

February 24, 2025

The Honorable Rick Billinger, Chairperson  
Senate Committee on Ways and Means  
300 SW 10th Avenue, Room 548-S  
Topeka, Kansas 66612

Dear Senator Billinger:

**SUBJECT:** Fiscal Note for SB 253 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 253 is respectfully submitted to your committee.

SB 253 would enact the Massage Therapist Licensure Act. The bill would require the State Board of Healing Arts to regulate and license massage therapists practicing in Kansas. The bill would include requirements for licensure and the maximum fees that could be charged for application and licensing. The bill would make related definitions and outline the powers, duties, and functions of the Board regarding the regulation and licensure of massage therapists. The bill would establish a Massage Therapy Advisory Committee that would consist of six members. The Committee would advise and assist the Board in implementing the Act. The bill also would require a licensed massage therapist to maintain professional liability insurance coverage.

On and after September 1, 2025, any person who practices massage therapy without a license would be subject to a class B person misdemeanor and the action would constitute an unconscionable act or practice in violation of the Kansas Consumer Protection Act. The bill would also allow the Board to assess civil fines for unprofessional conduct, which would be deposited to the State General Fund. All applicants would be fingerprinted, and those fingerprints would be submitted to the Kansas Bureau of Investigation and the Federal Bureau of Investigation. Local and state law enforcement would assist in taking and processing the fingerprints of applicants. The Board would set a fee for fingerprinting to reimburse any related expenditures. A total of 10.0 percent of all other fees, charges, or penalties received under the Act would be deposited to the State General Fund with the Board receiving the remaining 90.0 percent.

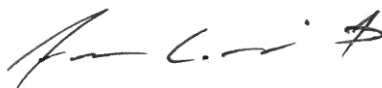
According to the Kansas State Board of Healing Arts, enactment of SB 253 would increase fee fund expenditures by \$315,263 in FY 2026 and \$288,263 in FY 2027 for an additional 3.00 positions beginning in FY 2026 to handle the additional workload. This would include salaries

and wages totaling \$71,023 for a Licensing Analyst to process the new applications and licenses; \$123,128 for an Associate General Counsel to draft, promulgate, and implement new rules and regulations; and \$94,112 for a Disciplinary Investigator as the agency anticipates a sharp increase in actionable complaints due to the hands-on nature of the work of massage therapists. The agency also estimates one-time expenses for overhead for the new positions totaling \$27,000. The agency states there are approximately 2,500 massage therapists in Kansas who could qualify for licensure under this bill. If 2,000 massage therapists pursued licensure and the maximum fee of \$80.00 was utilized, this would result in increased revenue totaling \$160,000 for the first year and \$150,000 every two years after, as the bill creates a bi-annual license renewal.

The Office of Judicial Administration states enactment of SB 253 could increase the number of cases filed in district court because it would create a new crime. This could result in more time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing these cases. Since the new crime carries a misdemeanor penalty, there could also be more supervision of offenders required to be performed by Court Services Officers. The Office estimates enactment of the bill could result in the collection of docket fees assessed in those cases filed under the bill's provisions to be deposited to the State General Fund. According to the Office, a total fiscal effect cannot be estimated.

The Office of the Attorney General estimates enactment of the bill would increase expenditures by \$240,065 in FY 2026 and \$252,069 in FY 2027, all from the State General Fund for the additional workload related to new consumer protection complaints and certification of an applicant or licensee's inability to pay the costs of adverse final agency action proceedings by the State Board of Healing Arts. The Office anticipates that an additional 2.00 positions would be necessary to handle this workload. These positions would include salary and benefits totaling \$60,839 for an Investigator and \$133,904 for an Assistant Attorney General. The Office reports that \$45,322 would also be necessary for office space, employee training, technology, and other items incidental to hiring new employees. Any fiscal effect associated with SB 253 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt  
Director of the Budget

cc: Susan Gile, Board of Healing Arts  
Trisha Morrow, Judiciary  
Matt Bingesser, Office of the Attorney General