

**MASSAGE THERAPY BOARD LAWS
AS OF THE 2019 LEGISLATIVE SESSION**

**TITLE 37, CHAPTER 33
MASSAGE THERAPY**

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CHAPTER 33 MESSAGE THERAPY

Chapter Compiler's Comments

Effective Date: Section 12, Ch. 451, L. 2009, provided that this chapter is effective on passage and approval. Approved May 5, 2009.

Chapter Administrative Rules

Title 24, chapter 155, ARM Board of Massage Therapy.

Part 1 General (Repealed)

37-33-101. Repealed. Sec. 7, Ch. 84, L. 1983.

History: En. Sec. 1, Ch. 302, L. 1967; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2901.

37-33-102. Repealed. Sec. 7, Ch. 84, L. 1983.

History: En. Sec. 2, Ch. 302, L. 1967; amd. Sec. 1, Ch. 321, L. 1974; amd. Sec. 283, Ch. 350, L. 1974; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2902.

37-33-103. Repealed. Sec. 7, Ch. 84, L. 1983.

History: En. Sec. 14, Ch. 302, L. 1967; amd. Sec. 8, Ch. 321, L. 1974; R.C.M. 1947, 66-2914; amd. Sec. 1, Ch. 32, L. 1979.

37-33-104. Repealed. Sec. 7, Ch. 84, L. 1983.

History: En. Sec. 8, Ch. 302, L. 1967; amd. Sec. 5, Ch. 321, L. 1974; amd. Sec. 289, Ch. 350, L. 1974; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2908(part).

Part 2 Board of Massage Therapists (Repealed)

37-33-201. Repealed. Sec. 7, Ch. 84, L. 1983.

History: En. Sec. 4, Ch. 302, L. 1967; amd. Sec. 1, Ch. 243, L. 1973; amd. Sec. 2, Ch. 321, L. 1974; amd. Sec. 285, Ch. 350, L. 1974; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2904(1), (2).

37-33-202. Repealed. Sec. 7, Ch. 84, L. 1983.

History: En. Sec. 10, Ch. 302, L. 1967; amd. Sec. 7, Ch. 321, L. 1974; amd. Sec. 291, Ch. 350, L. 1974; amd. Sec. 43, Ch. 439, L. 1975; R.C.M. 1947, 66-2910(3), (4); amd. Sec. 26, Ch. 474, L. 1981.

37-33-203. Repealed. Sec. 7, Ch. 84, L. 1983.

History: En. Sec. 11, Ch. 302, L. 1967; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2911.

37-33-204. Repealed. Sec. 7, Ch. 84, L. 1983.
History: En. Sec. 4, Ch. 302, L. 1967; amd. Sec. 1, Ch. 243, L. 1973; amd. Sec. 2, Ch. 321, L. 1974; amd. Sec. 285, Ch. 350, L. 1974; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2904(3).

Part 3 Licensing (Repealed)

37-33-301. Repealed. Sec. 7, Ch. 84, L. 1983.
History: En. Sec. 5, Ch. 302, L. 1967; amd. Sec. 3, Ch. 321, L. 1974; amd. Sec. 286, Ch. 350, L. 1974; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2905(1).

37-33-302. Repealed. Sec. 7, Ch. 84, L. 1983.
History: En. Sec. 6, Ch. 302, L. 1967; amd. Sec. 4, Ch. 321, L. 1974; amd. Sec. 287, Ch. 350, L. 1974; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2906; amd. Sec. 60, Ch. 345, L. 1981.

37-33-303. Repealed. Sec. 7, Ch. 84, L. 1983.
History: En. Sec. 5, Ch. 302, L. 1967; amd. Sec. 3, Ch. 321, L. 1974; amd. Sec. 286, Ch. 350, L. 1974; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2905(2).

37-33-304. Repealed. Sec. 7, Ch. 84, L. 1983.
History: En. Sec. 7, Ch. 302, L. 1967; amd. Sec. 288, Ch. 350, L. 1974; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2907.

37-33-305. Repealed. Sec. 7, Ch. 84, L. 1983.
History: En. Sec. 12, Ch. 302, L. 1967; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2912; amd. Sec. 61, Ch. 345, L. 1981.

37-33-306. Repealed. Sec. 7, Ch. 84, L. 1983.
History: En. Sec. 9, Ch. 302, L. 1967; amd. Sec. 6, Ch. 321, L. 1974; amd. Sec. 290, Ch. 350, L. 1974; amd. Sec. 10, Ch. 533, L. 1977; R.C.M. 1947, 66-2909; amd. Sec. 2, Ch. 32, L. 1979; amd. Sec. 62, Ch. 345, L. 1981.

37-33-307. Repealed. Sec. 7, Ch. 84, L. 1983.
History: En. Sec. 10, Ch. 302, L. 1967; amd. Sec. 7, Ch. 321, L. 1974; amd. Sec. 291, Ch. 350, L. 1974; amd. Sec. 43, Ch. 439, L. 1975; R.C.M. 1947, 66-2910(1), (2).

37-33-308 through 37-33-310 reserved.

37-33-311. Repealed. Sec. 7, Ch. 84, L. 1983.
History: En. Sec. 8, Ch. 302, L. 1967; amd. Sec. 5, Ch. 321, L. 1974; amd. Sec. 289, Ch. 350, L. 1974; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2908(part).

37-33-312. Repealed. Sec. 7, Ch. 84, L. 1983.
History: En. Sec. 13, Ch. 302, L. 1967; amd. Sec. 26, Ch. 101, L. 1977; R.C.M. 1947, 66-2913.

Part 4 General Provisions

37-33-401. Short title. This chapter may be cited as the "Massage Therapy Licensing Act".
History: En. Sec. 1, Ch. 451, L. 2009.

37-33-402. Purpose. (1) The legislature finds that the practice of massage therapy affects the health, safety, and welfare of the people of this state and declares that the practice of massage therapy contributes to choice in health care.

(2) It is the purpose of this chapter to regulate the massage therapy profession, to create a board of massage therapy that will issue massage therapy licenses in accordance with this chapter and the board's rules, and to define the terminology describing competencies of the massage therapy profession.

History: En. Sec. 2, Ch. 451, L. 2009.

37-33-403. Definitions. As used in this chapter, the following definitions apply:

(1) "Board" means the board of massage therapy provided for in 2-15-1782.

(2) "Department" means the department of labor and industry provided for in 2-15-1701.

(3) "Massage therapist", "licensed massage therapist", "L.M.T.", "masseur", or "masseuse" means a person who is licensed by the board to practice massage therapy. The terms are equivalent terms, and any derivation of the phrases or any letters implying the phrases are equivalent terms. Any reference to any one of the terms in this chapter includes the others.

(4) (a) (i) "Massage therapy" when provided by a massage therapist means the application of a system of structured touch, pressure, positioning, or holding to soft tissues of the body, Swedish massage, effleurage, petrissage, tapotement, percussion, friction, vibration, compression, passive and active stretching or movement within the normal anatomical range of motion, the external application of water, heat, cold, lubricants, salts, skin brushing, or other topical preparations not classified as prescription drugs, providing information for self-care stress management, and the determination of whether massage is contraindicated and whether referral to another health care practitioner is recommended.

(ii) The techniques described in subsection (4)(a)(i) must be applied by the massage therapist through the use of hands, forearms, elbows, knees, or feet or through the use of hand-held tools that mimic or support the action of the hands and are primarily intended to enhance or restore health and well-being by promoting pain relief, stress reduction, and relaxation.

(b) The term does not include providing examinations for the purpose of diagnosis, providing treatments that are outside the scope of massage therapy, attempts to adjust, manipulate, or mobilize any articulations of the body or spine by the use of high-velocity, low-amplitude thrusting force, exercise, exercise instruction or prescription, or the use of tape when applied to restrict joint movement, manual or mechanical traction when applied to the spine or extremities for the purposes of joint mobilization or manipulation, injection therapy, laser therapy, microwave diathermy, electrical stimulation, ultrasound, iontophoresis, or phonophoresis.

History: En. Sec. 3, Ch. 451, L. 2009.

37-33-404. Exemptions — rules. (1) The provisions of this chapter do not limit or regulate the scope of practice of any other profession licensed under the laws of this state, including but not limited to medicine, dentistry, osteopathy, podiatry, nursing, physical therapy, chiropractic, acupuncture, veterinary medicine, occupational therapy, naturopathic medicine, cosmetology, manicuring, barbering, barbering nonchemical, esthetics, electrology, professional counseling, social work, psychology, or athletic training.

(2) A continuing education course instructor is not required to be licensed as a massage therapist.

(3) A massage therapy student, when enrolled in a board-approved program and while practicing the skills of massage therapy designated as a school-sanctioned activity and under the supervision of a licensed massage therapist, is not required to be licensed.

(4) The provisions of this chapter do not limit or regulate the practice of Native American traditional healing or faith healing.

(5) (a) The provisions of this chapter do not limit or regulate the practice of any person who uses:

(i) touch, words, and directed movement to deepen awareness of existing patterns of movement in the body, as well as to suggest new possibilities of movement. Exempt practices under this subsection (5)(a)(i) include but are not limited to the Feldenkrais method of somatic education, the Trager approach to movement education, and body-mind centering.

(ii) touch to affect the human energy systems, energy meridians, or energy fields. Exempt practices under this subsection (5)(a)(ii) include but are not limited to polarity bodywork therapy, Asian bodywork therapy, acupuncture, jin shin do, qigong, reiki, shiatsu, and tui na.

(iii) touch to effect change on the integration of the structure of the physical body. Exempt practices under this subsection (5)(a)(iii) include but are not limited to the Rolf method of structural integration, Rolfing, and Hellerwork.

(iv) touch to affect the reflex areas located in the hands, feet, and outer ears. Exempt practices under this subsection (5)(a)(iv) include but are not limited to reflexology.

(b) The exemptions in subsection (5)(a) apply only if:

(i) the person is recognized by or meets the established requirements of either a professional organization or credentialing agency that represents or certifies the respective practice based on a minimum level of training, demonstration of competence, and adherence to ethical standards; and

(ii) the person's services are not designated as or implied to be massage therapy.

History: En. Sec. 4, Ch. 451, L. 2009; amd. Sec. 15, Ch. 15, L. 2015.

Compiler's Comments

2015 Amendment: Chapter 15 in (1) inserted "barbering nonchemical". Amendment effective October 1, 2015.

37-33-405. Powers and duties of board — rulemaking authority. The board shall:

- (1) adopt rules necessary or proper to administer and enforce this chapter;
- (2) adopt rules that endorse equivalent licensure examinations of another state or territory of the United States, the District of Columbia, or a foreign country and that may include licensure by reciprocity;
- (3) adopt rules establishing reasonable requirements for continuing education, which must require 12 hours of continuing education to be completed in each 2-year period;
- (4) meet as often as necessary for the conduct of business but at least twice a year; and
- (5) take disciplinary action necessary to protect the public as provided for in Title 37, chapter 1.

History: En. Sec. 5, Ch. 451, L. 2009.

37-33-406. (Temporary) Massage therapy businesses — requirements. (1) A massage therapy business shall conspicuously display on the premises the license of each massage therapist working at the business or, for a mobile practice, make the license readily available.

(2) (a) The department or a local designee, a local government official having jurisdiction, or a local law enforcement officer may enter a massage therapy business at any time during business hours to determine compliance with subsection (1).

(b) The action taken under subsection (2)(a) may not interrupt a treatment session that is in progress, except that a treatment session lasting 2 hours or more may be interrupted. (*Terminates June 30, 2023—sec. 6, Ch. 419, L. 2019.*)

History: En. Sec. 1, Ch. 419, L. 2019.

Compiler's Comments

Effective Date: Section 4(1), Ch. 419, L. 2019, provided that this section is effective October 1, 2019.

Termination: Section 6, Ch. 419, L. 2019, provided that this section terminates June 30, 2023.

Severability: Section 3, Ch. 419, L. 2019, was a severability clause.

Part 5 Licensing

37-33-501. License required — enjoining unlawful practice. (1) A person may not practice or purport to practice massage therapy without first obtaining a license under the provisions of 37-33-502.

(2) A person who is not licensed as a massage therapist, whose license has been suspended or revoked, or whose license has lapsed and has not been revived may not use the words or letters "massage therapist", "licensed massage therapist", "L.M.T.", "masseur", or "masseuse" or any other letters, words, or insignia indicating or implying that the person is a licensed massage therapist or in any way, orally, in writing, or in print or by sign, directly or by implication, purport to be a massage therapist.

(3) A person who knowingly violates the provisions of this section is guilty of a misdemeanor as provided in 37-33-504.

History: En. Sec. 6, Ch. 451, L. 2009; amd. Sec. 1, Ch. 57, L. 2015.

Compiler's Comments

2015 Amendment: Chapter 57 in (1) substituted "A person may not" for "As of July 1, 2010, a person who is not eligible for a license under 37-33-503 may not"; in (2) after "who is not licensed as a massage therapist" deleted "under 37-33-503 or this section"; and in (3) substituted "section" for "subsection". Amendment effective October 1, 2015.

37-33-502. Qualifications for licensure. (1) To be eligible for licensure as a massage therapist as provided in 37-33-501, an applicant:

- (a) shall submit an application on a form provided by the department;
- (b) shall include with the application the application fee set by the board;
- (c) must possess a high school diploma or its equivalent;
- (d) must be at least 18 years of age; and
- (e) must be of good moral character.

(2) The applicant, in addition to the requirements established in subsection (1), is required to:

(a) successfully complete a massage therapy program of a minimum of 500 hours of study that meets or exceeds the curriculum guidelines established by any program or organization accredited by the national commission for certifying agencies or its equivalent or successor and receive a passing score on an examination prescribed by the board; or

(b) possess an equivalent current license, certification, or registration in good standing from another state.

History: En. Sec. 7, Ch. 451, L. 2009.

37-33-503. Repealed. Sec. 2, Ch. 57, L. 2015.

History: En. Sec. 8, Ch. 451, L. 2009.

37-33-504. Penalty. Any person who knowingly violates any provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for a term of not more than 6 months, or both.

History: En. Sec. 9, Ch. 451, L. 2009.