology and Barbering~~ Oklahoma Massage Therapy  
16 Board shall at all times be posted in a conspicuous place in the  
17 principal place of business of the holder.

18 B. A license issued pursuant to the Massage Therapy Practice  
19 Act is not assignable or transferable.

20 SECTION 7. AMENDATORY 59 O.S. 2021, Section 4200.8, is  
21 amended to read as follows:

22 Section 4200.8. The required examination approved by the ~~State~~  
23 ~~Board of Cosmetology and Barbering~~ for licensure under the Massage  
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1 Therapy Practice Act shall be a standardized national massage  
2 therapy examination that meets the following criteria:

- 3 1. Is statistically validated through a job analysis under  
4 current standards for educational and professional testing;
- 5 2. Complies with pertinent state and federal equal employment  
6 opportunity guidelines;
- 7 3. Is available to all potential licensing candidates; and
- 8 4. Is delivered through a professional testing company with  
9 high-security test centers located nationwide.

10 SECTION 8. AMENDATORY 59 O.S. 2021, Section 4200.9, is  
11 amended to read as follows:

12 Section 4200.9. A. ~~The State Board of Cosmetology and~~  
13 ~~Barbering~~ Oklahoma Massage Therapy Board may license an applicant,  
14 provided that the applicant possesses a valid license or  
15 registration to practice massage therapy issued by the appropriate  
16 examining board under the laws of any other state or territory of  
17 the United States, the District of Columbia or any foreign nation  
18 and has met educational and examination requirements equal to or  
19 exceeding those established pursuant to the Massage Therapy Practice  
20 Act.

21 B. 1. Massage therapy licenses shall expire biennially.  
22 Expiration dates shall be established by the Board through adoption  
23 of a rule.

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1        2. A license shall be renewed by submitting a renewal  
2 application on a form provided by the Board.

3        3. A thirty-day grace period shall be allowed each license  
4 holder after the end of the renewal period, during which time a  
5 license may be renewed upon payment of the renewal fee and a late  
6 fee as prescribed by the Board.

7        C. 1. If a massage therapy license is not renewed by the end  
8 of the thirty-day grace period, the license shall be placed on  
9 inactive status for a period not to exceed one (1) year. At the end  
10 of one (1) year, if the license has not been reactivated, it shall  
11 automatically expire.

12        2. If within a period of one (1) year from the date the license  
13 was placed on inactive status the massage therapist wishes to resume  
14 practice, the massage therapist shall notify the Board in writing  
15 and, upon receipt of proof of completion of all continuing education  
16 requirements and payment of an amount set by the Board in lieu of  
17 all lapsed renewal fees, the license shall be restored in full.

18        D. The Board shall establish a schedule of reasonable and  
19 necessary administrative fees.

20        E. The Board shall fix the amount of fees so that the total  
21 fees collected shall be sufficient to meet the expenses of  
22 administering the provisions of the Massage Therapy Practice Act  
23 without unnecessary surpluses.

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1 SECTION 9. AMENDATORY 59 O.S. 2021, Section 4200.11, is  
2 amended to read as follows:

3 Section 4200.11. A. The ~~State Board of Cosmetology and~~  
4 ~~Barbering~~ Oklahoma Massage Therapy Board may take disciplinary  
5 action against a person licensed pursuant to the Massage Therapy  
6 Practice Act as follows:

- 7 1. Deny or refuse to renew a license;
- 8 2. Suspend or revoke a license;
- 9 3. Issue an administrative reprimand; or
- 10 4. Impose probationary conditions when the licensee or  
11 applicant has engaged in unprofessional conduct that has endangered  
12 or is likely to endanger the health, welfare or safety of the  
13 public.

14 B. The Board shall take disciplinary action upon a finding that  
15 the licensee or person has committed an act of unprofessional  
16 conduct or committed a violation of rule or law.

17 C. Disciplinary proceedings may be instituted by sworn  
18 complaint of any person, including members of the Board, and shall  
19 conform to the provisions of the Administrative Procedures Act.

20 D. The Board shall establish the guidelines for the disposition  
21 of disciplinary cases. Guidelines may include, but shall not be  
22 limited to, periods of probation, conditions of probation,  
23 suspension, revocation or reissuance of a license.

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1 E. A license holder who has been found culpable and sanctioned  
2 by the Board shall be responsible for the payment of all costs of  
3 the disciplinary proceedings and any administrative fees imposed.

4 F. The surrender of a license shall not deprive the Board of  
5 jurisdiction to proceed with disciplinary action.

6 SECTION 10. AMENDATORY 59 O.S. 2021, Section 4200.12, is  
7 amended to read as follows:

8 Section 4200.12. A. No member of the ~~State Board of~~  
9 ~~Cosmetology and Barbering~~ Oklahoma Massage Therapy Board shall bear  
10 liability or be subject to civil damages or criminal prosecution for  
11 any action undertaken or performed within the scope of duty imposed  
12 pursuant to the Massage Therapy Practice Act.

13 B. No person or legal entity providing truthful and accurate  
14 information to the Board, whether as a report, a complaint or  
15 testimony, shall be subject to civil damages or criminal  
16 prosecutions.

17 SECTION 11. AMENDATORY 59 O.S. 2021, Section 4200.13, is  
18 amended to read as follows:

19 Section 4200.13. A. A person who does any of the following  
20 shall be guilty of a misdemeanor upon conviction:

21 1. Violates a provision of the Massage Therapy Practice Act or  
22 rules adopted pursuant to the Massage Therapy Practice Act;

23 2. Renders or attempts to render massage therapy services or  
24 massage therapy instruction without the required current valid

1 license issued by the ~~State Board of Cosmetology and Barbering~~  
2 Oklahoma Massage Therapy Board;

3 3. Advertises or uses a designation, diploma or certificate  
4 implying that the person offers massage therapy instruction or is a  
5 massage therapy school unless the person holds a current valid  
6 license issued by the Oklahoma Board of Private Vocational Schools  
7 or is a technology center school accredited by the Oklahoma State  
8 Board of Career and Technology Education; or

9 4. Advertises or uses a designation, diploma, or certificate  
10 implying that the person is a massage therapist unless the person  
11 holds a current valid license issued by the ~~State Board of~~  
12 ~~Cosmetology and Barbering~~ Oklahoma Massage Therapy Board.

13 B. 1. Therapists regulated by the Massage Therapy Practice Act  
14 shall be designated as "massage therapists" and entitled to utilize  
15 the term "massage" when advertising or printing promotional  
16 material.

17 2. Any person who uses a professional title regulated by the  
18 Massage Therapy Practice Act who is not authorized to use the  
19 professional title shall be subject to disciplinary action by the  
20 Board.

21 3. Any person who knowingly aids and abets one or more persons  
22 not authorized to use a professional title regulated by the Massage  
23 Therapy Practice Act or knowingly employs or contracts with a person  
24 or persons not authorized to use a regulated professional title in

1 the course of the employment, shall also be subject to disciplinary  
2 action by the Board. It shall be a violation of the Massage Therapy  
3 Practice Act for any person to advertise massage therapy services in  
4 any combination with any escort or dating service.

5 SECTION 12. This act shall become effective November 1, 2025.

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