

2024 Regular Session

SENATE BILL NO. 353

BY SENATOR MIZELL

GOVERNMENTAL REGULATIONS. Provides for massage therapists and massage establishments. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 37:3552 (11), 3555(A)(14)(a), 3556(A)(1), (2), (B)(3), (C) and

3 (D), 3559(A), 3561(A)(2)(b) and (E), and 3564(A) and (C) and to repeal R.S.

4 37:3556.1, relative to massage therapists and massage establishments; to provide for

5 definitions; to provide relative to licensure, qualifications, and regulations; to

6 provide for methods of instruction; to provide for course of study; to provide relative

7 to license renewal requirements; to provide relative to advertising; to provide with

8 respect to regulations of advertisements by a massage therapist or a massage

9 establishment; to 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(11), 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 * * *

17 (11) "Practice of massage therapy" means the manipulation of soft tissue for

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

24 * * *

25 §3555. Powers and duties of the board

26 A. The board shall:

27 * * *

28 (14)(a) Submit the names of new applicants for licensure to the Louisiana
 29 Bureau of Criminal Identification and Information, located within the Department

1 of Public Safety and Corrections, ~~for criminal history background checks. Upon the~~
 2 ~~board's submission of an applicant's~~ **and** fingerprints and such other identifying
 3 information as may be required **by** the Louisiana Bureau of Criminal Identification
 4 and Information ~~shall survey its criminal history record and identification files and~~
 5 ~~shall make available to the board all conviction information contained in the~~
 6 ~~Louisiana Bureau of Criminal Identification and Information's criminal history~~
 7 ~~record and identification files which pertain to the applicant for licensure. In~~
 8 ~~addition, the fingerprints shall be forwarded by the Louisiana Bureau of Criminal~~
 9 ~~Identification and Information to the Federal Bureau of Investigation for a national~~
 10 ~~criminal history record check~~ **to obtain state and national criminal history record**
 11 **information from the Louisiana Bureau of Criminal Identification and**
 12 **Information of the office of state police within the Department of Public Safety**
 13 **and Corrections and the Federal Bureau of Investigation of the United States**
 14 **Department of Justice relative to any applicant for licensure whose fingerprints**
 15 **the board has obtained pursuant to this Section for the purpose of determining**
 16 **the applicant's suitability and eligibility for licensure.**

17 * * *

18 §3556. Licensure; qualifications; provisional licensure

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

24 (1)(a) Has **Completion of a course meeting the requirements of law in**
 25 **effect at the time of enrollment, if enrolled prior to July 1, 2024, or** satisfactorily
 26 completed a minimum ~~five hundred hour synchronous~~ **six hundred twenty-five**
 27 **hour** instructor-supervised course of studies pursuant to rules promulgated by the
 28 board in accordance with the Administrative Procedure Act. **The course of study**
 29 **shall consist of and be taught pursuant to R.S. 37:3552(5) unless otherwise**

1 **provided in this Paragraph:**

2 (i) ~~The five hundred hour course of studies requirement shall consist of in-~~
 3 ~~person, in-class, instructor-supervised~~ **A minimum of four hundred** hours dedicated
 4 to the study of massage therapy techniques and clinical practicum-related modalities.

5 (ii) ~~Any remaining hours required beyond the minimum five hundred hours~~
 6 ~~of massage therapy techniques and clinical practicum may be a combination of real-~~
 7 ~~time synchronous distance learning and in-person, in-class, instructor-supervised~~
 8 ~~hours for each individual massage therapy program in this state in accordance with~~
 9 ~~the policies prescribed by the Board of Regents.~~ **A minimum of one hundred**
 10 **seventy-five hours dedicated to anatomy and physiology which may be taught**
 11 **pursuant to R.S. 37:3552(13).**

12 (iii) ~~The guidelines provided for in this Subparagraph apply to all hours of~~
 13 ~~instruction above the five-hundred-hour minimum.~~ **A minimum of ten hours**
 14 **dedicated to Louisiana law, rules and ethics which may be taught pursuant to**
 15 **R.S. 37:3552(13).**

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

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

23 (c) **The school shall designate each course taught pursuant to R.S.**
 24 **37:3552(5) and R.S. 37:3552(13).**

25 (2) Has passed a national examination approved by the board under R.S.
 26 37:3557 ~~within two years from the date the application is filed.~~

27 * * *

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

* * *

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

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

D. The board shall issue and deliver, by United States Postal Service or any other delivery option, a license to each person who meets the qualifications provided for in this Section upon payment of the professional license fee provided pursuant to R.S. 37:3562. The license shall include a recent **two inch by two inch size** photo of the licensee, **which shall be attached by the licensee upon receipt of the license.** ~~The board may deliver a license by electronic transmission if the license contains the licensee's current photo and an electronic watermark or unique QR barcode. The license, in the form of a Licensed Massage Therapist Identification Card (LMT-ID Card), which contains an available anti-copy watermark or lamination, shall grant all professional rights, honors, and privileges to the licensed massage therapist.~~

* * *

§3559. License regulations

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

* * *

1 §3561. License renewal requirements

2 A. * * *

3 (2) * * *

4 (b) ~~In the renewal cycle beginning April 1, 2022, and in this cycle only, each~~
5 **The board may require any** renewing applicant ~~shall~~ licensed prior to **April 1,**
6 **2022, to** submit to a state and federal background check as described in R.S.
7 37:3555(A)(14). In order to renew, an applicant must not have pled guilty to or been
8 convicted of any sex-related crime, crime of violence, or crime related to the practice
9 of massage therapy.

10 * * *

11 E. If a ~~person~~ **licensee** does not apply for inactive status and does not renew
12 his license for a period of more than twenty-four consecutive months, the license
13 shall be considered to have lapsed, ~~and in order to obtain a license, the~~ **The person**
14 **licensee** shall submit a new application which complies with all of the current
15 requirements of this Chapter and the rules of the board as appropriate, **including**
16 **twenty-four hours of continuing education,** and shall pay the licensure application
17 fee, the original professional license fee, and any other fees applicable to a new
18 application.

19 * * *

20 §3564. Regulation of advertising

21 A. A person or an entity that does not hold a license as a massage therapist,
22 physical therapist, or chiropractor, a certificate to practice athletic training, or a
23 license as a massage establishment shall not use the words "massage", "body work",
24 or any derivative or variation of the word "massage", including specific bodywork
25 or massage modalities, on any sign or other form of advertising. Any advertisement
26 by a massage therapist or a massage establishment **including but not limited to**
27 **building signs, website and other promotional materials** shall contain **the name**
28 **and number of the licensed therapist or establishments on file with the board**
29 ~~license number of such therapist or establishment. Building signs with promotional~~

1 material shall also include the professional or establishment number.

2 * * *

3 C. In all pictorial representations for any advertisement representing massage

4 therapy, including such representations through video, all persons representing

5 massage therapists shall be attired and posed in a manner as to avoid appealing to the

6 prurient interest. Persons representing clients shall be appropriately draped and

7 posed. **No licensed therapist or establishment shall advertise in any publication**

8 **or any website marketing services appealing to the prurient interest.**

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 353 Engrossed 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.

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 retains present law and provides that the board, after obtaining state and national criminal history record information from the La. Bureau of Criminal Identification and Information, makes a determination of the applicant's suitability and eligibility for licensure.

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 retains present law, except provides that an applicant for a massage therapist shall submit evidence of satisfactory completion of a course meeting the requirements of law in effect at the time of enrollment, if enrolled prior to July 1, 2024, or completing a

minimum of 625 hour in-person, in-class, instructor-supervised course studies.

Proposed law provides that a minimum 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.

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 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 possesses 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 relocates to this state who possesses a license from another state.

Present law provides that the board shall issue a license to each person who meets qualifications and submit 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 hours 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 advertisement 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 August 1, 2024.

(Amends R.S. 37:3552(11), 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))