

LFC Requester:

Eric Chenier

AGENCY BILL ANALYSIS
2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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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}

Check all that apply:

Original Amendment
Correction Substitute

Date 1-31-2025

Bill No: SB 203

Sponsor: Sens. Linda M. Trujillo and
Heather Berghmans
Short Title: Massage Therapy License

Agency Name and Code
Regulation and Licensing
Department - 420

Person Writing Jen Rodriguez
Phone: 505-795-3250 Email Jen.rodriguez@rld.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	Unknown*	Unknown*	Recurring	Massage Therapy Fund

(Parenthesis () Indicate Expenditure Decreases)

*The Regulations and Licensing Department anticipates that SB203 will increase revenue by providing for a new license type that is in-demand in other states, however, it is not clear how much demand for this license type exists in New Mexico.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	105	23.5		128.5	Nonrecurring	Massage Therapy Fund
		220	220	440	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 203 (SB203)

SSB203 amends the Massage Therapy Practice Act, §§ 61-12C-1 to -28 NMSA 1978 (Act) 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.

SB203 defines a “massage therapy establishment” or “massage establishment” as a place of business in which massage therapy is offered or performed but does not include licensed health care facilities or health care offices, home-based establishments, or services provided at premises selected by a client, such as a client’s home or business.

A “home-based establishment” means physical premises where massage therapy may be offered by no more than two licensed massage therapists who personally reside at the premises, the massage therapy is incidental to the use of the premises for a dwelling, and the use of the premises for massage therapy is in compliance with any applicable zoning or business licensing requirements.

In an effort to ensure that operations within establishments are safe and adhere to proper hygiene and sanitary conditions, SB203 allows for inspections to be conducted at any time, including when the massage establishment is in operation or customers are present. The licensee or operator of an establishment shall have an opportunity to accompany the inspector and receive a report within fourteen (14) days.

Performing massage therapy at or maintaining a massage establishment without a license will be grounds for disciplinary action. Refusal to allow an inspection will also be grounds for discipline. Further, performing massage therapy at or maintaining a massage establishment without a license is grounds for denial of a license and is a misdemeanor.

SB203 requires establishment licensure by January 1, 2026, for all businesses that offer massage services and are not exempt. Licenses will expire biennially. An establishment license not renewed at the end of a sixty (60) day grace period shall be placed on inactive status for up to two (2) years,

after which it will automatically expire.

A massage therapy license or registration issued on or after July 1, 2025, must include a current photograph of the licensee or registration holder.

The effective date of the legislation is July 1, 2025.

FISCAL IMPLICATIONS

The Regulation and Licensing Department (RLD) will be fiscally impacted when SB203 is enacted. Meeting the new licensing requirements for Massage Establishments, and the requirement to add current photographs of licensees to the licenses issued to Massage Therapists, will entail significant necessary additions and updates to the NM Plus online licensing system that is utilized by the RLD for all licensing under the Act. Contracting fees for software development and implementation of the multiple necessary changes to the NM Plus licensing system are estimated to cost one hundred five thousand (\$105) in FY25. This funding would be necessary in FY25 due to the bill's specification that licensing documents for Massage Therapists will include a current photograph for all licenses issued on or after July 1, 2025. To meet that deadline, the NM Plus licensing system updates and additions must be completed prior to the end of FY25.

Personnel costs for one (1) new inspector and one (1) new investigator to regulate establishments are estimated at one-hundred seventy-two thousand dollars (\$172,000) beginning in FY26 and each year thereafter.

Contractual services expenses, which primarily include hiring hearing officers for disciplinary cases, are estimated to total five thousand dollars (\$5,000) each fiscal year beginning in FY26.

Additional operating expenses for FY26 include the purchase of one (1) vehicle, computers and other office supplies and equipment, travel expenses (lodging and meals), fuel, vehicle lease and maintenance, cell phones, and field supplies. Including the vehicle purchase expense, total operating expenses in FY26 are estimated at approximately forty-three thousand dollars (\$43,000). In FY27 and the years going forward, other operating expenses are estimated to total nineteen thousand five hundred dollars (\$19,500) per year.

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 SB203 is enacted.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

The Board has indicated strong support for SB203. The Board voted unanimously to support SB203 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.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Unregulated businesses offering massage services will continue to operate in New Mexico, many of which may be unclean and unsafe. Many of these businesses may have unlicensed and unqualified massage providers, potentially victims of human trafficking. Further, these businesses may be conducting other unlawful business under the guise of massage services. Without the ability to inspect and regulate the physical locations for the businesses offering massage services, public safety is at risk.

AMENDMENTS