

ACT No. 645

2016 Regular Session

HOUSE BILL NO. 792

BY REPRESENTATIVE ADAMS

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AN ACT

To amend and reenact R.S. 37:3552(10) and to enact R.S. 37:3564(C) and 3567(C), relative to the regulation of massage therapists and establishments; to amend definitions; to provide for the regulation of advertisement; to authorize and prohibit certain enforcement by state and local officials; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3552(10) is hereby amended and reenacted and R.S. 37:3564(C) and 3567(C) are hereby enacted to read as follows:

§3552. Definitions

As used in this Chapter:

* * *

(10) "Practice of massage therapy" means the manipulation of soft tissue for the purpose of maintaining good health and establishing and maintaining good physical condition. The practice of massage therapy shall include advertising or offering to engage in the practice of massage therapy and holding oneself out or designating oneself to the public as a massage therapist or massage establishment. The practice of massage therapy shall include effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction (active/passive range of motion), stretching activities as they pertain to massage therapy, Shiatsu, acupressure, reflexology, trigger point massage, and Swedish massage either by

1 hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body
 2 massage. Massage therapy may include the use of lubricants such as salts, powders,
 3 liquids, creams with the exception of prescriptive or medicinal creams, heat lamps,
 4 hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, or steam
 5 cabinet baths. It shall not include electrotherapy, laser therapy, microwave, colonic
 6 therapy, injection therapy, or manipulation of the joints. Equivalent terms for
 7 massage therapy are massage, therapeutic massage, massage technology, body work,
 8 or any derivation of those terms. As used in this Chapter, the terms "therapy" and
 9 "therapeutic" shall not include diagnosis, the treatment of illness or disease, or any
 10 service or procedure for which a license to practice medicine, chiropractic, physical
 11 therapy, or podiatry is required by law.

12 * * *

13 §3564. Regulation of advertising

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15 C. In all pictorial representations for any advertisement representing massage
 16 therapy, including such representations through video, all persons representing
 17 massage therapists shall be attired and posed in a manner as to avoid appealing to the
 18 prurient interest. Persons representing clients shall be appropriately draped and
 19 posed.

20 * * *

21 §3567. Effect on local regulations

22 * * *

23 C. Nothing in this Section shall prevent local or state law enforcement
 24 representatives or municipal or city officials from assisting in the enforcement of this
 25 Chapter. However, such representatives and officials are prohibited from imposing
 26 any additional rules or ordinances regarding zoning, educational requirements, or
 27 fees for licensure.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
 29 signed by the governor, upon expiration of the time for bills to become law without signature
 30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____