

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

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SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/6/2026 *Check all that apply:*
Bill Number: Senate Bill 246 Original Correction
 Amendment Substitute

Sponsor: Sen. Pat Woods **Agency Name and Code Number:** Regulation and Licensing (RLD) 420
Short Title: Massage Therapy Practice Changes **Person Writing:** Jen Rodriguez
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
N/A	N/A	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	Unknown*	Unknown*	Recurring	Massage Therapy Fund

(Parenthesis () indicate revenue decreases)

*It may reasonably be assumed that the enactment of this bill would increase revenue to the Massage Therapy Fund due to the creation of a new license type for massage establishments, however, there is no current data being tracked concerning the numbers of licensed massage therapists who currently perform massage therapy services at specific physical establishments in New Mexico, therefore it is not possible to provide an accurate estimate of how many new individual licenses for massage establishments would be applied for/issued.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	326.5	215.7	542.2	Partially recurring	Massage Therapy Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 246 (SB 246)

SB 246 amends the Massage Therapy Practice Act (Act), §§ 61-12C-1 to -28 NMSA 1978 to require licensure and oversight of massage establishments (establishments). It directs the Massage Therapy Board (Board) to establish procedures for licensure minimum standards of health and safety as well as provide for the inspection of massage establishments.

Section 1 amends § 61-12C-3, Definitions, replacing the vague reference to “the effective date of this 2019 act” with the specific date “February 4, 2019” for identifying eligible instructors. It adds a definition for “massage therapy establishments” as facilities where massage therapy is offered or performed, and explicitly excludes licensed health facilities, federally owned or operated facilities, facilities authorized under Chapter 23 NMSA 1978, health care facilities as defined by insurance law, and health care offices owned or directly operated by licensed chiropractors, physicians, nurses, physical therapists, or physician assistants.

Section 2 amends § 61-12C-8, Board Powers, authorizing the Massage Therapy Board (Board) to promulgate rules that set minimum standards for massage therapy establishments, issue, and revoke licenses, and inspect the premises of massage therapy establishments.

Section 3 amends § 61-12C-11, Display of License or Registration, to require that any massage therapist license or registration issued or renewed on or after July 1, 2026, include a current photograph of the licensee or registrant.

Section 4 amends § 61-12C-17, License Renewal and Continuing Education, replacing “the effective date of this 2019 act” with “February 4, 2019”, when identifying eligible independent instructors.

Section 5 amends § 61-12C-18, Inactive Status, extending inactive-status requirements to establishment licenses. An establishment license that is not renewed within the grace period goes inactive for up to two (2) years. If not reactivated within two (2) years, the license expires automatically. To reactivate a license, the licensee must show compliance with Board-set health and safety standards and pay required fees.

Section 6 amends § 61-12C-24, Suspension, Revocation & Reinstatement, adding disciplinary authority for performing massage therapy at an unlicensed establishment, maintaining, managing, or operating an unlicensed massage therapy establishment, and refusing an inspection when proper identification is provided by an inspector.

Section 7 amends § 61-12C-24.1, Denial of License, adding, as grounds for denial of a license, performing massage therapy at an unlicensed establishment and maintaining, managing, or operating an unlicensed establishment.

Section 8 amends § 61-12C-27, Criminal Penalties, adding criminal liability (misdemeanor) for maintaining, managing, or operating an establishment without a license.

Section 9 adds new material to the Act, Massage Therapy Establishment License Requirements, requiring the Board to adopt rules governing the licensing of establishments, issue licenses to establishments that meet statutory and regulatory requirements, and establish minimum health and safety standards for establishments.

Section 10 also adds new material to the Act, Massage Therapy Establishment License Renewal, Suspension, Revocation, Applicability, requiring a license to operate a massage therapy establishment beginning January 1, 2027. Establishment licenses will expire every two (2) years, may be renewed by a Board-approved application, and include a sixty (60) day grace period with late fees. It also allows for the suspension or revocation of an establishment license consistent with the Uniform Licensing Act.

Section 11 states that the effective date of SB 246 is July 1, 2026.

FISCAL IMPLICATIONS

A direct fiscal impact anticipated for the Regulation and Licensing Department (RLD) if SB 246 is enacted would be for the necessary additions and updates that would have to be made to the NM Plus online licensing system that is utilized by the RLD for all licensing under the Act. Contracting fees for information technology development and implementation of the necessary changes to the NM Plus licensing system to implement the new license applications and certification requirements are estimated to be one hundred ten thousand dollars (\$110,000) in FY27.

Personnel costs to hire one inspector and an investigator to regulate massage therapy establishments is estimated to total one-hundred seventy-two thousand dollars (\$172,000) in FY27 and forward.

Contractual services, including the hiring of hearing officers for disciplinary cases (if needed) in the amount of five thousand dollars (\$5,000) each following fiscal year.

Equipment and other necessary operational costs for the initial year include the purchase of one (1) vehicle at approximately forty-three thousand dollars (\$43,000), and computers, cell phones, field supplies, fuel and vehicle maintenance and other field supplies in the amount of nineteen thousand five-hundred dollars (\$19,500) to conduct inspections throughout the state of New Mexico.

An administrative rulemaking process, including a public hearing and all required publication of

notices and proposed rules, would be required to update and amend current administrative rules issued pursuant to the Act if SB 246 is enacted. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

The Board has indicated strong support for SB 246. The Board voted unanimously to support a similar bill, 2025's Senate Bill 203 at a special board meeting on January 30, 2025. The Board believes that establishment licenses and inspections are necessary tools to ensure accountability, public health and safety and to protect the integrity of the profession. The Board has also expressed concern for home-based massage therapists and mobile massage therapists, believing that some current licensees may see this as government overreach.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

Requiring licenses for massage establishments ensures that the businesses/locations where massage therapy services are performed will be subject to inspection for critical health, safety and client privacy criteria to be determined by the Board. Inspections of massage therapy establishments can be expected to include items such as: Overall cleanliness of the facility including the rooms/areas where massage is performed, waiting rooms, dressing/changing rooms, and restrooms; verifying required sanitization of massage tables or chairs between client appointments/services is performed; ensuring privacy of clients is maintained while receiving massage therapy services and while dressing/undressing; and appropriate laundry services/practices. Inspectors will have broad access to licensed facilities in order to properly carry out their inspections.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Unregulated businesses offering massage services will continue to operate in New Mexico if SB 242 is not enacted, many of which may be unclean and unsafe. These businesses, ubiquitous throughout the state, often appear to have irregular hours, hidden parking and blacked out windows. These businesses may have unlicensed and unqualified massage providers, and law enforcement authorities have repeatedly identified such establishments purporting to offer "massage" services as fronts for prostitution and human trafficking. Licensing legitimate massage establishments will assist the public and law enforcement in identifying facilities where qualified, professional massage therapy services are being provided; failing to require licensure for massage therapy establishments continues to allow opportunities for bad actors to disguise criminal activity. Without the ability to inspect and regulate businesses offering massage therapy services, public safety will continue to be placed at risk.

AMENDMENTS