

SENATE BILL NO. 221

BY SENATORS MIZELL, ABRAHAM, BARROW, BOUDREAUX, CARTER, CLOUD,
HENRY, HENSGENS, JACKSON-ANDREWS, LUNEAU, PRICE
AND STINE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 37:3555(A)(11) and (14)(a) and 3561(A) and to enact R.S.
3 37:3553(D), 3558(E), 3565(C), and 3569, relative to massage therapy; to provide
4 relative to powers and duties of the board; to provide relative to licensure and
5 renewals; to provide for criminal background checks; to provide for inspections and
6 complaints; to provide for penalties; to provide for applicability; to provide for
7 accountability and reporting to the legislature; to provide for terms, conditions,
8 procedures, and enforcement; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:3555(A)(11) and (14)(a) and 3561(A) are hereby amended and
11 reenacted and R.S. 37:3553(D), 3558(E), 3565(C), and 3569 are hereby enacted to read as
12 follows:

13 §3553. Application of Chapter; exceptions and exemptions

14 * * *

15 **D. Nothing in this Title shall prohibit the board from adopting rules that**
16 **are related to preventing fraud, abuse, human trafficking, or other criminal**
17 **activity.**

* * *

§3555. Powers and duties of the board

A. The board shall:

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(11) Develop a process to review all complaints made to the board, **except any complaint alleging illicit activity at a massage establishment shall result in an unannounced, in-person inspection by the board within ten days of the board receiving the complaint.**

* * *

(14)(a) Be entitled to the criminal history record and identification files of the bureau of **any person who is licensed or applying for a massage establishment license with the board, and of** any person who is licensed or is applying to be licensed with the board in order to determine an applicant's suitability for licensure. Fingerprints and other identifying information of the applicant shall be submitted to the bureau for qualification and registry, and the bureau shall, upon request of the board and after receipt of the fingerprint card and other identifying information from the applicant, make available to the board all arrest and conviction information contained in the bureau's criminal history record and identification files that pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the bureau to the FBI for a national criminal history record check.

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§3558. Massage establishments

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E. A massage establishment shall not be used as a principal or temporary domicile, shelter, or harbor, or as sleeping or napping quarters for any person unless the establishment is zoned for residential use under a local ordinance.

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§3561. License renewal requirements

A.(1) Each license shall be renewed annually, on or before its expiration date by submitting a renewal application form; **and** payment of the renewal fee specified

in R.S. 37:3562, ~~and providing~~. **Each licensed massage therapist shall also provide evidence that the licensee has completed of the completion of** continuing education requirements, as established by rule of the board.

(2)(a) Beginning with the renewal cycle of April 1, 2022, any excess continuing education credits may be applied to the following year only after a licensee has satisfied the license renewal requirements.

(b)(i) The board ~~may~~ **shall** require any renewing applicant licensed prior to April 1, 2022, **who has not previously submitted** to ~~submit to~~ a state and federal background check as described in R.S. 37:3555(A)(14) **with the board, to submit to such background check prior to the license being renewed.**

(ii) The board shall require any renewing applicant registered prior to August 1, 2025, who has not previously submitted to a state and federal background check as described in R.S. 37:3555(A)(14) with the board, to submit to such background check prior to the registration being renewed.

(iii) In order to renew, an applicant shall not have pled guilty to or been convicted of any sex-related crime, crime of violence, or crime related to the practice of massage therapy.

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§3565. Penalties

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C.(1) A massage establishment shall have its license automatically revoked by the board if any owner, manager, or supervisor violates the provisions of this Chapter when the violation occurs either in or in connection with the operation of the massage establishment.

(2) After a revocation of a massage establishment license pursuant to this Subsection, no occupational license, permit, or massage establishment license shall be issued by a local governing authority or the board for the operation of a massage establishment at that same premises or address of the revoked licensee.

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1 §3569. Annual reporting requirements

2 A. The board shall submit an annual report to the legislature no later
3 than March first of each year which shall include the following information:

4 (1) The total number of complaints received during the preceding
5 calendar year.

6 (2) A summary of each complaint received, including the nature of the
7 alleged violation.

8 (3) A summary of each complaint involving repeat offenders.

9 (4) The total number of inspections conducted during the preceding
10 calendar year and the results of each inspection, including the total number of
11 unlicensed massage establishments and unlicensed massage therapists
12 discovered during each inspection.

13 (5) The total number of active massage therapist licensees and massage
14 establishment licenses, the number of new massage therapist and massage
15 establishment licenses issued during the preceding year, the total number of
16 massage therapist and massage establishment licenses renewed during the
17 preceding year, and the total number of massage therapist and massage
18 establishment licenses suspended or revoked during the previous year.

19 B. For each complaint investigated and resolved, the report shall include
20 at minimum:

21 (1) A description of the outcome or resolution of each complaint.

22 (2) Whether the complaint resulted in any of the following actions:

23 (a) Issuance of a warning or cease and desist order.

24 (b) Imposition of a fine.

25 (c) Suspension or revocation of an individual or massage establishment
26 license.

27 (d) Referral to law enforcement or another regulatory body.

28 (e) Any other action.

29 (3) Name and title of the board member or investigator assigned to
30 handle the complaint, as well as the date the complaint was filed and the date

1 investigation proceedings commenced and the final resolution date, if the
2 investigation is resolved.
3 **(4) Any administrative or legal proceedings arising out of the complaint.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____