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DIGEST

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SB 353 Reengrossed

2024 Regular Session

Mizell

Present law defines "practice of massage therapy".

Proposed law retains present law and adds "LED therapy" to the definition of the practice of massage therapy.

Proposed law adds definitions for "Applicant", "Bureau", "Criminal history record information", "FBI", and "Licensure".

Present law provides that the board may submit the names of new applicants for licensure to the La. Bureau of Criminal Identification and Information, with the Dept. of Public Safety and Corrections for criminal history background checks to survey its criminal history record and identification files and the La. Bureau of Criminal Identification and Information shall survey its criminal history record and identification files and make available to the board all conviction information pertaining to the applicant.

Proposed law amends present law and provides that fingerprints and other identifying information of the applicant shall be submitted to the bureau for qualification and registry, and upon request of the board the bureau shall make available to the board all arrest and convictions information contained in the bureau's criminal history record and identification files that pertain to the applicant for licensure. Further provides that the fingerprints shall be forwarded by the bureau to the FBI for a national criminal history record check.

Present law requires a person engaging in the practice of massage therapy to be licensed by the board as a massage therapist and further requires an applicant for a massage therapist license in the state to pay an application fee and submit evidence satisfactory to the board of meeting certain requirements, including but not limited to:

- (1) Has satisfactorily completed a minimum 500-hour in-class supervised course of studies, that may use a credit hour equivalent as defined by the U.S. Dept. of Education in lieu of clock hours to measure student achievement and consistent with the rules promulgated by the board; and
- (2) Has passed a national examination approved by the board within two years from the date the application is filed.

Proposed law repeals the minimum 500-hour course of study.

Proposed law amends present law and provides that an applicant for a massage therapist shall submit evidence of satisfactory completion of a course meeting the requirements of the license law in effect at the time of enrollment, if enrolled prior to July 1, 2024, or completing a minimum of 625 hours in-person, in-class, instructor-supervised course studies.

Proposed law provides that a minimum of 400 hours shall be dedicated to the study of massage therapy techniques and clinical practicum-related modalities.

Proposed law provides that a minimum of 175 hours shall be dedicated to anatomy and physiology, which may be taught in real-time synchronous distance learning.

Proposed law provides that a minimum of 10 hours shall be dedicated to La. law, rules, and ethics which may be taught in real-time synchronous distance learning.

Proposed law provides that schools approved prior to July 1, 2024, have until December 31, 2026, to comply proposed law

Proposed law provides that an individual satisfies the requirement of present and proposed law if the individual has done all of the following:

- (1) Enrolled and is participating in a massage training program at an approved school prior to December 31, 2026.
- (2) Successfully graduates from the approved program on, or before, December 31, 2026.
- (3) Applies for a Louisiana massage therapy license upon completion or graduation from the program.

Present law provides that any remaining hours required beyond the minimum 500 hours of massage therapy techniques and clinical practicum may be a combination of real-time synchronous or asynchronous distance learning and in-person, in-class, instructor-supervised hours for each individual massage therapy program in this state in accordance with the policies prescribed by the Board of Regents.

Proposed law removes present law and provides that any remaining hours beyond the designated hours in proposed law may include but not be limited to marketing, first aid and subjects related to providing massage therapy.

Proposed law removes the two-year requirement that an applicant has to pass a national examination.

Proposed law provides that the school shall designate each course taught pursuant to present law.

Present law provides that licensure requirements in present law shall not apply to persons who are active or retired military personnel and relocates to this state or spouses who possess a license from another state with substantially equivalent licensing requirements pursuant to present law.

Proposed law retains present law exempting licensure requirement to persons who are active or retired military personnel and relocate to this state who possess a license from another state.

Present law provides that the board shall issue a license to each person who meets qualifications and submits payment to obtain such license and delivered by USPS or other delivery option. Further provides that the board may deliver a license by electronic transmission if the license contains the licensee's current photo and an electronic watermark or QR barcode.

Proposed law retains present law but removes the option to deliver the license electronically. Further provides that the licensee shall attach a current 2" x 2" photo of the licensee to the license upon receipt.

Present law provides that a course of study may utilize a credit hour equivalent as defined by the U.S. Dept. of Education in lieu of clock hours to measure student achievement and requires that the course study using credit hours to provide coursework consistent with the rules promulgated by the board including at least 500 hours of in-class supervised instruction. Proposed law repeals present law.

Present law requires each person engaging in the practice of massage therapy at a massage establishment to be the holder of a Licensed Massage Therapist Identification Card (LMT-ID Card) which shall identify the therapist as being properly licensed and shall authorize the therapist to provide off-site massage services.

Proposed law retains present law and makes a technical change.

Present law requires in a renewal cycle that a renewing applicant shall submit to a state and federal background check. Further provides that in order to renew, an applicant shall not

have pled guilty to or been convicted of any sex-related crimes, crime of violence, or crime related to the practice of massage therapy.

Proposed law retains present law as it relates to renewal procedures and provides that the board may require any renewing applicant licensed prior to April 1, 2022, to submit to a state and federal background check.

Proposed law retains present law as it relates to criminal convictions.

Present law provides that if a person does not apply for inactive status and does not renew his license for a period of more than 24 consecutive months, the licensee shall be considered lapsed and in order to obtain a license the person shall submit a new application.

Proposed law retains present law and further provides that in addition to submitting a new application the former licensee shall complete 24 hours of continuing education.

Present law regulates the advertising of massage therapy and provides that building signs with promotional material shall also include the professional or establishment number.

Proposed law deletes present law and provides that building signs, advertisements, website, and promotional materials, including phone numbers, shall match what is on record with the board and as displayed on the establishment license.

Present law requires advertisements containing pictorial representations of massage therapy, including video representations, to have depictions of massage therapists who are attired and posed in a manner as to avoid appealing to the prurient interest.

Proposed law retains present law and further provides that no licensed therapist or establishment shall advertise in any publication or any website marketing services appealing to the prurient interest.

Effective upon signature of the governor.

(Amends R.S. 37:3552, 3555(A)(14)(a), 3556(A)(1), (2), (B)(3), (C) and (D), 3559(A), 3561(A)(2)(b) and (E), and 3564(A) and (C); repeals R.S. 37:3556.1))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds the definitions "Applicant", "Bureau", "Criminal history record information", "FBI", and "Licensure".
2. Clarifies process for criminal background checks on applicants for licensure.
3. Provides educational requirements for students attending non-Title IV schools.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the reengrossed bill:

1. Make technical changes
2. Change the date that an applicant who has completed a course meeting requirements of law in effect at the time of enrollment from July 1, 2024 to Jan. 1, 2025.
3. Add that proposed law regarding the 625 hour course of study becomes effective July 1, 2024.

4. Add that the hours dedicated to anatomy and physiology may be taught in real-time asynchronous as well as synchronous distance learning.
5. Remove present and proposed law regarding the 500-hour course of study.
6. Add that schools approved prior to July 1, 2024, have until December 31, 2026, to comply with new requirements.
7. Add what requirements individuals must satisfy to meet the requirements of present and proposed law.
8. Make proposed law upon signature of the governor.