

SENATE BILL NO. 353

BY SENATOR MIZELL

1 AN ACT

2 To amend and reenact R.S. 37:3552, 3555(A)(14)(a), 3556(A)(1), (2), (B)(3), (C) and (D),
3 3559(A), 3561(A)(2)(b) and (E), and 3564(A) and (C) and to repeal R.S. 37:3556.1,
4 relative to massage therapists and massage establishments; to provide for definitions;
5 to provide relative to licensure, qualifications, and regulations; to provide for
6 methods of instruction; to provide for course of study; to provide relative to license
7 renewal requirements; to provide relative to advertising; to provide with respect to
8 regulations of advertisements by a massage therapist or a massage establishment; to
9 provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:3552, 3555(A)(14)(a), 3556(A)(1), (2), (B)(3), (C) and (D),
12 3559(A), 3561(A)(2)(b) and (E), and 3564(A) and (C), are hereby amended and reenacted
13 to read as follows:

14 §3552. Definitions

15 As used in this Chapter:

16 (1) "Advertise" or "advertising" means to publish, display, or disseminate
17 promotional information and includes but is not limited to the issuance of any card,
18 sign, or direct mail, or in any newspaper, magazine, publication, or any
19 announcement or display via any televised, computerized, electronic, or telephone
20 networks, magnetic signs, or media. "Advertise" shall not include the following:

21 (a) Telephone directory information including white pages, yellow pages, and
22 any ~~Internet~~ **internet** publication made by the phone directory company in which one
23 is listed.

24 (b) Building signs identifying the location, unless the building sign contains
25 promotional material.

1 (2) "Applicant" means an individual who applies to the board to request
2 the initial issuance or reinstatement of any form of licensure the board is
3 authorized to issue according to this Chapter.

4 (3) "Asynchronous distance learning" means the instructor and the
5 students in the course all engage with the course content at different times and
6 from different locations.

7 (4) "Board" means the Louisiana Board of Massage Therapy.

8 ~~(3)~~(5) "Bureau" means the Louisiana Bureau of Criminal Identification
9 and Information of the office of state police within the Department of Public
10 Safety and Corrections.

11 (6) "Criminal history record information" means all state records of
12 arrest, prosecution, conviction, and national records that shall include
13 fingerprints of the applicant, biometrics, and other identifying information, if
14 so requested.

15 (7) "Department" means the Louisiana Department of Health.

16 (8) "FBI" means the Federal Bureau of Investigation of the United States
17 Department of Justice.

18 ~~(4)~~(9) "Inactive status" means the status in which a licensed massage
19 therapist has, pursuant to the provisions of this Chapter, notified the board of intent
20 to voluntarily cease activity as a massage therapist for a period of time not to exceed
21 five years.

22 ~~(5)~~(10) "In-person, in-class, instructor-supervised" means students physically
23 attend class or clinical session at the approved school location with their instructor
24 and other classmates.

25 ~~(6)~~(11) "Lapsed license" means a board-issued license which has not been
26 renewed for a period of more than two years and the holder of the license has not
27 taken inactive status.

28 ~~(7)~~(12) "Licensee" means any person or business that has a professional or
29 establishment license issued by the board.

30 (13) "Licensure" means any form of licensure the board is authorized to

1 **issue in accordance with this Chapter.**

2 ~~(8)~~**(14)** "Massage establishment" means any place of business that offers the
 3 practice of massage therapy and where the practice of massage therapy is conducted
 4 on the premises of the business. A place of business includes any office, clinic,
 5 facility, or other location where a person or persons engage in the practice of
 6 massage therapy. The residence of a therapist or an out call location which is not
 7 owned, rented, or leased by a massage therapist or massage establishment shall not
 8 be considered a massage establishment, unless the location is advertised as the
 9 therapist's or establishment's place of business. The term "massage establishment"
 10 shall not include physician offices, physical therapy facilities, chiropractic offices,
 11 or athletic training facilities, whether or not they employ, contract with, or rent to
 12 massage therapists, or institutions of secondary or higher education when massage
 13 therapy is practiced in connection with employment related to athletic teams.

14 ~~(9)~~**(15)** "Massage therapist" means a person who engages in the practice of
 15 massage therapy for compensation.

16 ~~(10)~~**(16)** "Person" means an individual, corporation, association, or other
 17 legal entity.

18 ~~(11)~~**(17)** "Practice of massage therapy" means the manipulation of soft tissue
 19 for the purpose of maintaining good health and establishing and maintaining good
 20 physical condition. The practice of massage therapy shall include advertising or
 21 offering to engage in the practice of massage therapy and holding oneself out or
 22 designating oneself to the public as a massage therapist or massage establishment.
 23 The practice of massage therapy shall include effleurage (stroking), petrissage
 24 (kneading), tapotement (percussion), compression, vibration, friction (active/passive
 25 range of motion), stretching activities as they pertain to massage therapy, Shiatsu,
 26 acupressure, reflexology, trigger point massage, and Swedish massage either by
 27 hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body
 28 massage. Massage therapy may include the use of lubricants such as salts, powders,
 29 liquids, creams with the exception of prescriptive or medicinal creams, heat lamps,
 30 hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, steam

1 cabinet baths, and, with appropriate training, the use of nonprescriptive, off-the-shelf
 2 commercially available electromechanical devices for which they are trained which
 3 mimic or enhance the actions possible by the hands. It shall not include ultrasound,
 4 laser therapy, **LED therapy**, microwave, colonic therapy, injection therapy,
 5 manipulation of the joints, the use of electrical muscle stimulation, or transcutaneous
 6 electrical nerve stimulation except microcurrent. Equivalent terms for massage
 7 therapy are massage, therapeutic massage, massage technology, body work, or any
 8 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 ~~(12)~~**(18)** "Professional Massage Therapy Association" means a statewide
 13 organization or statewide chapter of an organization which meets all of the following
 14 criteria:

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

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

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

23 ~~(13)~~**(19)** "Real-time synchronous distance learning" means students attend
 24 class session virtually at the same time as the instructor and other classmates.

25 ~~(14)~~**(20)** "Writing" means a written communication transmitted either by
 26 United States mail or by electronic means such as email.

27 * * *

28 §3555. Powers and duties of the board

29 A. The board shall:

30 * * *

1 (14)(a) ~~Submit the names of new applicants for licensure to the Louisiana~~
2 ~~Bureau of Criminal Identification and Information, located within the Department~~
3 ~~of Public Safety and Corrections, for criminal history background checks. Upon the~~
4 ~~board's submission of an applicant's fingerprints and such other identifying~~
5 ~~information as may be required, the Louisiana Bureau of Criminal Identification and~~
6 ~~Information shall survey its criminal history record and identification files and shall~~
7 ~~make available to the board all conviction information contained in the Louisiana~~
8 ~~Bureau of Criminal Identification and Information's criminal history record and~~
9 ~~identification files which pertain to the applicant for licensure. In addition, the~~
10 ~~fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification~~
11 ~~and Information to the Federal Bureau of Investigation for a national criminal history~~
12 ~~record check. **Be entitled to the criminal history record and identification files**~~
13 ~~**of the bureau of any person who is licensed or is applying to be licensed with the**~~
14 ~~**board in order to determine an applicant's suitability for licensure. Fingerprints**~~
15 ~~**and other identifying information of the applicant shall be submitted to the**~~
16 ~~**bureau for qualification and registry, and the bureau shall, upon request of the**~~
17 ~~**board and after receipt of the fingerprint card and other identifying**~~
18 ~~**information from the applicant, make available to the board all arrest and**~~
19 ~~**conviction information contained in the bureau's criminal history record and**~~
20 ~~**identification files that pertain to the applicant for licensure. In addition, the**~~
21 ~~**fingerprints shall be forwarded by the bureau to the FBI for a national criminal**~~
22 ~~**history record check.**~~

23 * * *

24 §3556. Licensure; qualifications; provisional licensure

25 A. No person shall engage in the practice of massage therapy without a
26 current license issued pursuant to this Chapter unless such person is exempt under
27 the provisions of this Chapter. To receive a massage therapist license in this state,
28 an applicant shall pay the application fee pursuant to R.S. 37:3562 and shall submit
29 evidence satisfactory to the board of meeting the following requirements:

30 (1)(a) Has satisfactorily completed **any of the following:**

1 (i) A course meeting the requirements of law in effect at the time of
2 enrollment.

3 (ii) a A minimum five ~~six~~ hundred ~~twenty-five~~ hour ~~synchronous~~ instructor-
4 supervised course of studies pursuant to rules ~~promulgated~~ **adopted** by the board in
5 accordance with the Administrative Procedure Act, **R.S. 49:950 et seq.** **The course**
6 **of study shall consist of and be taught in person, in class, and supervised by an**
7 **instructor unless otherwise provided in this Item:**

8 (aa) A minimum of four hundred hours dedicated to the study of
9 massage therapy techniques and clinical practicum-related modalities.

10 (bb) A maximum of one hundred seventy-five hours dedicated to
11 anatomy and physiology that may be taught in real-time synchronous or
12 asynchronous distance learning.

13 (cc) A minimum of ten hours dedicated to Louisiana law, rules, and
14 ethics that may be taught in real-time synchronous distance learning.

15 (dd) Any remaining hours required may include but not be limited to
16 marketing, first aid, and subjects related to providing massage therapy.

17 (iii) Schools have until December 31, 2026, to comply with the
18 requirements outlined in Item (a)(ii) of this Paragraph.

19 (iv) An individual satisfies the requirement of Subparagraph (a) of this
20 Paragraph if the individual has done all of the following:

21 (aa) Enrolled and is participating in a massage training program at an
22 approved school prior to December 31, 2026.

23 (bb) Applies for a Louisiana massage therapy license upon completion
24 or graduation from the program.

25 ~~(i) The five hundred hour course of studies requirement shall consist of~~
26 ~~in-person, in-class, instructor-supervised hours dedicated to the study of massage~~
27 ~~therapy techniques and clinical practicum-related modalities.~~

28 ~~(ii) Any remaining hours required beyond the minimum five hundred hours~~
29 ~~of massage therapy techniques and clinical practicum may be a combination of real-~~
30 ~~time synchronous distance learning and in-person, in-class, instructor-supervised~~

1 hours for each individual massage therapy program in this state in accordance with
 2 the policies prescribed by the Board of Regents.

3 (iii) ~~The guidelines provided for in this Subparagraph apply to all hours of~~
 4 ~~instruction above the five-hundred-hour minimum.~~

5 (b) A course of study may utilize a credit hours equivalent as defined by the
 6 United States Department of Education in lieu of clock hours to measure student
 7 achievement. A course of study using credit hours shall provide coursework
 8 consistent with ~~the rules promulgated by the board including at least five hundred~~
 9 ~~hours of in-class supervised instruction~~ **the provisions of this Section.**

10 **(c) The school shall designate each course taught pursuant to R.S.**
 11 **37:3552(9) and (18).**

12 (2) Has passed a national examination approved by the board ~~under~~ **pursuant**
 13 **to R.S. 37:3557 within two years from the date the application is filed.**

14 * * *

15 B. The requirements set forth in Paragraphs (A)(1) and (2) of this Section
 16 shall not apply to any of the following:

17 * * *

18 (3) Persons who are active or retired military personnel and **spouses who**
 19 ~~relocate to this state or his spouse who possesses~~ **possess** a license from another state
 20 with substantially equivalent licensing requirements pursuant to the provisions of
 21 this Chapter.

22 C. After review of the evidence submitted, the board shall notify each
 23 applicant ~~that his~~ **whether the** application and such evidence is accepted or rejected.
 24 If an application is rejected, such notice shall state the reasons for the rejection.

25 D. The board shall issue and deliver, by United States Postal Service or any
 26 other delivery option, a license to each person who meets the qualifications provided
 27 for in this Section upon payment of the professional license fee provided pursuant
 28 to R.S. 37:3562. The license shall include a recent **two inch by two inch size** photo
 29 of the licensee, **which shall be attached by the licensee upon receipt of the**
 30 **license.** ~~The board may deliver a license by electronic transmission if the license~~

1 contains the licensee's current photo and an electronic watermark or unique QR
2 barcode. The license, in the form of a Licensed Massage Therapist Identification
3 Card (LMT-ID Card), which contains an available anti-copy watermark or
4 lamination, shall grant all professional rights, honors, and privileges to the licensed
5 massage therapist.

6 * * *

7 §3559. License regulations

8 A. The Licensed Massage Therapist Identification, or LMT-ID, Card of
9 each Each licensed massage therapist who works at a massage establishment shall
10 display his ~~LMT-ID Card~~ be displayed in plain view in an appropriate public
11 manner. A If practicing massage therapy licensed massage therapist who is
12 working outside of a licensed massage establishment, a massage therapist shall
13 have ~~in his possession~~ of the his LMT-ID Card and shall present it for review upon
14 request the LMT-ID Card issued by the board. ~~of a client or board representative.~~

15 * * *

16 §3561. License renewal requirements

17 A. * * *

18 (2) * * *

19 (b) ~~In the renewal cycle beginning April 1, 2022, and in this cycle only, each~~
20 The board may require any renewing applicant ~~shall~~ licensed prior to April 1,
21 2022, to submit to a state and federal background check as described in R.S.
22 37:3555(A)(14). In order to renew, an applicant ~~must~~ shall not have pled guilty to
23 or been convicted of any sex-related crime, crime of violence, or crime related to the
24 practice of massage therapy.

25 * * *

26 E. If a ~~person~~ licensee does not apply for inactive status and does not renew
27 his license for a period of more than twenty-four consecutive months, the license
28 shall be considered to have lapsed, ~~and in order to obtain a license, the~~ The person
29 licensee shall submit a new application which complies with all of the current
30 requirements of this Chapter and the rules of the board as appropriate, including

1 twenty-four hours of continuing education, and shall pay the licensure application
 2 fee, the original professional license fee, and any other fees applicable to a new
 3 application.

4 * * *

5 §3564. Regulation of advertising

6 A. A person or an entity that does not hold a license as a massage therapist,
 7 physical therapist, or chiropractor, a certificate to practice athletic training, or a
 8 license as a massage establishment shall not use the words "massage", "body work",
 9 or any derivative or variation of the word "massage", including specific bodywork
 10 or massage modalities, on any sign or other form of advertising. Any advertisement
 11 by a massage therapist or a massage establishment **including but not limited to**
 12 **building signs, a website, and other promotional materials** shall contain **the**
 13 **name and number of the licensed therapist or establishment on file with the**
 14 **board** ~~license number of such therapist or establishment. Building signs with~~
 15 ~~promotional material shall also include the professional or establishment number.~~

16 * * *

17 C. In all pictorial representations for any advertisement representing massage
 18 therapy, including such representations through video, all persons representing
 19 massage therapists shall be attired and posed in a manner as to avoid appealing to the
 20 prurient interest. Persons representing clients shall be appropriately draped and
 21 posed. **No licensed therapist or establishment shall advertise in any publication**
 22 **or any website marketing services appealing to the prurient interest.**

23 Section 2. R.S. 37:3556.1 is hereby repealed.

24 Section 3. R.S. 37:3556(A) as amended and reenacted by Section 1 of this Act, shall
 25 become effective when the proposed amendment to 34 CFR 668.14(b)(26) reducing the
 26 maximum program length for gainful employment programs from one hundred fifty percent
 27 to one hundred percent of the state's minimum educational requirements for licensure
 28 becomes effective.

29 Section 4. This Act shall become effective upon signature by the governor or, if not
 30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____