

SENATE BILL NO. 221

BY SENATORS MIZELL, ABRAHAM, BARROW, BOUDREAUX, CARTER, CLOUD,
HENRY, HENSGENS, JACKSON-ANDREWS, LUNEAU, PRICE
AND STINE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 37:3555(A)(11) and (14)(a) and 3561(A) and to enact R.S. 37:3553(D), 3558(E), 3565(C), and 3569, relative to massage therapy; to provide relative to powers and duties of the board; to provide relative to licensure and renewals; to provide for criminal background checks; to provide for inspections and complaints; to provide for penalties; to provide for applicability; to provide for accountability and reporting to the legislature; to provide for terms, conditions, procedures, and enforcement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3555(A)(11) and (14)(a) and 3561(A) are hereby amended and reenacted and R.S. 37:3553(D), 3558(E), 3565(C), and 3569 are hereby enacted to read as follows:

§3553. Application of Chapter; exceptions and exemptions

* * *

D. Nothing in this Title shall prohibit the board from adopting rules that are related to preventing fraud, abuse, human trafficking, or other criminal activity.

1 * * *

2 §3555. Powers and duties of the board

3 A. The board shall:

4 * * *

5 (11) Develop a process to review all complaints made to the board, **except**
6 **any complaint alleging illicit activity at a massage establishment shall result in**
7 **an unannounced, in-person inspection by the board within ten days of the board**
8 **receiving the complaint.**

9 * * *

10 (14)(a) Be entitled to the criminal history record and identification files of the
11 bureau of **any person who is licensed or applying for a massage establishment**
12 **license with the board, and of** any person who is licensed or is applying to be
13 licensed with the board in order to determine an applicant's suitability for licensure.
14 Fingerprints and other identifying information of the applicant shall be submitted to
15 the bureau for qualification and registry, and the bureau shall, upon request of the
16 board and after receipt of the fingerprint card and other identifying information from
17 the applicant, make available to the board all arrest and conviction information
18 contained in the bureau's criminal history record and identification files that pertain
19 to the applicant for licensure. In addition, the fingerprints shall be forwarded by the
20 bureau to the FBI for a national criminal history record check.

21 * * *

22 §3558. Massage establishments

23 * * *

24 **E. A massage establishment shall not be used as a principal or temporary**
25 **domicile, shelter, or harbor, or as sleeping or napping quarters for any person**
26 **unless the establishment is zoned for residential use under a local ordinance.**

27 * * *

28 §3561. License renewal requirements

29 A.(1) Each license shall be renewed annually, on or before its expiration date
30 by submitting a renewal application form; **and** payment of the renewal fee specified

1 in R.S. 37:3562, ~~and providing.~~ **Each licensed massage therapist shall also provide**
2 evidence ~~that the licensee has completed~~ **of the completion of** continuing education
3 requirements, as established by rule of the board.

4 (2)(a) Beginning with the renewal cycle of April 1, 2022, any excess
5 continuing education credits may be applied to the following year only after a
6 licensee has satisfied the license renewal requirements.

7 (b)(i) The board ~~may~~ **shall** require any renewing applicant licensed prior to
8 April 1, 2022, **who has not previously submitted** to ~~submit to~~ a state and federal
9 background check as described in R.S. 37:3555(A)(14) **with the board, to submit**
10 **to such background check prior to the license being renewed.**

11 **(ii) The board shall require any renewing applicant registered prior to**
12 **August 1, 2025, who has not previously submitted to a state and federal**
13 **background check as described in R.S. 37:3555(A)(14) with the board, to submit**
14 **to such background check prior to the registration being renewed.**

15 (iii) In order to renew, an applicant shall not have pled guilty to or been
16 convicted of any sex-related crime, crime of violence, or crime related to the practice
17 of massage therapy.

18 * * *

19 §3565. Penalties

20 * * *

21 **C.(1) A massage establishment shall have its license automatically**
22 **revoked by the board if any owner, manager, or supervisor violates the**
23 **provisions of this Chapter when the violation occurs either in or in connection**
24 **with the operation of the massage establishment.**

25 **(2) After a revocation of a massage establishment license pursuant to this**
26 **Subsection, no occupational license, permit, or massage establishment license**
27 **shall be issued by a local governing authority or the board for the operation of**
28 **a massage establishment at that same premises or address of the revoked**
29 **licensee.**

30 * * *

1 **§3569. Annual reporting requirements**

2 **A. The board shall submit an annual report to the legislature no later**
3 **than March first of each year which shall include the following information:**

4 **(1) The total number of complaints received during the preceding**
5 **calendar year.**

6 **(2) A summary of each complaint received, including the nature of the**
7 **alleged violation.**

8 **(3) A summary of each complaint involving repeat offenders.**

9 **(4) The total number of inspections conducted during the preceding**
10 **calendar year and the results of each inspection, including the total number of**
11 **unlicensed massage establishments and unlicensed massage therapists**
12 **discovered during each inspection.**

13 **(5) The total number of active massage therapist licenses and massage**
14 **establishment licenses, the number of new massage therapist and massage**
15 **establishment licenses issued during the preceding year, the total number of**
16 **massage therapist and massage establishment licenses renewed during the**
17 **preceding year, and the total number of massage therapist and massage**
18 **establishment licenses suspended or revoked during the previous year.**

19 **B. For each complaint investigated and resolved, the report shall include**
20 **at minimum:**

21 **(1) A description of the outcome or resolution of each complaint.**

22 **(2) Whether the complaint resulted in any of the following actions:**

23 **(a) Issuance of a warning or cease and desist order.**

24 **(b) Imposition of a fine.**

25 **(c) Suspension or revocation of an individual or massage establishment**
26 **license.**

27 **(d) Referral to law enforcement or another regulatory body.**

28 **(e) Any other action.**

29 **(3) Name and title of the board member or investigator assigned to**
30 **handle the complaint, as well as the date the complaint was filed and the date**

1 investigation proceedings commenced and the final resolution date, if the
2 investigation is resolved.
3 **(4) Any administrative or legal proceedings arising out of the complaint.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____