

SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 286 by Senator Luneau

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 37:3556(1)(a)" to "R.S. 37:3552(5) through (12) and
3 3556(1)(a) and to enact R.S. 37:3552(13) and (14)"

4 AMENDMENT NO. 2

5 On page 1, line 4, after "instruction;" insert "to provide for definitions;"

6 AMENDMENT NO. 3

7 On page 1, line 6, change "R.S. 37:3556(1)(a) is" to "R.S. 37:3552(5) through (12) and R.S.
8 37:3556(1)(a) are" and after "reenacted" insert "and R.S. 37:3552(13) and (14) are hereby
9 enacted"

10 AMENDMENT NO. 4

11 On page 1, between lines 6 and 7, insert the following:

12 §3552. Definitions

13 * * *

14 **(5) "In-person, in-class, instructor-supervised" means students**
15 **physically attend class or clinical session at the approved school location**
16 **with their instructor and other classmates.**

17 ~~(5)~~ **(6)** "Lapsed license" means a board-issued license which has not
18 been renewed for a period of more than two years and the holder of the
19 license has not taken inactive status.

20 ~~(6)~~ **(7)** "Licensee" means any person or business that has a
21 professional or establishment license issued by the board.

22 ~~(7)~~ **(8)** "Massage establishment" means any place of business that
23 offers the practice of massage therapy and where the practice of massage
24 therapy is conducted on the premises of the business. A place of business
25 includes any office, clinic, facility, or other location where a person or
26 persons engage in the practice of massage therapy. The residence of a
27 therapist or an out call location which is not owned, rented, or leased by a
28 massage therapist or massage establishment shall not be considered a
29 massage establishment, unless the location is advertised as the therapist's or
30 establishment's place of business. The term "massage establishment" shall
31 not include physician offices, physical therapy facilities, chiropractic offices,
32 or athletic training facilities, whether or not they employ, contract with, or
33 rent to massage therapists, or institutions of secondary or higher education
34 when massage therapy is practiced in connection with employment related
35 to athletic teams.

36 ~~(8)~~ **(9)** "Massage therapist" means a person who engages in the
37 practice of massage therapy for compensation.

38 ~~(9)~~ **(10)** "Person" means an individual, corporation, association, or
39 other legal entity.

1 ~~(10)~~ **(11)** "Practice of massage therapy" means the manipulation of
 2 soft tissue for the purpose of maintaining good health and establishing and
 3 maintaining good physical condition. The practice of massage therapy shall
 4 include advertising or offering to engage in the practice of massage therapy
 5 and holding oneself out or designating oneself to the public as a massage
 6 therapist or massage establishment. The practice of massage therapy shall
 7 include effleurage (stroking), petrissage (kneading), tapotement (percussion),
 8 compression, vibration, friction (active/passive range of motion), stretching
 9 activities as they pertain to massage therapy, Shiatsu, acupressure,
 10 reflexology, trigger point massage, and Swedish massage either by hand,
 11 forearm, elbow, foot, or with mechanical appliances for the purpose of body
 12 massage. Massage therapy may include the use of lubricants such as salts,
 13 powders, liquids, creams with the exception of prescriptive or medicinal
 14 creams, heat lamps, hot and cold stones, whirlpool, hot and cold packs, salt
 15 glow, body wraps, steam cabinet baths, and, with appropriate training, the
 16 use of non-prescriptive, off-the-shelf commercially available
 17 electromechanical devices for which they are trained which mimic or
 18 enhance the actions possible by the hands. It shall not include ultrasound,
 19 laser therapy, microwave, colonic therapy, injection therapy, manipulation
 20 of the joints, the use of electrical muscle stimulation, or transcutaneous
 21 electrical nerve stimulation except microcurrent. Equivalent terms for
 22 massage therapy are massage, therapeutic massage, massage technology,
 23 body work, or any derivation of those terms. As used in this Chapter, the
 24 terms "therapy" and "therapeutic" shall not include diagnosis, the treatment
 25 of illness or disease, or any service or procedure for which a license to
 26 practice medicine, chiropractic, physical therapy, or podiatry is required by
 27 law.

28 ~~(11)~~ **(12)** "Professional Massage Therapy Association" means a
 29 statewide organization or statewide chapter of an organization which meets
 30 all of the following criteria:

31 (a) Either directly, or through the parent organization, qualifies as a
 32 tax exempt nonprofit organization under 26 U.S.C. 501(c)(6).

33 (b) Within Louisiana, offers a voting membership to licensed massage
 34 therapists who practice or reside in Louisiana and who maintain their voting
 35 membership in good standing.

36 (c) Within Louisiana, is administered by a governing body composed
 37 of officers democratically elected by the organization's voting membership
 38 within Louisiana.

39 **(13) "Real-time synchronous distance learning" means students**
 40 **attend class session virtually at the same time as the instructor and other**
 41 **classmates.**

42 ~~(12)~~ **(14)** "Writing" shall be a written communication transmitted
 43 either by United States mail or by electronic means such as e-mail.

44 * * **

45 AMENDMENT NO. 5

46 On page 1, line 15, change "instructor-supervised" to "synchronous instructor-
 47 supervised"

48 AMENDMENT NO. 6

49 On page 2, line 1, change "in-class" to "in-person, in-class, instructor-supervised"

1 AMENDMENT NO. 7

2 On page 2, delete lines 3 through 5, and insert the following:

3 "(ii) Any remaining hours required beyond the minimum five
4 hundred hours of massage therapy techniques and clinical practicum
5 may be a combination of real-time synchronous distance learning and in-
6 person, in-class, instructor-supervised hours as approved for each
7 individual massage therapy program in the state of Louisiana through
8 the Board of Regents.

9 (iii) The guidelines provided for in this Subparagraph shall apply
10 to all hours of instruction above the five hundred hours minimum."