

SENATE BILL NO. 286

BY SENATOR LUNEAU

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AN ACT

To amend and reenact R.S. 37:3552(5) through (12) and 3556(A)(1)(a) and to enact R.S. 37:3552(13) and (14), relative to massage therapists; to provide relative to licensure and qualifications of massage therapists; to provide for the methods of instruction; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3552(5) through (12) and R.S. 37:3556(A)(1)(a) are hereby amended and reenacted and R.S. 37:3552(13) and (14) are hereby enacted to read as follows:

§3552. Definitions

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

~~(5)~~**(6)** "Lapsed license" means a board-issued license which has not been renewed for a period of more than two years and the holder of the license has not taken inactive status.

~~(6)~~**(7)** "Licensee" means any person or business that has a professional or establishment license issued by the board.

~~(7)~~**(8)** "Massage establishment" means any place of business that offers the practice of massage therapy and where the practice of massage therapy is conducted on the premises of the business. A place of business includes any office, clinic, facility, or other location where a person or persons engage in the practice of massage therapy. The residence of a therapist or an out call location which is not owned, rented, or leased by a massage therapist or massage establishment shall not

1 be considered a massage establishment, unless the location is advertised as the
2 therapist's or establishment's place of business. The term "massage establishment"
3 shall not include physician offices, physical therapy facilities, chiropractic offices,
4 or athletic training facilities, whether or not they employ, contract with, or rent to
5 massage therapists, or institutions of secondary or higher education when massage
6 therapy is practiced in connection with employment related to athletic teams.

7 ~~(8)~~**(9)** "Massage therapist" means a person who engages in the practice of
8 massage therapy for compensation.

9 ~~(9)~~**(10)** "Person" means an individual, corporation, association, or other legal
10 entity.

11 ~~(10)~~**(11)** "Practice of massage therapy" means the manipulation of soft tissue
12 for the purpose of maintaining good health and establishing and maintaining good
13 physical condition. The practice of massage therapy shall include advertising or
14 offering to engage in the practice of massage therapy and holding oneself out or
15 designating oneself to the public as a massage therapist or massage establishment.
16 The practice of massage therapy shall include effleurage (stroking), petrissage
17 (kneading), tapotement (percussion), compression, vibration, friction (active/passive
18 range of motion), stretching activities as they pertain to massage therapy, Shiatsu,
19 acupressure, reflexology, trigger point massage, and Swedish massage either by
20 hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body
21 massage. Massage therapy may include the use of lubricants such as salts, powders,
22 liquids, creams with the exception of prescriptive or medicinal creams, heat lamps,
23 hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, steam
24 cabinet baths, and, with appropriate training, the use of non-prescriptive, off-the-
25 shelf commercially available electromechanical devices for which they are trained
26 which mimic or enhance the actions possible by the hands. It shall not include
27 ultrasound, laser therapy, microwave, colonic therapy, injection therapy,
28 manipulation of the joints, the use of electrical muscle stimulation, or transcutaneous
29 electrical nerve stimulation except microcurrent. Equivalent terms for massage
30 therapy are massage, therapeutic massage, massage technology, body work, or any

1 derivation of those terms. As used in this Chapter, the terms "therapy" and
 2 "therapeutic" shall not include diagnosis, the treatment of illness or disease, or any
 3 service or procedure for which a license to practice medicine, chiropractic, physical
 4 therapy, or podiatry is required by law.

5 ~~(11)~~**(12)** "Professional Massage Therapy Association" means a statewide
 6 organization or statewide chapter of an organization which meets all of the following
 7 criteria:

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

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

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

16 **(13) "Real-time synchronous distance learning" means students attend**
 17 **class session virtually at the same time as the instructor and other classmates.**

18 ~~(12)~~**(14)** "Writing" ~~shall be~~ **means** a written communication transmitted
 19 either by United States mail or by electronic means such as ~~e-mail~~ **email**.

20 * * *

21 §3556. Licensure; qualifications

22 A. No person shall engage in the practice of massage therapy without a
 23 current license issued pursuant to this Chapter unless such person is exempt under
 24 the provisions of this Chapter. To receive a massage therapist license in ~~the state of~~
 25 Louisiana **this state**, an applicant shall pay the application fee pursuant to R.S.
 26 37:3562 and shall submit evidence satisfactory to the board of meeting the following
 27 requirements:

28 (1)(a) Has satisfactorily completed a minimum five hundred hour ~~in-class~~
 29 **supervised synchronous instructor-supervised** course of studies pursuant to rules
 30 promulgated by the board in accordance with the Administrative Procedure Act.

