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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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INTRODUCED BY WEBSTER, PIELLI, MADDEN, McNEILL, SANCHEZ, HILL-  
EVANS, CERRATO, DELLOSO AND BRENNAN, MAY 24, 2023

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 24, 2023

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AN ACT

1 Providing for the licensure of bodywork facilities; imposing  
2 powers and duties on the Department of State; and prescribing  
3 penalties.

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3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Bodywork  
7 Facilities Regulation Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Advertise" or "advertising." The public promotion of a  
13 service, by use of printed media, the Internet or other  
14 advertising method or medium, to attract and encourage  
15 individuals to engage, purchase or use the service referenced in  
16 the content of the advertisement.

17 "Applicant." An individual or entity acting on the behalf of  
18 a bodywork facility to apply for a license. If the applicant is  
19 an entity, the term includes each individual officer, director,  
20 manager, partner, member, principal owner and any person with at  
21 least a 1% financial interest in the entity.

22 "Bodywork facility." A place of business where the human  
23 body is manipulated through touch or pressure, where the  
24 practice of massage and bodywork is conducted on the premises of  
25 the business or that represents itself to the public by a title  
26 or description of services incorporating the words "bodywork,"  
27 "massage," "massage therapy," "massage practitioner,"  
28 "massagist," "masseur" or "masseuse" or other term or modality  
29 or an image or photograph depicting such activity or service.  
30 The term includes, but is not necessarily limited to:

1 acupressure, chair massage, craniosacral therapy, deep tissue  
2 massage therapy, Hellerwork, manual lymphatic drainage, massage  
3 therapy, myofascial release therapy, neuromuscular therapy,  
4 Process Acupressure, Rolfing, shiatsu, Swedish massage therapy,  
5 Trager, visceral manipulation, massage, Asian bodywork therapy,  
6 biodynamic craniosacral therapy, Jin Shin Do Bodymind  
7 Acupressure, polarity, polarity bodywork, Polarity Therapy  
8 bodywork, qigong, Reiki, tuina, Rolfing Structural Integration,  
9 Feldenkrais method of somatic education, Trager approach to  
10 movement education, body-mind centering, ortho-bionomy and  
11 reflexology. The term does not include an activity that takes  
12 place in any of the following, except that parental consent and  
13 rights under section 14 shall apply to the following when a  
14 minor receives a bodywork service:

15 (1) A training room of a public or private school  
16 accredited by the Department of Education.

17 (2) A training room of a recognized professional or  
18 amateur athletic team.

19 (3) An office, clinic or other facility at which medical  
20 professionals licensed by the Commonwealth provide bodywork  
21 to the public in the ordinary course of their medical  
22 profession.

23 (4) A medical facility licensed by the Commonwealth.

24 (5) A place of business where a licensed massage  
25 therapist or other bodywork practitioner works as a solo  
26 practitioner and complies with all of the requirements of  
27 this act and:

28 (i) does not use a business name or assumed name; or

29 (ii) uses a business name or an assumed name, but  
30 also provides the practitioner's full name or license

1 number in each advertisement and each time the business  
2 name or assumed name appears in writing.

3 (6) A premises where a person exclusively practices  
4 techniques that:

5 (i) do not involve contact with the body of the  
6 client; or

7 (ii) involve resting the hands on the surface of the  
8 client's body without delivering pressure to or  
9 manipulation of the soft tissues.

10 (7) A premises where services such as the topical  
11 application of products to the skin for beautification  
12 purposes are not considered to be bodywork, as long as the  
13 services do not involve direct manipulation of the soft  
14 tissues of the body.

15 "Bureau." The Bureau of Professional and Occupational  
16 Affairs in the department.

17 "Client." An individual who enters into an agreement for  
18 services for a fee, income or compensation of any kind in this  
19 Commonwealth.

20 "Department." The Department of State of the Commonwealth.

21 "Dormitory." A location in a massage establishment, other  
22 than a residence, where there are signs that individuals live  
23 there or are engaged in communal sleeping, including beds,  
24 mattresses or cots.

25 "Employee." An individual who performs a service at a  
26 bodywork facility on a full-time, part-time or contract basis  
27 whether or not the individual is designated as an employee,  
28 independent contractor or otherwise. The term does not include  
29 an individual who is exclusively engaged in the repair or  
30 maintenance of a bodywork facility or delivers goods to a

1 licensee.

2 "Illicit bodywork facility." A facility that entices clients  
3 through advertising or other business practices directed toward  
4 sexual desires.

5 "Licensee." A person licensed under this act.

6 "Manager." An individual authorized by the licensee to  
7 exercise overall operational control of the business, supervise  
8 employees or fulfill a function required of a manager under this  
9 act.

10 "Massage therapist." An individual licensed by the State  
11 Board of Massage Therapy to practice massage therapy.

12 "Massage therapy." The application of a system of structured  
13 touch, pressure, movement, holding and treatment of the soft  
14 tissue manifestations of the human body in which the primary  
15 intent is to enhance the health and well-being of the client  
16 without limitation, except as provided in this act. The term  
17 includes the external application of water, heat, cold,  
18 lubricants or other topical preparations, lymphatic techniques,  
19 myofascial release techniques and the use of electro-mechanical  
20 devices that mimic or enhance the action of the massage  
21 techniques. The term does not include:

22 (1) the diagnosis or treatment of impairment, illness,  
23 disease or disability;

24 (2) a medical procedure;

25 (3) a chiropractic manipulation, adjustment, physical  
26 therapy mobilization or manual therapy;

27 (4) therapeutic exercise;

28 (5) electrical stimulation;

29 (6) ultrasound; or

30 (7) prescription of medicines for which a license to

1 practice medicine, chiropractic, physical therapy,  
2 occupational therapy, podiatry or other practice of the  
3 healing arts is required by law.

4 "Place of business." An office, clinic, facility, salon, spa  
5 establishment or other location where a person engages in the  
6 practice of massage or bodywork. The term does not include the  
7 residence of a therapist or an out-call location not owned,  
8 rented or leased by a bodywork practitioner or bodywork  
9 facility, unless the location is advertised as the bodywork  
10 practitioner's or bodywork facility's place of business.

11 "Spa establishment." A commercial facility that offers or  
12 engages in personal services that require a patron to disrobe or  
13 includes body wraps, hydro-mineral wraps, body polish, body  
14 wash, bath and hydrotherapy tub soak.

15 "Table shower." An apparatus for the bathing or massaging of  
16 a person on a table or in a tub. The term includes a Vichy  
17 shower.

### 18 Section 3. Licenses required.

19 (a) Facility license.--To operate a bodywork facility in  
20 this Commonwealth, the facility must have a valid bodywork  
21 facility license under this act.

22 (b) Manager license.--To manage a licensed bodywork facility  
23 in this Commonwealth, the manager must have a valid manager  
24 license under this act.

25 (c) Table shower license.--To operate or maintain a table  
26 shower on or about a licensed premises, the licensee must have a  
27 valid table shower license under this act.

### 28 Section 4. Administrative duties.

29 (a) Duty of bureau.--The bureau may issue, deny, suspend,  
30 revoke or take other administrative action to ensure compliance

1 with this act and may promulgate rules and regulations in  
2 accordance with this act.

3 (b) Temporary regulations.--In order to facilitate the  
4 prompt implementation of this act, the bureau shall transmit  
5 notice of temporary regulations regarding the implementation of  
6 this act to the Legislative Reference Bureau for publication in  
7 next available issue of the Pennsylvania Bulletin within 120  
8 days of the effective date of this section. Temporary  
9 regulations are not subject to the following:

10 (1) Section 612 of the act of April 9, 1929 (P.L.177,  
11 No.175), known as The Administrative Code of 1929.

12 (2) Section 201, 202, 203, 204 and 205 of the act of  
13 July 31, 1968 (P.L.769, No.240), referred to as the  
14 Commonwealth Documents Law.

15 (3) The act of June 25, 1982 (P.L.633, No.181), known as  
16 the Regulatory Review Act.

17 (c) Expiration.--The temporary regulations under subsection  
18 (b) shall expire no later than 24 months following the  
19 publication of the temporary regulations. Regulations adopted  
20 after the 24-month expiration date shall be promulgated as  
21 provided by law.

22 (d) Final regulations.--Within 24 months of the effective  
23 date of this section, the bureau shall submit final regulations  
24 to the department.

25 Section 5. Application for license.

26 (a) Bodywork facility license.--An application for a  
27 bodywork facility license shall include the following  
28 information:

29 (1) If an individual, the age of the applicant.

30 (2) The name, address, telephone number and Social

1 Security number of each owner and director. If the applicant  
2 is an entity, the applicant shall include the name, address,  
3 telephone number and Social Security number of each  
4 individual officer, director, manager, partner, member,  
5 principal owner and any person with at least 1% financial  
6 interest in the entity. The applicant shall include the  
7 Federal Employee Identification Number and contact  
8 information for an accountant, attorney or registered agent  
9 of the entity.

10 (3) Information pertaining to convictions or pleas of  
11 nolo contendere to a felony or misdemeanor in a Federal,  
12 state or municipal court in the United States involving  
13 prostitution, solicitation of prostitution, fraud, theft,  
14 embezzlement, money laundering, assault, sexual assault,  
15 crimes against children or human trafficking. Failure to  
16 disclose a criminal conviction may result in denial of the  
17 license application.

18 (4) Information pertaining to a similar previously  
19 denied, suspended or revoked license in this Commonwealth or  
20 other jurisdiction in the United States. If the applicant had  
21 a license denied, suspended or revoked previously, the  
22 applicant must provide the name and location of the bodywork  
23 facility and the date of the denial, suspension or  
24 revocation.

25 (5) Information pertaining to whether the applicant has  
26 been an officer, director, manager, partner, member or owner  
27 of a legal entity that currently or previously operated a  
28 bodywork facility and the name, dates of operation and  
29 location of the bodywork facility.

30 (6) Satisfactory proof of the applicant's ownership or



1 right to possession of the premises where the bodywork  
2 facility will be operated. The applicant has a continuing  
3 obligation to provide, if applicable, further evidence of the  
4 right to possession of the premises.

5 (7) Proof of professional liability insurance.

6 (8) Six months of bank statements demonstrating the  
7 source of funds for the applicant.

8 (9) Bank credit references for any person with at least  
9 a 1% financial interest in the applicant.

10 (10) A statement of purpose that the applicant has not  
11 been convicted of a felony under the act of April 14, 1972  
12 (P.L.233, No.64), known as The Controlled Substance, Drug,  
13 Device and Cosmetic Act, or of an offense under the laws of  
14 another jurisdiction, which if committed in this  
15 Commonwealth, would be a felony under The Controlled  
16 Substance, Drug, Device and Cosmetic Act, unless the  
17 following apply:

18 (i) at least 10 years have elapsed from the date of  
19 conviction; and

20 (ii) the applicant has made significant progress in  
21 personal rehabilitation since the conviction and  
22 licensure of the applicant should not be expected to  
23 create a substantial risk of harm to the health and  
24 safety of the applicant's clients or the public or a  
25 substantial risk of further criminal violations.

26 (11) The applicant agrees that, if a license is issued  
27 to the applicant under this subsection, the applicant will  
28 display the license prominently on the premises.

29 (b) Terms of license.--

30 (1) The bureau shall issue a license for a single,

1 identified location and the license is not assignable or  
2 transferable.

3 (2) The license shall be renewed yearly or at any time a  
4 change in ownership occurs, including the change of an owner  
5 or director from the original application.

6 (c) Manager license.--A licensed bodywork facility shall  
7 have a manager who must hold a valid manager license. An  
8 application for a manager license shall include the following  
9 information relating to the manager:

10 (1) The applicant's full name, including first name,  
11 middle name, last name and maiden name, if applicable.

12 (2) The name the applicant wants to appear on the  
13 manager license, which shall be part or all of the  
14 applicant's legal name.

15 (3) Current residence.

16 (4) Mailing address.

17 (5) City, state, zip code and county.

18 (6) Social Security number.

19 (7) City and state of birth.

20 (8) Date of birth.

21 (9) Telephone number, including home, mobile and  
22 business number.

23 (10) Email address.

24 (11) Trade name or business name, if applicable.

25 (12) Business address.

26 (13) Citizenship status.

27 (14) Physical description, including gender, height, eye  
28 color, race, weight and hair color.

29 (15) Place of residence for the previous 10 years,  
30 including the date, street address, city, state, zip code and

1 county.

2 (16) Professional experience for the previous 10 years,  
3 including date, job title, type of business, hours worked per  
4 week, employer's name, address, state, zip code, area code  
5 and telephone number and reason for leaving, if applicable.

6 (17) Education, including high school, college or  
7 university or professional education, with the name and  
8 address of the educational institution, whether or not the  
9 applicant was issued a certificate, diploma or degree and the  
10 month and year of graduation.

11 (18) Previous or current licensure, registration or  
12 certification in another state or territory, including state,  
13 license, registration or certification type, license or  
14 credential number, date issued and date of expiration.

15 (19) Professional affiliations and achievements.

16 (20) If any of the following situations has occurred,  
17 including an explanation of the situation:

18 (i) The applicant was charged with, arrested for,  
19 convicted of or plead guilty or no contest to a violation  
20 of any law.

21 (ii) The applicant had a driver's license canceled,  
22 suspended or revoked.

23 (iii) The applicant has pending criminal charges in  
24 a state or jurisdiction.

25 (iv) The applicant violated Federal or State law  
26 relating to bodywork or a health care profession.

27 (v) The applicant obtained or attempted to obtain  
28 compensation by fraud or deceit.

29 (vi) The applicant was involved in a civil suit  
30 related to the practice of bodywork therapy or other

1 health care profession.

2 (vii) The applicant has a judgment entered against  
3 the applicant.

4 (viii) The applicant was denied a license for a  
5 health care profession.

6 (ix) The applicant had a license revoked or  
7 suspended.

8 (x) The applicant has formal disciplinary charges  
9 pending or action taken by a licensing board or medical  
10 board.

11 (xi) If the applicant is a licensed massage  
12 therapist, the applicant's massage therapy license  
13 number.

14 (xii) If the applicant has been convicted of or pled  
15 nolo contendere to a felony or misdemeanor in a Federal,  
16 state or municipal court in the United States involving  
17 prostitution, solicitation of prostitution, fraud, theft,  
18 embezzlement, money laundering, assault, sexual assault,  
19 crimes against children, human trafficking or domestic  
20 violence. Failure to disclose a criminal conviction may  
21 result in denial of the license application.

22 (xiii) Disciplinary action taken for violation of a  
23 massage therapy licensure act in a jurisdiction of the  
24 United States. The applicant shall disclose this  
25 information whether or not the applicant is a licensed  
26 massage therapist.

27 (xiv) If the applicant has been convicted of a  
28 felony under The Controlled Substance, Drug, Device and  
29 Cosmetic Act, or of an offense under the laws of another  
30 jurisdiction which, if committed in this Commonwealth,

1 would be a felony under The Controlled Substance, Drug,  
2 Device and Cosmetic Act, unless at least 10 years have  
3 elapsed from the date of conviction and the applicant  
4 satisfactorily demonstrates:

5 (A) significant progress in personal  
6 rehabilitation since the conviction; and

7 (B) that licensure of the applicant should not  
8 be expected to create a substantial risk of harm to  
9 the health and safety of the applicant's clients or  
10 the public or a substantial risk of further criminal  
11 violations.

12 (21) An attestation under oath before a notary that the  
13 information on the application is true and complete.

14 (d) Submission of application and payment of fee.--The  
15 application must be submitted to the board and contain payment  
16 of all applicable fees and one original color photograph of the  
17 applicant taken within six months preceding the date of the  
18 application of sufficient quality for identification. The  
19 photograph must be of the head and shoulders, passport type, and  
20 two inches by two inches in size.

21 (e) Display of license.--The applicant shall prominently  
22 display the license on the licensed premises. The license is  
23 issued for a single, identified location and is not assignable  
24 or transferable.

25 (f) Table shower license.--The bureau shall promulgate  
26 regulations on the form and information required to obtain a  
27 table shower license. The following conditions must be met:

28 (1) The applicant must have a license to operate the  
29 bodywork facility and a manager license.

30 (2) The table must be commercial and professional in

1 nature, manufactured with industrial grade materials and be  
2 designed solely for the purpose of massage utilizing multiple  
3 overhead spray nozzles and meeting all applicable plumbing  
4 and accessibility codes.

5 (3) A massage bathtub and table must not have accessory  
6 sprays.

7 (4) The facility where the table shower is being  
8 installed must be a bona fide spa establishment that offers,  
9 regularly conducts and markets a full range of spa services  
10 and treatments.

11 (5) The facility must practice appropriate draping of  
12 clients to include the draping of the breasts, buttocks and  
13 genitalia of clients unless the client gives specific written  
14 consent to being undraped.

15 (6) The license issued under this subsection must be  
16 displayed prominently on the licensed premises. The license  
17 is issued for a single, identified location and is not  
18 assignable or transferable.

19 (7) The license must be renewed yearly.

20 Section 6. Background checks.

21 (a) Duty of bureau.--Prior to the issuance of a bodywork  
22 facility license or bodywork facility's manager license, the  
23 bureau shall transmit the application to the Pennsylvania State  
24 Police, the Department of Human Services and the Federal Bureau  
25 of Investigation for review and criminal history record  
26 information.

27 (b) Time period for review.--The Pennsylvania State Police,  
28 the Department of Human Services and the Federal Bureau of  
29 Investigation shall return a report within 30 days after the  
30 application is submitted.

1 (c) Limitation.--The Pennsylvania State Police, the  
2 Department of Human Services and the Federal Bureau of  
3 Investigation shall provide information to the bureau and may  
4 not approve or deny the application for a license.

5 Section 7. Issuance and denial.

6 (a) Requirements.--In order to be issued a license, an  
7 applicant must meet the following requirements:

8 (1) The applicant shall be at least 18 years of age.

9 (2) The following may not have occurred:

10 (i) The applicant voluntarily surrendered a license  
11 to practice as a massage therapist or bodywork employee  
12 or operate a massage or bodywork facility as a result of,  
13 or during, a criminal investigation.

14 (ii) A license to practice as a massage therapist or  
15 bodywork employee or operate a massage or bodywork  
16 facility was denied or revoked in a jurisdiction of the  
17 United States if the underlying violation would be a  
18 violation under this act.

19 (iii) The applicant is a registered sex offender or  
20 is required by law to register as a sex offender.

21 (iv) The applicant has a prior conviction for an  
22 offense under any of the following provisions:

23 (A) 18 Pa.C.S. § 3121 (relating to rape),  
24 involving sexual misconduct with a child;

25 (B) 18 Pa.C.S. § 3122.1 (relating to statutory  
26 sexual assault);

27 (C) 18 Pa.C.S. § 3123 (relating to involuntary  
28 deviate sexual intercourse);

29 (D) 18 Pa.C.S. § 3124.2 (relating to  
30 institutional sexual assault);

1 (E) 18 Pa.C.S. § 3124.3 (relating to sexual  
2 assault by sports official, volunteer or employee of  
3 a nonprofit association); or

4 (F) an offense under the laws of another  
5 jurisdiction which, if committed in this  
6 Commonwealth, would be a felony.

7 (v) The applicant has convictions or pending  
8 violations for crimes, including prostitution, operating  
9 a prostitution enterprise, human trafficking, theft,  
10 embezzlement or money laundering.

11 (3) The location of the potential bodywork facility has  
12 not had a similar license revoked or surrendered for cause  
13 within the last 24 months.

14 (4) The character, record or reputation of the  
15 applicant, the applicant's agent and each owner or principal  
16 owner of the applicant demonstrates that no potential  
17 violation of this act is likely to occur if a license is  
18 issued.

19 (b) Time period for review.--If the applicant meets all of  
20 the aforementioned criteria, the bureau shall approve the  
21 issuance of the bodywork facility or manager license within 30  
22 days of the receipt of the completed application. If the  
23 application is not approved during the 30-day period, the  
24 application shall be deemed denied.

25 (c) Reason for denial.--The bureau shall provide a written  
26 explanation for the denial of a license to the applicant.

27 Section 8. Temporary license.

28 (a) Bodywork facility license.--The bureau may issue a  
29 temporary bodywork facility license upon receipt of a complete  
30 bodywork facility license application and applicable fees, if



1 the license application is in conjunction with the sale of a  
2 licensed bodywork facility or a change in ownership of a  
3 licensed bodywork facility.

4 (b) Manager license.--The bureau may issue a temporary  
5 manager license upon receipt of a complete manager license  
6 application and applicable fees, if the license application is  
7 in conjunction with the sale of a licensed bodywork facility or  
8 a change in ownership of a licensed bodywork facility.

9 (c) Renewal.--A temporary license issued under this section  
10 shall be valid for 30 days, and the bureau may renew the  
11 temporary license every 30 days until the bureau approves or  
12 denies the application.

### 13 Section 9. Prohibitions.

14 A person in the business of operating a bodywork facility or  
15 a manager or employee of the bodywork facility shall not do any  
16 of the following:

17 (1) Operate a bodywork facility without a valid license  
18 or with a license that has been suspended, revoked or  
19 expired.

20 (2) Employ an individual to act as a manager at a  
21 bodywork facility who is not licensed as a manager or a  
22 licensed owner under this act.

23 (3) Be open for business for the practice of massage  
24 therapy without a licensed massage therapist on the premises.

25 (4) Operate or maintain a table shower on the premises  
26 without a valid table shower license.

27 (5) Permit a licensed bodywork facility to be used as a  
28 dormitory or for housing, sheltering or harboring an  
29 individual or as living or sleeping quarters. The owner and  
30 family members of a licensed facility operated as a home

1 occupation are exempt from this prohibition.

2 (6) Engage with another person or give or administer a  
3 bath, including table shower, in a manner intended to arouse,  
4 appeal to or gratify the sexual desire of the individual  
5 receiving the service.

6 (7) Permit an employee, manager or massage therapist to  
7 touch the genitalia of a client.

8 (8) Allow an employee, manager or massage therapist to  
9 provide bodywork services without being fully clothed. During  
10 the delivery of all services the individual delivering the  
11 services shall wear fully opaque material that does not  
12 expose the individual's genitalia or substantially expose the  
13 individual's undergarments.

14 (9) Require client nudity as part of the bodywork  
15 service without a client's prior written consent.

16 (10) Place, publish or distribute, or cause to be  
17 placed, published or distributed, misleading or false  
18 advertising that would reasonably suggest to prospective  
19 clients that a service is available other than as authorized  
20 by this act. This includes language that reasonably suggests  
21 any other service is available.

22 (11) Permit a bodywork facility to advertise sexually  
23 explicit services or engage in sexually explicit advertising.  
24 Any such advertising will be imputed to the owner and manager  
25 and is grounds for suspension of the bodywork facility  
26 license and the manager license.

27 (12) Use, sell or possess adult-oriented merchandise,  
28 including sex toys, sexual aids, internal lubricant or  
29 contraceptives in any part of a licensed bodywork facility.  
30 The owner and family members of a licensed facility operated

1 as a home occupation are exempt from this prohibition insofar  
2 as it relates to their personal and private living space.

3 (13) Permit an individual to engage in a sexual act in  
4 the bodywork facility. The owner and family members of a  
5 licensed facility operated as a home occupation are exempt  
6 from this prohibition insofar as it relates to their personal  
7 and private living space.

8 (14) Fail to immediately report to the local police  
9 department or the Pennsylvania State Police disorderly  
10 conduct, criminal sexual acts, assaults or other criminal  
11 activities occurring at the licensed facility.

12 (15) Permit a client to make an agreement with an  
13 employee to engage in sexual activity in any location.

14 (16) Conceal individuals in the bodywork facility or  
15 refuse to provide identification to inspectors or law  
16 enforcement, elude inspectors by exiting the bodywork  
17 facility via doors or other exits or remain behind locked  
18 doors in the bodywork facility during an inspection.

19 (17) Permit anyone to perform massage therapy unless the  
20 individual is permitted under massage therapy law.

21 (18) Operate between the hours of 10:00 p.m. and 5:00  
22 a.m.

23 (19) Operate an illicit bodywork facility.

24 (20) Operate a place of business located in a building  
25 or structure with exterior windows facing a public street,  
26 highway, walkway or parking area that blocks visibility into  
27 the interior reception and waiting area through the use of  
28 curtains, closed blinds, tints or other material that  
29 obstructs, blurs or unreasonably darkens the view into the  
30 premises.

1 Section 10. Requirements.

2 (a) General rule.--A licensed bodywork facility shall:

3 (1) Maintain a list of employees or contractors on site  
4 with employment start dates or contracted service dates, full  
5 legal name, date of birth, home address, telephone number,  
6 employment position and termination date, if applicable.

7 (2) Maintain a copy of each massage therapist's license  
8 or other employee's license, if applicable.

9 (3) Maintain a complete log containing the name of each  
10 client and the date, time, cost and type of service provided  
11 and the name of the employee providing the service. The log  
12 shall be kept for at least one year and shall be subject to  
13 inspection upon request by the bureau during normal business  
14 hours.

15 (4) Operate or conduct business under the designations  
16 specified in the license.

17 (5) Ensure that each employee, contractor, manager,  
18 owner or other individual, excluding clients present on the  
19 premises at the time of inspection, shall have a valid  
20 government-issued identification, passport or visa on their  
21 person and shall immediately present this identification upon  
22 request of an inspector or law enforcement.

23 (6) Ensure that personnel on the premises shall remain  
24 fully clothed in opaque attire while performing services or  
25 while visible to clients on the premises.

26 (7) Ensure that the interior and exterior doors of the  
27 licensed bodywork facility premises shall remain unlocked  
28 while the bodywork facility is open. Exterior doors may  
29 remain locked if the facility is owned by one individual with  
30 no more than one employee or independent contractor. Restroom

1 doors may be locked and internal doors may be locked to  
2 protect confidential patient or business information.

3 (8) If the inspecting official requests access to doors  
4 locked under this subsection during an inspection, open the  
5 doors immediately. A person who refuses to immediately open a  
6 locked door during an inspection is unlawfully operating or  
7 managing the bodywork facility under this act. Failure to  
8 comply or any delay may result in suspension of the bodywork  
9 facility license or manager license, or both.

10 (9) List the address and license number of the bodywork  
11 facility in all advertisements.

12 (10) Maintain a log, which shall be available for  
13 inspection at any time, showing the dates, times, hours  
14 worked and wages earned of all employees for at least two  
15 years.

16 (11) Maintain a file of background checks under section  
17 (6)(b) for each individual bodywork practitioner, employee or  
18 contractor that has been submitted to the Pennsylvania State  
19 Police, the Department of Human Services and the Federal  
20 Bureau of Investigation showing that they have not been  
21 convicted of or pled nolo contendere to a felony or  
22 misdemeanor in a Federal, state or municipal court in the  
23 United States involving prostitution, solicitation of  
24 prostitution, fraud, theft, embezzlement, money laundering,  
25 assault, sexual assault, crimes against children or human  
26 trafficking. Failure to maintain the file and update it every  
27 two years may result in suspension of the bodywork facility  
28 license.

29 (12) Ensure that a bodywork practitioner, employee or  
30 contractor is not a registered sex offender or an individual

1 who is required by law to register as a sex offender, have  
2 any prior conviction for an offense involving sexual  
3 misconduct with a child under 18 Pa.C.S. §§ 3121 (relating to  
4 rape), 3122.1 (relating to statutory sexual assault), 3123  
5 (relating to involuntary deviate sexual intercourse), 3124.2  
6 (relating to institutional sexual assault) and 3124.3  
7 (relating to sexual assault by sport official, volunteer or  
8 employee of a nonprofit association) or an offense under the  
9 laws of another jurisdiction which, if committed in this  
10 Commonwealth, would be a felony or have had any convictions  
11 or pending violations for an offense, including prostitution,  
12 operating a prostitution enterprise, human trafficking,  
13 theft, embezzlement or money laundering.

14 (13) Ensure that a bodywork practitioner, employee or  
15 contractor has not been convicted of a felony under the act  
16 of April 14, 1972 (P.L.233, No.64), known as The Controlled  
17 Substance, Drug, Device and Cosmetic Act, or of an offense  
18 under the laws of another jurisdiction which, if committed in  
19 this Commonwealth, would be a felony under The Controlled  
20 Substance, Drug, Device and Cosmetic Act unless at least 10  
21 years have elapsed from the date of conviction and the  
22 applicant satisfactorily demonstrates that:

23 (i) the bodywork practitioner, employee or  
24 contractor has made significant progress in personal  
25 rehabilitation since the conviction; and

26 (ii) employment of the individual should not be  
27 expected to create a substantial risk of harm to the  
28 health and safety of the applicant's clients or the  
29 public or a substantial risk of further criminal  
30 violations.

1 (14) Prominently display a list of all services offered  
2 and the charge for each service.

3 (15) Maintain all documents, logs and reports required  
4 by this act on the licensed premises.

5 (b) License void.--Upon the sale or transfer of interest in  
6 a bodywork facility, the license issued under this act shall be  
7 void and a new license application shall be required.

8 Section 11. Inspections.

9 (a) Inspections required.--An owner, manager, bodywork  
10 practitioner or other employee must immediately grant full  
11 bodywork facility access at any time the bodywork facility is  
12 occupied or open for business, to any individual who is  
13 authorized or required to inspect the bodywork facility by the  
14 department or the municipality in which the bodywork facility is  
15 located.

16 (b) Scope.--Each room, cabinet or storage area shall be  
17 subject to inspection and shall be opened and unlocked.

18 (c) Log book.--A licensed bodywork facility shall promptly  
19 provide the log book under section 10 to the inspector without  
20 delay.

21 (d) Licenses.--An inspector may request to review the  
22 bodywork facility's manager's or therapist's license of any  
23 employee or contractor.

24 (e) Identification.--An owner, manager, massage therapist,  
25 bodywork practitioner, employee or contractor shall present  
26 identification upon request of an authorized inspector.

27 Section 12. Suspension and revocation of licenses.

28 (a) Power of bureau.--In addition to any other violation  
29 under this act, the bureau may suspend or revoke a bodywork  
30 facility license if the bureau finds that a license was obtained

1 through fraud, deceit or misrepresentation.

2 (b) Summary suspension.--The bureau may summarily suspend a  
3 bodywork facility license, provided that a hearing is scheduled  
4 within 30 days, if any of the following occur:

5 (1) The licensee willfully failed to disclose  
6 information required under this act.

7 (2) The licensee knowingly permitted a person to perform  
8 bodywork procedures when the licensee should reasonably know  
9 that the person is not licensed but is required to be  
10 licensed.

11 (3) There is reasonable suspicion that the bodywork  
12 facility is attempting to operate an illicit bodywork  
13 facility or prostitution enterprise, whether or not there is  
14 a violation of any other law, regulation or rule.

15 (4) The licensee failed to permit an inspection during  
16 business hours.

17 (c) Administrative fines.--If the bureau finds that a  
18 license was obtained through fraud, deceit or misrepresentation,  
19 the bodywork facility shall be subject to an administrative fine  
20 of not more than \$1,000.

21 (d) Appeal.--A licensee may appeal the suspension or  
22 revocation in accordance with regulations promulgated by the  
23 bureau.

#### 24 Section 13. Forfeiture.

25 An illicit bodywork facility shall be subject to asset  
26 forfeiture under 18 Pa.C.S. § 3021 (relating to asset  
27 forfeiture).

#### 28 Section 14. Practice of bodywork on minors.

29 (a) Parental presence required.--

30 (1) Except as provided in paragraph (2), when bodywork



1 is provided to a minor, the parent or legal guardian of the  
2 minor shall be present, regardless of the sex of the licensed  
3 or certified person performing the bodywork.

4 (2) The minor may decline the presence of a parent or  
5 legal guardian only with the written consent of the parent or  
6 legal guardian.

7 (3) The licensed or certified person shall confirm the  
8 identity of the parent or legal guardian.

9 (b) Notice.--When a minor is to receive bodywork, the person  
10 providing bodywork shall provide notice to the parent or legal  
11 guardian of the rights under subsection (a). The notice shall be  
12 provided in written form and shall be posted conspicuously in  
13 the location where bodywork is provided.

14 Section 15. Victims services.

15 If the bureau finds that a bodywork facility is operating as  
16 an illicit bodywork facility, the bureau shall provide  
17 information to victims services through the Office of Victims'  
18 Services within the Pennsylvania Commission on Crime and  
19 Delinquency to the trafficked employees and the employees  
20 subjected to involuntary servitude. The victims shall receive  
21 services through the act of November 24, 1998 (P.L.882, No.111),  
22 known as the Crime Victims Act.

23 Section 16. Effective date.

24 This act shall take effect in 60 days.