

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, 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,

1 sign, or direct mail, or in any newspaper, magazine, publication, or any  
2 announcement or display via any televised, computerized, electronic, or telephone  
3 networks, magnetic signs, or media. "Advertise" shall not include the following:

4 (a) Telephone directory information including white pages, yellow pages, and  
5 any Internet publication made by the phone directory company in which one is listed.

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

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

11 (3) "Board" means the Louisiana Board of Massage Therapy.

12 ~~(3)~~(4) **"Bureau" means the Louisiana Bureau of Criminal Identification**  
13 **and Information of the office of state police within the Department of Public**  
14 **Safety and Corrections.**

15 (5) **"Criminal history record information" means all state records of**  
16 **arrest, prosecution, conviction, and national records that shall include**  
17 **fingerprints of the applicant, biometrics, and other identifying information, if**  
18 **so requested.**

19 (6) "Department" means the Louisiana Department of Health.

20 (7) **"FBI" means the Federal Bureau of Investigation of the United States**  
21 **Department of Justice.**

22 ~~(4)~~(8) "Inactive status" means the status in which a licensed massage  
23 therapist has, pursuant to the provisions of this Chapter, notified the board of intent  
24 to voluntarily cease activity as a massage therapist for a period of time not to exceed  
25 five years.

26 ~~(5)~~(9) "In-person, in-class, instructor-supervised" means students physically  
27 attend class or clinical session at the approved school location with their instructor  
28 and other classmates.

29 ~~(6)~~(10) "Lapsed license" means a board-issued license which has not been

1 renewed for a period of more than two years and the holder of the license has not  
2 taken inactive status.

3 ~~(7)~~**(11)** "Licensee" means any person or business that has a professional or  
4 establishment license issued by the board.

5 **(12) "Licensure" means any form of licensure the board is authorized to**  
6 **issue in accordance with this Chapter.**

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

19 ~~(9)~~**(14)** "Massage therapist" means a person who engages in the practice of  
20 massage therapy for compensation.

21 ~~(10)~~**(15)** "Person" means an individual, corporation, association, or other  
22 legal entity.

23 ~~(11)~~**(16)** "Practice of massage therapy" means the manipulation of soft tissue  
24 for the purpose of maintaining good health and establishing and maintaining good  
25 physical condition. The practice of massage therapy shall include advertising or  
26 offering to engage in the practice of massage therapy and holding oneself out or  
27 designating oneself to the public as a massage therapist or massage establishment.  
28 The practice of massage therapy shall include effleurage (stroking), petrissage  
29 (kneading), tapotement (percussion), compression, vibration, friction (active/passive

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

18 ~~(12)~~**(17)** "Professional Massage Therapy Association" means a statewide  
19 organization or statewide chapter of an organization which meets all of the following  
20 criteria:

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

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

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

29 ~~(13)~~**(18)** "Real-time synchronous distance learning" means students attend

1 class session virtually at the same time as the instructor and other classmates.

2 ~~(14)~~**(19)** "Writing" means a written communication transmitted either by  
3 United States mail or by electronic means such as email.

4 \* \* \*

5 §3555. Powers and duties of the board

6 A. The board shall:

7 \* \* \*

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

1 \* \* \*

2 §3556. Licensure; qualifications; provisional licensure

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

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

9 **(i) A course meeting the requirements of law in effect at the time of**  
10 **enrollment, if enrolled prior to July 1, 2024.**

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

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

18 **(bb) A minimum of one hundred seventy-five hours dedicated to**  
19 **anatomy and physiology that may be taught in real-time synchronous distance**  
20 **learning.**

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

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

25 **(iii) A minimum five hundred hour instructor-supervised course of**  
26 **studies at a non-Title IV school pursuant to rules adopted by the board in**  
27 **accordance with the Administrative Procedure Act, **R.S. 49:950 et seq.** **The****  
28 **course of study shall consist of and be taught in-person unless otherwise**  
29 **provided in this Item.**

1                    (†) The five hundred hour course of studies requirement shall consist of the  
2                    following:

3                    ~~(aa) in-person, in-class, instructor-supervised hours~~ A minimum of three  
4                    hundred twenty-five hours dedicated to the study of massage therapy techniques  
5                    and clinical practicum-related modalities.

6                    (bb) A minimum of one hundred twenty-five hours dedicated to anatomy  
7                    and physiology that may be taught in real-time synchronous distance learning.

8                    (cc) Forty hours of discretionary related course work that may include  
9                    but not be limited to business practices and professional ethics, health and  
10                    hygiene, and cardiopulmonary resuscitation and first aid.

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

13                    (ii) Any remaining hours required beyond the minimum five hundred hours  
14                    of massage therapy techniques and clinical practicum may be a combination of real-  
15                    time synchronous distance learning and ~~in-person, in-class, instructor-supervised~~  
16                    hours for each individual massage therapy program in this state in accordance with  
17                    the policies prescribed by the Board of Regents.

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

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

25                    (c) The school shall designate each course taught pursuant to R.S.  
26                    37:3552(5) and R.S. 37:3552(13).

27                    (2) Has passed a national examination approved by the board under R.S.  
28                    37:3557 ~~within two years from the date the application is filed.~~

29                    \*           \*           \*

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

3 \* \* \*

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

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

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

22 \* \* \*

23 §3559. License regulations

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



1 client or board representative:

2 \* \* \*

3 §3561. License renewal requirements

4 A. \* \* \*

5 (2) \* \* \*

6 (b) ~~In the renewal cycle beginning April 1, 2022, and in this cycle only, each~~

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

12 \* \* \*

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

21 \* \* \*

22 §3564. Regulation of advertising

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



- (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 provides that non-Title IV schools shall maintain a minimum of 500 hour instructor-supervised course of study consisting of the following:

- (1) A minimum of 300 hours dedicated to massage therapy techniques and clinical practicum-related modalities.
- (2) A minimum of 100 hours dedicated to anatomy and physiology that may be taught in real-time synchronous distance learning.
- (3) 40 hours of discretionary related course work, including but not limited to business practices and professional ethics, health and hygiene, and cardiopulmonary resuscitation and first aid.
- (4) A minimum of 10 hours dedicated to Louisiana law, rules, and ethics that may be taught in real-time synchronous distance learning.

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, 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.