

2021 Regular Session

HOUSE BILL NO. 531

BY REPRESENTATIVES PRESSLY AND HILFERTY AND SENATOR JOHNS

1 AN ACT

2 To amend and reenact R.S. 37:3552(10), 3553(C), 3555(A)(4), 3556(A)(6), (B)(introductory
3 paragraph) and (2), and (D), and 3561(A), to enact R.S. 15:587(A)(1)(k) and R.S.
4 37:3555(A)(6) through (14), 3556(B)(3), 3563(E) through (G), and 3568, and to
5 repeal R.S. 37:3562(A)(8) and (B), relative to massage therapists; to provide for
6 massage therapy techniques; to provide for persons who are not licensed or certified
7 as a massage therapist; to revise the powers and duties of the Louisiana Board of
8 Massage Therapy; to provide for the performance of state and federal criminal
9 background checks on prospective licensees; to provide for military personnel and
10 their spouses who relocate to this state; to provide for the issuance of a license to a
11 licensee; to provide for continuing education requirements; to provide for inspections
12 of massage establishments; to provide discipline for those massage establishments
13 that operate as a sexually oriented business; to provide for fines and penalties to be
14 imposed by the board; to provide for violations and grounds for discipline of
15 massage therapists and massage establishments; to provide for human trafficking
16 training; to provide an effective date; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 15:587(A)(1)(k) is hereby enacted to read as follows:

19 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal
20 Identification and Information

21 A.(1)

22 * * *

1 (k) The Louisiana Board of Massage Therapy shall submit fingerprint cards
 2 and other identifying information of persons seeking licensure pursuant to R.S.
 3 37:3551 et seq. to the bureau. The bureau shall, upon request and after receipt of
 4 fingerprint cards and other identifying information from the Louisiana Board of
 5 Massage Therapy, make available to the Louisiana Board of Massage Therapy all
 6 conviction information contained in the bureau's criminal history record and
 7 identification files which pertain to the person seeking licensure with the Louisiana
 8 Board of Massage Therapy. In addition, the fingerprints shall be forwarded by the
 9 bureau to the Federal Bureau of Investigation for a national criminal history record
 10 check.

* * *

12 Section 2. R.S. 37:3552(10), 3553(C), 3555(A)(4), 3556(A)(6), (B)(introductory
 13 paragraph) and (2), and (D), and 3561(A) are hereby amended and reenacted and R.S.
 14 37:3555(A)(6) through (14), 3556(B)(3), 3563(E) through (G), and 3568 are hereby enacted
 15 to read as follows:

§3552. Definitions

As used in this Chapter:

* * *

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

1 hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, ~~or steam~~
 2 cabinet baths, and, with appropriate training, the use of non-prescriptive, off-the-
 3 shelf commercially available electromechanical devices for which they are trained
 4 which mimic or enhance the actions possible by the hands. It shall not include
 5 ~~electrotherapy~~ ultrasound, laser therapy, microwave, colonic therapy, injection
 6 therapy, ~~or manipulation of the joints~~, the use of electrical muscle stimulation, or
 7 transcutaneous electrical nerve stimulation except microcurrent. Equivalent terms
 8 for massage therapy are massage, therapeutic massage, massage technology, body
 9 work, or any derivation of those terms. As used in this Chapter, the terms "therapy"
 10 and "therapeutic" shall not include diagnosis, the treatment of illness or disease, or
 11 any service or procedure for which a license to practice medicine, chiropractic,
 12 physical therapy, or podiatry is required by law.

13 * * *

14 §3553. Application of Chapter; exceptions and exemptions

15 * * *

16 C. Nothing in this Chapter shall be construed as preventing or restricting the
 17 practice of any person licensed or certified in this state under any other law from
 18 engaging in the profession or occupation for which he is licensed or certified.
 19 However, a person licensed or certified in this state under any other law shall not
 20 hold himself out to the public as a licensed massage therapist under the provisions
 21 of this Chapter.

22 * * *

23 §3555. Powers and duties of the board

24 A. The board shall:

25 * * *

26 (4) Adopt and revise rules and regulations pursuant to the Administrative
 27 Procedure Act for the purpose of administering the provisions of this Chapter. The
 28 board shall initiate promulgation of such rules and regulations within one hundred
 29 twenty days following any new changes to provisions of this Chapter.

30 * * *

1 (6) Prioritize inspections and incorporate risk factors for complaints made
2 to the board regarding any unlicensed activity by massage therapists or massage
3 establishments.

4 (7) Utilize all legally available news outlets as resources to identify
5 unauthorized activity of a massage therapist or establishment.

6 (8) Evaluate the performance of inspection contractors who inspect massage
7 establishments.

8 (9) Include in the inspection protocol a list of observations for inspectors to
9 determine whether there is a strong possibility that an establishment is operating as
10 a sexually oriented business and forward to law enforcement, if appropriate.

11 (10) Develop a process to identify any unlicensed activity of a person who
12 is not licensed by the board.

13 (11) Develop a process to review all complaints made to the board.

14 (12) Develop a process to monitor massage establishments who have been
15 notified of violations in accordance with R.S. 37:3563.

16 (13) Develop guidance to follow a consistent and objective approach to
17 properly protect the public from massage therapists who are disciplined in
18 accordance with R.S. 37:3563.

19 (14)(a) Submit the names of new applicants for licensure to the Louisiana
20 Bureau of Criminal Identification and Information, located within the Department
21 of Public Safety and Corrections, for criminal history background checks. Upon the
22 board's submission of an applicant's fingerprints and such other identifying
23 information as may be required, the Louisiana Bureau of Criminal Identification and
24 Information shall survey its criminal history record and identification files and shall
25 make available to the board all conviction information contained in the Louisiana
26 Bureau of Criminal Identification and Information's criminal history record and
27 identification files which pertain to the applicant for licensure. In addition, the
28 fingerprints shall be forwarded by the Louisiana Bureau of Criminal Identification
29 and Information to the Federal Bureau of Investigation for a national criminal history
30 record check.

1 Section 3. R.S. 37:3562(A)(8) and (B) are repealed in their entirety.

2 Section 4. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____