

GREEN SHEET REDIGEST

HB 792

2016 Regular Session

Adams

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

MASSAGE THERAPISTS: Provides relative to the regulation of massage therapists

DIGEST

Present law regulates the advertising of massage therapy. Proposed law retains present law and requires advertisements 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. Further requires persons representing clients to be appropriately draped and posed.

Proposed law authorizes state, municipal, or city enforcement representatives or officials to enforce provisions of present law and proposed law made applicable to massage therapists and establishments. Prohibits such representatives or officials from imposing any additional rules or ordinances regarding zoning, educational requirements, or fees for licensure.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 37:3564(C) and 3567(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical changes and corrections.
2. Require at least half of the required continuing education hours to consist of board-approved, in-class supervised training.
3. Clarify that proposed law applies to applicants seeking licensure via the transfer of an existing out-of-state license.
4. Delete the requirement that the national exam be passed within two years from date of application.
5. Require an applicant to present an original form of identification instead of a copy.
6. Provide examples of an approved English language proficiency test.
7. Increase the time limit for the initial inspection of an establishment from 45 days to 60 days.
8. Authorize the practice of massage therapy by nonlicensed persons if the massage services are provided in massage clinics during the course of massage therapy education and training approved by the board.
9. Require the board to seek an injunction against violators.
10. Limit the applicable time period which requires a person licensed during that time to show proof of qualification prior to renewal.
11. Require the board to timely promulgate administrative rules.

12. Make proposed law effective upon signature of the governor.

The House Floor Amendments to the engrossed bill:

1. Change trigger point therapy to trigger point massage.
2. Delete proposed law relative to continuing education.
3. Restore present law relative to the initial licensure and renewal of applicants with in-state credentials.
4. Change the time limit for the initial inspection of an establishment from 60 days from the date of opening to 90 days from the date of application.
5. Change the advertising prohibition that models not be posed in a seductive manner to a prohibition that the models be posed in a manner as to avoid appealing to the prurient interest.
6. Remove the requirement that the board seek an injunction against violators.
7. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the reengrossed bill

1. Removed all proposed changes to in-state licensure qualifications, proposed changes to reciprocity qualifications, proposed new language regarding inspections, proposed new language regarding unlicensed persons, proposed rulemaking and proposed retroactive enforcement.