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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 663 Session of  
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INTRODUCED BY WEBSTER, M. MACKENZIE, HOWARD, HILL-EVANS,  
SANCHEZ, KHAN, KENYATTA, RABB, CURRY, PARKER AND SHUSTERMAN,  
FEBRUARY 20, 2025

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,  
FEBRUARY 20, 2025

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

6 Section 1. Short title.

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

9 Section 2. Definitions.

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

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

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

23 "Bodywork facility." A place of business where the human  
24 body is manipulated through touch or pressure, where the  
25 practice of massage and bodywork is conducted on the premises of  
26 the business or that represents itself to the public by a title  
27 or description of services incorporating the words "bodywork,"  
28 "massage," "massage therapy," "massage practitioner,"  
29 "massagist," "masseur" or "masseuse" or other term or modality  
30 or an image or photograph depicting the activity or service.

1           (1) The term includes acupressure, chair massage,  
2           craniosacral therapy, deep tissue massage therapy,  
3           Hellerwork, manual lymphatic drainage, massage therapy,  
4           myofascial release therapy, neuromuscular therapy, Process  
5           Acupressure, Rolfing, shiatsu, Swedish massage therapy,  
6           Trager, visceral manipulation, massage, Asian bodywork  
7           therapy, biodynamic craniosacral therapy, Jin Shin Do  
8           Bodymind Acupressure, polarity, polarity bodywork, Polarity  
9           Therapy bodywork, qigong, Reiki, tuina, Rolfing Structural  
10          Integration, Feldenkrais method of somatic education, Trager  
11          approach to movement education, body-mind centering, ortho-  
12          bionomy and reflexology.

13          (2) The term does not include an activity that takes  
14          place in any of the following:

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

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

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

23                 (iv) A medical facility licensed by the  
24                 Commonwealth.

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

29                         (A) does not use a business name or assumed  
30                         name; or

1 (B) uses a business name or an assumed name, but  
2 also provides the practitioner's full name or license  
3 number in each advertisement and each time the  
4 business name or assumed name appears in writing.

5 (vi) A premises where a person exclusively practices  
6 techniques that:

7 (A) do not involve contact with the body of the  
8 client; or

9 (B) involve resting the hands on the surface of  
10 the client's body without delivering pressure to or  
11 manipulation of the soft tissues.

12 (vii) A premises where services, including the  
13 topical application of products to the skin for  
14 beautification purposes, take place as long as the  
15 services do not involve direct manipulation of the soft  
16 tissues of the body.

17 "Bureau." The Bureau of Professional and Occupational  
18 Affairs in the department.

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

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

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

27 "Employee." An individual who performs a service at a  
28 bodywork facility on a full-time, part-time or contract basis  
29 whether or not the individual is designated as an employee,  
30 independent contractor or otherwise. The term does not include

1 an individual who is exclusively engaged in the repair or  
2 maintenance of a bodywork facility or delivers goods to a  
3 licensee.

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

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

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

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

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

24 (1) the diagnosis or treatment of impairment, illness,  
25 disease or disability;

26 (2) a medical procedure;

27 (3) a chiropractic manipulation, adjustment, physical  
28 therapy mobilization or manual therapy;

29 (4) therapeutic exercise;

30 (5) electrical stimulation;

1 (6) ultrasound; or  
2 (7) prescription of medicines for which a license to  
3 practice medicine, chiropractic, physical therapy,  
4 occupational therapy, podiatry or other practice of the  
5 healing arts is required by law.

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

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

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

#### 20 Section 3. Licenses required.

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

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

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

#### 30 Section 4. Administrative duties.

1 (a) Duty of bureau.--The bureau may issue, deny, suspend,  
2 revoke or take other administrative action to ensure compliance  
3 with this act and may promulgate rules and regulations in  
4 accordance with this act.

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

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

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

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

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

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

27 Section 5. Application for license.

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

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

2 (2) The name, address, telephone number and Social  
3 Security number of each owner and director. If the applicant  
4 is an entity, the application shall include the name,  
5 address, telephone number and Social Security number of each  
6 individual applicant. The applicant shall include the Federal  
7 employee identification number and contact information for an  
8 accountant, attorney or registered agent of the entity.

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

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

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

29 (6) Satisfactory proof of the applicant's ownership or  
30 right to possession of the premises where the bodywork



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

4 (7) Proof of professional liability insurance.

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

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

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

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

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

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

28 (b) Terms of license.--

29 (1) The bureau shall issue a license for a single,  
30 identified location and the license is not assignable or

1 transferable.

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

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

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

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

14 (3) Current residence.

15 (4) Mailing address.

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

17 (6) Social Security number.

18 (7) City and state of birth.

19 (8) Date of birth.

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

22 (10) Email address.

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

24 (12) Business address.

25 (13) Citizenship status.

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

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

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

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

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

14          (19) Professional affiliations and achievements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Device and Cosmetic Act, unless at least 10 years have  
2 elapsed from the date of conviction and the applicant  
3 satisfactorily demonstrates:

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

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

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

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

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

24 (f) Table shower license.--The bureau shall promulgate  
25 regulations relating to the application and information required  
26 to obtain a table shower license. The following conditions must  
27 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 bodywork facility where the table shower is  
8 being installed must be a bona fide spa establishment that  
9 offers, regularly conducts and markets a full range of spa  
10 services and treatments.

11 (5) The bodywork facility must practice appropriate  
12 draping of clients to include the draping of the breasts,  
13 buttocks and genitalia of clients unless the client gives  
14 specific written 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 bodywork facility operated as a

1 home 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 licensed bodywork facility to advertise  
23 sexually explicit services or engage in sexually explicit  
24 advertising. Any sexually explicit advertising will be  
25 imputed to the owner and manager and is grounds for  
26 suspension of the bodywork facility license and the manager  
27 license.

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

1 The owner and family members of a licensed bodywork facility  
2 operated as a home occupation are exempt from this  
3 prohibition insofar as it relates to their personal and  
4 private living space.

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

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

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

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

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

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

26 (19) Operate an illicit bodywork facility.

27 (20) Operate a place of business located in a building  
28 or structure with exterior windows facing a public street,  
29 highway, walkway or parking area that blocks visibility into  
30 the interior reception and waiting area through the use of

1 curtains, closed blinds, tints or other material that  
2 obstructs, blurs or unreasonably darkens the view into the  
3 premises.

4 Section 10. Requirements.

5 (a) Duties.--A licensed bodywork facility shall:

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

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

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

18 (4) Operate or conduct business under the designations  
19 specified in the license.

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

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

29 (7) Ensure that the interior and exterior doors of the  
30 licensed bodywork facility premises shall remain unlocked

1 while the licensed bodywork facility is open. Exterior doors  
2 may remain locked if the licensed bodywork facility is owned  
3 by one individual with no more than one employee or  
4 independent contractor. Restroom doors may be locked and  
5 internal doors may be locked to protect confidential patient  
6 or business information.

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

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

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

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

1 two years may result in suspension of the bodywork facility  
2 license.

3 (12) Ensure that a bodywork practitioner, employee or  
4 contractor is not a registered sex offender or an individual  
5 who is required by law to register as a sex offender, have  
6 any prior conviction for an offense involving sexual  
7 misconduct with a child under 18 Pa.C.S. §§ 3121 (relating to  
8 rape), 3122.1 (relating to statutory sexual assault), 3123  
9 (relating to involuntary deviate sexual intercourse), 3124.2  
10 (relating to institutional sexual assault) and 3124.3  
11 (relating to sexual assaults by sports official, volunteer or  
12 employee of a nonprofit association) or an offense under the  
13 laws of another jurisdiction which, if committed in this  
14 Commonwealth, would be a felony or have had any convictions  
15 or pending violations for an offense, including prostitution,  
16 operating a prostitution enterprise, human trafficking,  
17 theft, embezzlement or money laundering.

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

27 (i) the bodywork practitioner, employee or  
28 contractor has made significant progress in personal  
29 rehabilitation since the conviction; and

30 (ii) employment of the individual should not be

1 expected to create a substantial risk of harm to the  
2 health and safety of the applicant's clients or the  
3 public or a substantial risk of further criminal  
4 violations.

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

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

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

12 Section 11. Inspections.

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

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

22 (c) Log book.--A licensed bodywork facility shall promptly  
23 provide the log book under section 10 to the inspector without  
24 delay.

25 (d) Licenses.--An inspector may request to review the  
26 bodywork facility's manager's or massage therapist's license of  
27 any employee or contractor.

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

1 Section 12. Suspension and revocation of licenses.

2 (a) Power of bureau.--In addition to any other violation  
3 under this act, the bureau may suspend or revoke a bodywork  
4 facility license if the bureau finds that a license was obtained  
5 through fraud, deceit or misrepresentation.

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

9 (1) The licensee willfully failed to disclose  
10 information required under this act.

11 (2) The licensee knowingly permitted a person to perform  
12 bodywork procedures when the licensee should reasonably know  
13 that the person is not licensed but is required to be  
14 licensed.

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

19 (4) The licensee failed to permit an inspection during  
20 business hours.

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

25 (d) Appeal.--A licensee may appeal the suspension or  
26 revocation in accordance with regulations promulgated by the  
27 bureau.

28 Section 13. Forfeiture.

29 An illicit bodywork facility shall be subject to asset  
30 forfeiture under 18 Pa.C.S. § 3021 (relating to asset



1 forfeiture).

2 Section 14. Practice of bodywork on minors.

3 (a) Parental presence required.--

4 (1) Except as provided in paragraph (2), when bodywork  
5 is provided to a minor, the parent or legal guardian of the  
6 minor shall be present, regardless of the sex of the licensed  
7 or certified person performing the bodywork.

8 (2) The minor may decline the presence of a parent or  
9 legal guardian only with the written consent of the parent or  
10 legal guardian.

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

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

18 Section 15. Victims services.

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

27 Section 16. Effective date.

28 This act shall take effect in 60 days.