
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2899 Session of
2022

INTRODUCED BY WEBSTER, BURGOS, KINSEY, N. NELSON, McNEILL,
DELLOSO, SCHLOSSBERG, SANCHEZ, MADDEN AND CIRESI,
OCTOBER 25, 2022

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
OCTOBER 25, 2022

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

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

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

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

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

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

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

30 (ii) uses a business name or an assumed name, but

1 also provides the practitioner's full name or license
2 number in each advertisement and each time the business
3 name or assumed name appears in writing.

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

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

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

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

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

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

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

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

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

1 maintenance of a bodywork facility or delivers goods to a
2 licensee.

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

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

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

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

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

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

25 (2) a medical procedure;

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

28 (4) therapeutic exercise;

29 (5) electrical stimulation;

30 (6) ultrasound; or

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

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

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

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

19 Section 3. Licenses required.

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

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

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

29 Section 4. Administrative duties.

30 (a) Duty of bureau.--The bureau may issue, deny, suspend,

1 revoke or take other administrative action to ensure compliance
2 with this act and may promulgate rules and regulations in
3 accordance with this act.

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

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

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

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

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

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

26 Section 5. Application for license.

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

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

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

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

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

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

1 (6) Satisfactory proof of the applicant's ownership or
2 right to possession of the premises where the bodywork
3 facility will be operated. The applicant has a continuing
4 obligation to provide, if applicable, further evidence of the
5 right to possession of the premises.

6 (7) Proof of professional liability insurance.

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

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

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

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

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

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

30 (b) Terms of license.--

1 (1) The bureau shall issue a license for a single,
2 identified location and the license is not assignable or
3 transferable.

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

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

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

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

16 (3) Current residence.

17 (4) Mailing address.

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

19 (6) Social Security number.

20 (7) City and state of birth.

21 (8) Date of birth.

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

24 (10) Email address.

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

26 (12) Business address.

27 (13) Citizenship status.

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

30 (15) Place of residence for the previous 10 years,

1 including the date, street address, city, state, zip code and
2 county.

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

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

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

16 (19) Professional affiliations and achievements.

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

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

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

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

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

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

30 (vi) The applicant was involved in a civil suit

1 related to the practice of bodywork therapy or other
2 health care profession.

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

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

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

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

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

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

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

28 (xiv) If the applicant has been convicted of a
29 felony under The Controlled Substance, Drug, Device and
30 Cosmetic Act, or of an offense under the laws of another

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

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

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

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

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

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

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

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

1 (2) The table must be commercial and professional in
2 nature, manufactured with industrial grade materials and be
3 designed solely for the purpose of massage utilizing multiple
4 overhead spray nozzles and meeting all applicable plumbing
5 and accessibility codes.

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

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

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

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

20 (7) The license must be renewed yearly.

21 Section 6. Background checks.

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

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

1 application is submitted.

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

6 Section 7. Issuance and denial.

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

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

10 (2) The following may not have occurred:

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

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

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

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

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

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

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

30 (D) 18 Pa.C.S. § 3124.2 (relating to

1 institutional sexual assault);

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

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

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

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

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

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

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

28 Section 8. Temporary license.

29 (a) Bodywork facility license.--The bureau may issue a
30 temporary bodywork facility license upon receipt of a complete

1 bodywork facility license application and applicable fees, if
2 the license application is in conjunction with the sale of a
3 licensed bodywork facility or a change in ownership of a
4 licensed bodywork facility.

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

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

14 Section 9. Prohibitions.

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

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

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

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

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

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

1 family members of a licensed facility operated as a home
2 occupation are exempt from this prohibition.

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

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

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

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

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

23 (11) Permit a bodywork facility to advertise sexually
24 explicit services or engage in sexually explicit advertising.
25 Any such advertising will be imputed to the owner and manager
26 and is grounds for suspension of the bodywork facility
27 license and the manager 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 facility operated
2 as a home occupation are exempt from this prohibition insofar
3 as it relates to their personal and private living space.

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

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

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

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

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

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

24 (19) Operate an illicit bodywork facility.

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

1 premises.

2 Section 10. Requirements.

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

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

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

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

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

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

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

27 (7) Ensure that the interior and exterior doors of the
28 licensed bodywork facility premises shall remain unlocked
29 while the bodywork facility is open. Exterior doors may
30 remain locked if the facility is owned by one individual with

1 no more than one employee or independent contractor. Restroom
2 doors may be locked and internal doors may be locked to
3 protect confidential patient or business information.

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

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

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

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

30 (12) Ensure that a bodywork practitioner, employee or

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

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

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

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

1 violations.

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

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

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

9 Section 11. Inspections.

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

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

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

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

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

28 Section 12. Suspension and revocation of licenses.

29 (a) Power of bureau.--In addition to any other violation
30 under this act, the bureau may suspend or revoke a bodywork

1 facility license if the bureau finds that a license was obtained
2 through fraud, deceit or misrepresentation.

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

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

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

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

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

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

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

25 Section 13. Forfeiture.

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

29 Section 14. Practice of bodywork on minors.

30 (a) Parental presence required.--

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

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

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

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

15 Section 15. Victims services.

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

24 Section 16. Effective date.

25 This act shall take effect in 60 days.