

1 SENATE BILL 246

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Pat Woods

10 AN ACT

11 RELATING TO OCCUPATIONAL LICENSURE; AMENDING AND ENACTING
12 SECTIONS OF THE MASSAGE THERAPY PRACTICE ACT; DEFINING "MASSAGE
13 THERAPY ESTABLISHMENT"; REQUIRING LICENSURE OF MASSAGE THERAPY
14 ESTABLISHMENTS; PROVIDING A PENALTY.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 **SECTION 1.** Section 61-12C-3 NMSA 1978 (being Laws 1991,
18 Chapter 147, Section 3, as amended) is amended to read:

19 "61-12C-3. DEFINITIONS.--As used in the Massage Therapy
20 Practice Act:

21 A. "board" means the massage therapy board;
22 B. "continuing education" means courses, seminars,
23 workshops and classes in areas related to the practice of
24 massage therapy, such as:

25 (1) massage;

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13 (13) cardiopulmonary resuscitation or first
14 aid; and

15 (14) complementary alternative medicine
16 modalities determined by the board to be related to the
17 practice of massage therapy;

18 C. "continuing education provider" means:

19 (1) an individual who was an active
20 New Mexico registered independent massage therapy instructor on
21 [the effective date of this 2019 act] February 4, 2019;

22 (2) a massage therapy school regulated by the
23 requisite regulatory agency where the massage therapy school is
24 located;

25 (3) a national or international professional

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association for massage therapists;

(4) an individual or an organization approved by a national or international massage therapy continuing education approval agency;

(5) a health care professional organization;

or

(6) accredited post-secondary educational institutions;

D. "department" means the regulation and licensing department;

E. "jurisprudence" means the statutes and rules of the state pertaining to the practice of massage therapy;

F. "massage therapist" means an individual licensed to practice massage therapy pursuant to the Massage Therapy Practice Act;

G. "massage therapy" means the treatment of soft tissues for therapeutic purposes, primarily comfort and relief of pain; it is a health care service that includes gliding, kneading, percussion, compression, vibration, friction, nerve strokes, stretching the tissue and exercising the range of motion and may include the use of oils, salt glows, hot or cold packs or hydrotherapy. Synonymous terms for massage therapy include massage, therapeutic massage, body massage, myomassage, bodywork, body rub or any derivation of those terms. "Massage therapy" does not include the diagnosis or treatment of illness

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1 or disease or any service or procedure for which a license to
2 practice medicine, nursing, chiropractic, physical therapy,
3 occupational therapy, acupuncture or podiatry is required by
4 law; [and]

5 H. "massage therapy establishment" means a facility
6 or premises at which massage therapy is offered or performed;
7 provided that "massage therapy establishment" does not include:

8 (1) a health facility:

9 (a) licensed pursuant to Section 24A-1-5
10 NMSA 1978;

11 (b) owned, managed or operated by a
12 federal agency of the United States, including the United
13 States department of defense, the veterans health
14 administration of the United States department of veterans
15 affairs or the bureau of Indian affairs of the United States
16 department of the interior; or

17 (c) authorized under Chapter 23 NMSA
18 1978;

19 (2) a health care facility as defined in
20 Section 59A-57-3 NMSA 1978; or

21 (3) a health care office or premises owned or
22 directly operated or managed on a daily basis by a person or
23 persons licensed pursuant to:

24 (a) the Chiropractic Physician Practice
25 Act;

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(b) the Medical Practice Act;

(c) the Nursing Practice Act;

(d) the Physical Therapy Act; or

(e) the Physician Assistant Act; and

[H.] I. "massage therapy school" means a facility providing an educational program in massage therapy that is registered with the board."

SECTION 2. Section 61-12C-8 NMSA 1978 (being Laws 1991, Chapter 147, Section 8, as amended) is amended to read:

"61-12C-8. BOARD POWERS.--The board has the power to:

A. adopt and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of the Massage Therapy Practice Act, in accordance with the provisions of the Uniform Licensing Act;

B. provide for the evaluation of the qualifications of applicants for licensure as a massage therapist or registration as a massage therapy school under the Massage Therapy Practice Act;

C. provide for the issuance of massage therapist licenses to applicants who meet the requirements of the Massage Therapy Practice Act;

D. establish minimum curricula for massage therapy schools and provide for the issuance and revocation of massage therapy school registrations;

E. establish minimum standards for massage therapy

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1 establishments and provide for the issuance and revocation of
2 massage therapy establishment licenses;

3 [E.] F. establish instructor qualifications for
4 hands-on massage therapy instruction within the minimum
5 curricula;

6 [F.] G. provide for the inspection, when required,
7 of the business establishment or premises of any licensee or
8 registrant ~~[during regular business hours]~~ as follows:

9 (1) inspections of massage therapy
10 establishments may be conducted at any time, including when the
11 establishment is in operation or customers are present; and

12 (2) a licensee or operator of a massage
13 therapy establishment shall be given an opportunity to
14 accompany the board-designated official conducting an
15 inspection and to receive a report of the inspection within
16 fourteen days after the inspection;

17 [G.] H. establish minimum training and educational
18 standards for licensure as a massage therapist;

19 [H.] I. pursuant to the Uniform Licensing Act,
20 conduct hearings on charges against applicants or licensees and
21 take actions described in Section 61-1-3 NMSA 1978;

22 [I.] J. bring an action for injunctive relief in
23 district court seeking to enjoin a person from violating the
24 provisions of the Massage Therapy Practice Act;

25 [J.] K. issue cease and desist orders to persons

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1 violating the provisions of the Massage Therapy Practice Act or
2 any rule adopted by the board pursuant to that act;

3 [K.] L. adopt an annual budget;

4 [L.] M. adopt a code of professional conduct for
5 massage therapists;

6 [M.] N. provide for the investigation of complaints
7 against licensees and registrants; and

8 [N.] O. publish at least annually combined or
9 separate lists of licensed massage therapists and registered
10 massage therapy schools."

11 SECTION 3. Section 61-12C-11 NMSA 1978 (being Laws 1991,
12 Chapter 147, Section 11, as amended) is amended to read:

13 "61-12C-11. DISPLAY OF LICENSE OR REGISTRATION.--

14 A. A massage therapy license or registration issued
15 by the board shall at all times be posted in a conspicuous
16 place in the holder's principal place of business.

17 B. An original or a renewal massage therapy license
18 or registration issued by the board on or after July 1, 2026
19 shall include a current photograph of the licensee or
20 registration holder."

21 SECTION 4. Section 61-12C-17 NMSA 1978 (being Laws 1991,
22 Chapter 147, Section 17, as amended) is amended to read:

23 "61-12C-17. LICENSE RENEWAL--CONTINUING EDUCATION.--

24 A. Except as provided for initial licensure in
25 Subsection B of Section 61-12C-9 NMSA 1978, massage therapy

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1 licenses shall expire biennially. Expiration dates shall be
2 established by rule.

3 B. The board may establish continuing education
4 requirements as a condition of the renewal of massage therapy
5 licenses.

6 C. All courses offered by continuing education
7 providers shall be acceptable to meet continuing education
8 requirements regardless of the location where the course is
9 offered.

10 D. A continuing education provider who is an
11 individual who was an active New Mexico registered independent
12 massage therapy instructor on ~~the effective date of this 2019~~
13 act February 4, 2019 shall submit to the board a syllabus and
14 one-time fee for any course not previously approved by the
15 board.

16 E. Within thirty days of application, the board may
17 approve or deny the application of an individual who is not a
18 continuing education provider to offer a particular continuing
19 education course; provided that the individual submits:

- 20 (1) a copy of any relevant license;
- 21 (2) proof of a minimum of two years'
experience in the area of instruction;
- 23 (3) a course syllabus for the proposed course;
- 24 (4) a resume; and
- 25 (5) a one-time fee to be determined by the

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1 board by rule.

2 F. A license shall be renewed by submitting a
3 renewal application on a form provided by the board.

4 G. A sixty-day grace period shall be allowed each
5 licensee after the end of the renewal period, during which time
6 a license may be renewed upon payment of the renewal fee and a
7 late fee as prescribed by the board."

8 SECTION 5. Section 61-12C-18 NMSA 1978 (being Laws 1991,
9 Chapter 147, Section 18, as amended) is amended to read:

10 "61-12C-18. INACTIVE STATUS.--

11 A. A massage therapy license not renewed at the end
12 of the sixty-day grace period shall be placed on inactive
13 status for a period not to exceed two years. At the end of two
14 years, if the license has not been reactivated, it shall
15 automatically expire.

16 B. If within a period of two years from the date
17 the massage therapy license was placed on inactive status the
18 licensee wishes to resume practice, the licensee shall notify
19 the board in writing, and, upon proof of completion of any
20 continuing education or refresher courses prescribed by rule of
21 the board and payment of an amount set by the board in lieu of
22 all lapsed renewal fees, the license shall be restored in full.

23 C. A massage therapy establishment license not
24 renewed at the end of the sixty-day grace period shall be
25 placed on inactive status for a period not to exceed two years.

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1 At the end of two years, if the license has not been
2 reactivated, it shall automatically expire.

3 D. If within a period of two years from the date a
4 massage therapy establishment license was placed on inactive
5 status pursuant to this section the licensee wishes to resume
6 maintenance, management or operation of the massage therapy
7 establishment, the licensee shall notify the board in writing,
8 and, upon proof of compliance with health and safety standards
9 as prescribed by rule of the board, along with payment in an
10 amount set by the board in lieu of all lapsed renewal fees, the
11 license shall be restored."

12 SECTION 6. Section 61-12C-24 NMSA 1978 (being Laws 1991,
13 Chapter 147, Section 24, as amended) is amended to read:

14 "61-12C-24. SUSPENSION, REVOCATION AND REINSTATEMENT OF
15 LICENSES.--

16 A. Pursuant to the Uniform Licensing Act, the board
17 may take disciplinary action against an individual licensed
18 pursuant to the Massage Therapy Practice Act.

19 B. The board has authority to take an action set
20 forth in Section 61-1-3 NMSA 1978 upon a finding by the board
21 that the licensee:

22 (1) is guilty of fraud, deceit or
23 misrepresentation;

24 (2) attempted to use as the licensee's own the
25 license of another;

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(3) allowed the use of the licensee's license by another;

(4) has been adjudicated as mentally incompetent by regularly constituted authorities;

(5) has been convicted of a crime that substantially relates to the qualifications, functions or duties of a massage therapist. A copy of the record of conviction, certified by the clerk of the court entering the conviction, is conclusive evidence of conviction;

(6) is guilty of unprofessional or unethical conduct or a violation of the code of ethics;

(7) is habitually or excessively using controlled substances or alcohol;

(8) is guilty of false, deceptive or misleading advertising;

(9) is guilty of aiding, assisting or advertising an unlicensed individual in the practice of massage therapy;

(10) is grossly negligent or incompetent in the practice of massage therapy;

(11) has had a license to practice massage therapy revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee similar to acts described in this section. A certified copy of the [record of conviction] order

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1 of revocation, suspension or denial shall be conclusive
2 evidence of the ~~[conviction; or]~~ revocation, suspension or
3 denial;

4 (12) performs massage therapy at or maintains,
5 manages or operates a massage therapy establishment that is not
6 licensed pursuant to the Massage Therapy Practice Act;

7 (13) refuses to allow an inspection of a
8 massage therapy establishment; provided that the board-
9 designated official provides proper identification to the
10 licensee or operator of the massage therapy establishment; or

11 [+12] (14) is guilty of failing to comply
12 with a provision of the Massage Therapy Practice Act or rules
13 of the board adopted pursuant to that act and filed in
14 accordance with the State Rules Act.

15 C. Disciplinary proceedings may be instituted by
16 sworn complaint of any individual, including members of the
17 board, and shall conform with the provisions of the Uniform
18 Licensing Act.

19 D. The board shall establish the guidelines for the
20 disposition of disciplinary cases. Guidelines may include
21 minimum and maximum fines, periods of probation, conditions of
22 probation or reissuance of a license.

23 E. Licensees who have been found culpable and
24 sanctioned by the board shall be responsible for the payments
25 of all costs of the disciplinary proceedings."

1 **SECTION 7.** Section 61-12C-24.1 NMSA 1978 (being Laws
2 2019, Chapter 40, Section 13) is amended to read:

3 **"61-12C-24.1. DENIAL OF LICENSE.--**

4 A. Pursuant to the Uniform Licensing Act, the board
5 may deny the issuance of a massage therapist license to an
6 applicant.

7 B. The board has authority to take an action set
8 forth in Section 61-1-3 NMSA 1978 upon a finding by the board
9 that the applicant:

10 (1) is guilty of fraud, deceit or
11 misrepresentation;

12 (2) attempted to use as the applicant's own
13 the license of another;

14 (3) allowed the use by another of the
15 applicant's license issued in another jurisdiction;

16 (4) has been adjudicated as mentally
17 incompetent by regularly constituted authorities;

18 (5) has been convicted of a crime that
19 substantially relates to the qualifications, functions or
20 duties of a massage therapist. A copy of the record of
21 conviction, certified by the clerk of the court entering the
22 conviction, is conclusive evidence of conviction;

23 (6) is guilty of unprofessional or unethical
24 conduct or a violation of the code of ethics;

25 (7) is habitually or excessively using

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1 controlled substances or alcohol;

2 (8) is guilty of false, deceptive or
3 misleading advertising;

4 (9) is guilty of aiding, assisting or
5 advertising the practice of massage therapy in New Mexico
6 without a New Mexico license;

7 (10) is grossly negligent or incompetent in
8 the practice of massage therapy;

9 (11) has had a license to practice massage
10 therapy revoked, suspended or denied in any jurisdiction,
11 territory or possession of the United States or another country
12 for acts of the applicant similar to acts described in this
13 section. A certified copy of the ~~record of conviction~~ order
14 of revocation, suspension or denial shall be conclusive
15 evidence of the ~~conviction; or~~ revocation, suspension or
16 denial;

17 (12) has performed massage therapy:

18 (a) without holding a valid license at
19 the time the massage therapy was performed; or

20 (b) at a massage therapy establishment
21 that was not licensed at the time the massage therapy was
22 performed; or

23 (13) has at any time maintained, managed or
24 operated a massage therapy establishment not licensed pursuant
25 to the Massage Therapy Practice Act; or

[~~12~~] (14) is guilty of failing to comply with a provision of the Massage Therapy Practice Act or rules of the board adopted pursuant to that act and filed in accordance with the State Rules Act."

SECTION 8. Section 61-12C-27 NMSA 1978 (being Laws 1993, Chapter 173, Section 20, as amended) is amended to read:

"61-12C-27. OFFENSES--CRIMINAL PENALTIES.--An individual who does any of the following is guilty of a misdemeanor and shall be sentenced pursuant to Section 31-19-1 NMSA 1978:

A. violates a provision of the Massage Therapy Practice Act or rules adopted pursuant to that act;

B. renders or attempts to render massage therapy services without the required current valid license issued by the board; [or]

C. maintains, manages or operates a massage therapy establishment that is not licensed pursuant to the Massage Therapy Practice Act; or

[C.] D. advertises or uses a designation, diploma or certificate implying that the individual is a massage therapist or massage therapy school unless the individual holds a current valid license or registration issued by the board."

SECTION 9. A new section of the Massage Therapy Practice Act is enacted to read:

"NEW MATERIAL" MASSAGE THERAPY ESTABLISHMENT--LICENSE--
REQUIREMENTS.--

1 A. The board shall establish by rule procedures for
2 the licensure of massage therapy establishments and shall issue
3 licenses to massage therapy establishments that meet the
4 requirements of the Massage Therapy Practice Act and rules
5 adopted by the board pursuant to that act.

6 B. The board shall establish minimum health and
7 safety standards for massage therapy establishments."

8 **SECTION 10.** A new section of the Massage Therapy Practice
9 Act is enacted to read:

10 "[NEW MATERIAL] MASSAGE THERAPY ESTABLISHMENT--LICENSE
11 RENEWAL--SUSPENSION--REVOCATION--APPLICABILITY.--

12 A. On or after January 1, 2027, a person shall not
13 maintain, manage or operate a massage therapy establishment
14 unless the establishment is a licensed massage therapy
15 establishment.

16 B. Massage therapy establishment licenses shall
17 expire biennially. Expiration dates shall be established by
18 rule of the board.

19 C. A license shall be renewed by submitting a
20 renewal application on a form provided by the board.

21 D. A sixty-day grace period shall be allowed each
22 licensee after the end of the renewal period, during which time
23 a license may be renewed upon payment of the renewal fee and a
24 late fee as prescribed by the board.

25 E. Proceedings to determine whether to suspend or

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1 revoke the license of a massage therapy establishment may be
2 instituted by sworn complaint of any individual, including a
3 member of the board, and shall conform with the provisions of
4 the Uniform Licensing Act."

5 **SECTION 11. EFFECTIVE DATE.**--The effective date of the
6 provisions of this act is July 1, 2026.

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