

LFC Requester:

Noah Montano

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: Jan. 31, 2025

Check all that apply:

Bill Number: SB203

Original Correction
Amendment Substitute

Sponsor: Sen. Linda M. Trujillo
Sen. Heather Berghmans

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: Massage Therapy Licensure

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

SB 203 mandates massage therapy establishments in New Mexico to be licensed by 2026, with biennial renewal and enforcement by the Massage Therapy Board (“Board”). Exemptions apply to certain healthcare and small businesses. The bill also establishes inspection, compliance, and enforcement procedures.

Section 1

This new material requires that the Board set procedures—by rule—and health standards for licensing massage therapy establishments, issuing licenses to those meeting the Massage Therapy Practice Act (“MTPA”) requirements.

Section 2

The new material in Section 2 mandates that starting January 1, 2026, massage therapy establishments must be licensed. Establishment licenses will expire biennially and can be renewed within a sixty-day grace period with a late fee. Suspension or revocation may be pursued via sworn complaints under the Uniform Licensing Act.

Section 3

This section amends Section 61-12C-3 of the MTPA to add two definitions: a **home-based establishment** is a residence where up to two licensed massage therapists offer services as a secondary use, complying with local zoning laws; and a **massage therapy establishment** excludes licensed healthcare facilities, federally operated facilities, certain healthcare offices, home-based establishments, and client-selected locations like homes or workplaces.

Section 4

Section 4 amends Section 61-12C-8 to add permissions to the Board to set minimum standards for massage therapy establishments and provide for the issuance and revocation of licenses. The Section also adds permissions to the Board to inspect establishments at any time, including when the establishment is in operation or customers are present, but to require that licensees or operators be given an opportunity to accompany the board official conducting the inspection and receive a report within 14 days after the inspection.

Section 5

This section amends Section 61-12C-11 of the MTPA to require therapy licenses or registrations, which must be posted under existing law, to include a current photograph of the licensee or registration holder, beginning July 1, 2025.

Section 6

Section 6 amends Section 61-12C-17 to update the effective date of the rule requiring continuing education providers who were active New Mexico massage therapy instructors to submit a syllabus and one-time fee for any unapproved courses from “the effective date of this 2019 act” to “February 4, 2019.”

Section 7

Section 7 amends Section 61-12C-18 of the MTPA to state that if a massage therapy license is not renewed within the 60-day grace period, it will be inactive for up to two years and will expire automatically if not reactivated. Section 7 also adds a Subsection that states that, if within that 2-year period, the licensee wishes to resume maintenance, management, or operation of the establishment, they shall notify the Board in writing and, upon proof of compliance with health and safety standards prescribed by rule of the Board and payment of an amount set by the Board in lieu of all lapsed renewal fees, the license shall be restored in full.

Section 8

This section amends Section 61-12C-24 of the MTPA to give the Board greater authority to discipline licensees who perform massage therapy at an unlicensed establishment or refuse an inspection when the Board presents proper identification. It also clarifies that the Board can take action if a licensee’s massage therapy license has been revoked, suspended, or denied elsewhere for similar reasons, with a certified copy of the order serving as conclusive evidence.

Section 9

This section amends Section 61-12C-24.1 of the MTPA to give the Board the authority to deny licensure to applicants who have worked at or operated an unlicensed massage therapy establishment. It also clarifies that the Board can take action if a licensee’s massage therapy license has been revoked, suspended, or denied elsewhere for similar reasons, with a certified copy of the order serving as conclusive evidence.

Section 10

Section 10 amends Section 61-12C-27 of the MTPA to make individuals who operate an unlicensed massage therapy establishment guilty of a misdemeanor, punishable under Section 31-19-1 NMSA 1978.

Section 11

Section 11 provides an effective date of July 1, 2025.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

The bill requires additional work be performed by the Board but does not provide for additional resources and/or appropriations.

The bill also does not account for any needs for waiver of fees.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS