

## POLICY STATEMENT

### TENNESSEE MASSAGE LICENSURE BOARD

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#### ESTABLISHMENT LICENSE POLICY

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The massage practice act defines a “massage establishment” as “a place of business held out to the public wherein massage is practiced.” T.C.A. § 63-18-102(4). The Massage Licensure Board’s rules further define an “establishment” as “a business or institution that is a fixed and permanent location or a mobile vehicle facility that is open and accessible to the general public for compensated massage services.” TENN. COMP. R. & REGS. 0870-01-.01(10). Under the massage practice act, any establishment engaging in or advertising massage for compensation must hold massage establishment license. T.C.A. § 63-18-104.

This policy is intended to expand upon these definitions to help massage therapists, massage customers, and the public at large understand when a massage establishment license is required.

The definition of “establishment” in the Massage Board rules has 3 parts: 1) fixed/permanent location or mobile vehicle facility; 2) open and accessible to the general public, and 3) for compensated massage services. An establishment license is required only if all three parts are met.

- 1) The Board believes that an establishment is fixed or permanent when there is consistency in the establishment’s location, regardless of how many days per week massage is practiced at that location. A “mobile vehicle facility” may require an establishment license despite being movable and would include massage performed in vehicles such as busses, RVs, large boats, or any other facility able to move or to be moved – such mobile vehicles will need massage establishment licenses if requirements 2) and 3) are met.
- 2) The Board believes that a facility is “open to the public” unless its clientele is limited to a list of specific individuals or the facility offers massage only to those who can access a closed environment, such as an office of some type. For example, if massage is offered within a private building only to employees of a certain business, the massage business would not be “open to the public” and would not require a massage establishment license. As another example, massage offered only to members of a sports team would not be “open to the public.”
- 3) “Compensation” is defined in the massage practice act as “the payment, loan, advance, donation, contribution, deposit or gift of money or anything of value.” If massage is not being done for compensation, a massage license is not required. For example, massages provided for free to attendees of a conference or participants of a walkathon, where the person receiving a massage does not pay anything for the massage and the person performing the massage does not receive compensation, would not require a license.

Under these guidelines, massage therapy practiced in the following circumstances will usually not require an establishment license because they tend to be temporary, short-term, one-time events that are not fixed and permanent: health fairs, festivals, concerts, tournaments, marathons, farmers markets, and promotional setups in businesses.

The Board encourages licensees and other interested individuals to carefully review the massage practice act, Massage Board rules, and this policy to determine whether a given situation requires a massage establishment license. If a situation arises that has no clear answer from the law, rules, and this policy, please contact the Board administrative office, who will work with a designated Board member to provide guidance in that situation.

ADOPTED BY THE MESSAGE LICENSURE BOARD ON November 8, 2019.



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**Chairperson  
Tennessee Massage Licensure Board**