Regular Session, 2012

HOUSE BILL NO. 923

BY REPRESENTATIVE PONTI

1	AN ACT
2	To amend and reenact R.S. 37:3552, 3553, 3554(A), (B), (D), (E), and (F), 3555, 3556,
3	3557, 3558(A), (B), and (D), 3559, 3561, 3563, 3564, 3565, and 3566(B) and (C),
4	to enact R.S. 37:3556.1, and to repeal R.S. 37:3560, relative to massage therapy; to
5	provide for definitions; to provide for applicability of the Louisiana Massage
6	Therapists and Massage Establishment Act; to provide for exemptions; to provide
7	for the Louisiana Board of Massage Therapy; to provide for membership of the
8	board; to provide for the powers and duties of the board; to require licensure for
9	persons performing massage therapy; to provide for licensure for massage
10	establishments; to establish licensure requirements; to provide for an examination;
11	to provide for licensing regulations; to provide for the expiration and renewal of
12	licenses; to provide for inactive status; to provide for disciplinary actions; to regulate
13	advertising as a massage therapist or a massage establishment; to provide for
14	penalties; to provide for injunctions; to provide an effective date; and to provide for
15	related matters.
16	Be it enacted by the Legislature of Louisiana:
17	Section 1. R.S. 37:3552, 3553, 3554(A), (B), (D), (E), and (F), 3555, 3556, 3557,
18	3558(A), (B), and (D), 3559, 3561, 3563, 3564, 3565, and 3566(B) and (C) are hereby
19	amended and reenacted to read as follows:
20	§3552. Definitions
21	As used in this Chapter:
22	(1) "Advertise" or "advertising" means to publish, display, or disseminate
23	promotional information and includes but is not limited to the issuance of any card,
24	sign, or direct mail, or in any newspaper, magazine, publication, or any

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1	announcement or display via any televised, computerized, electronic, or telephone
2	networks, magnetic signs, or media. "Advertise" shall not include the following:
3	(a) Telephone directory information including white pages, yellow pages,
4	and any Internet publication made by the phone directory company in which one is
5	listed.
6	(b) Building signs identifying the location, unless the building sign contains
7	promotional material.
8	(2) "Board" means the Louisiana Board of Massage Therapy.
9	(2) (3) "Department" means the Department of Health and Hospitals.
10	(4) "Inactive status" means the status in which a licensed massage therapist
11	has, pursuant to the provisions of this Chapter, notified the board of intent to
12	voluntarily cease activity as a massage therapist for a period of time not to exceed
13	five years.
14	(5) "Lapsed license" means a board-issued license which has not been
15	renewed for a period of more than two years and the holder of the license has not
16	taken inactive status.
17	(6) "Licensee" means any person or business that has a professional or
18	establishment license issued by the board.
19	(3) (7) "Massage establishment" means any place of business in which
20	massage therapy is practiced by a massage therapist that offers the practice of
21	massage therapy and where the practice of massage therapy is conducted on the
22	premises of the business. A place of business includes any office, clinic, facility, or
23	other location where a person or persons engage in the practice of massage therapy.
24	The residence of a therapist or an out call location which is not owned, rented, or
25	leased by a massage therapist or massage establishment shall not be considered a
26	massage establishment, unless the location is advertised as the therapist's or
27	establishment's place of business. The term "massage establishment" shall not
28	include physician offices, physical therapy facilities, chiropractic offices, or athletic
29	training facilities, whether or not they employ, contract with, or rent to massage

1	therapists, or institutions of secondary or higher education when massage therapy is
2	practiced in connection with employment related to athletic teams.
3	(4)(8) "Massage therapist" means an individual who practices or administers
4	massage therapy to a patron of either gender for compensation. The term shall
5	include a therapeutic massage practitioner, massage technician, masseur, masseuse,
6	or any derivation of those titles a person who engages in the practice of massage
7	therapy for compensation.
8	(9) "Person" means an individual, corporation, association, or other legal
9	entity.
10	(5) (10) "Massage Practice of massage therapy" means the manipulation of
11	soft tissue for the purpose of maintaining good health and establishing and
12	maintaining good physical condition. The practice of massage therapy shall include
13	advertising or offering to engage in the practice of massage therapy and holding
14	oneself out or designating oneself to the public as a massage therapist or massage
15	establishment. The term practice of massage therapy shall include effleurage
16	(stroking), petrissage (kneading), tapotement (percussion), compression, vibration,
17	friction, (active/passive range of motion), stretching activities as they pertain to
18	massage therapy, Shiatsu, and acupressure, reflexology, and Swedish massage either
19	by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body
20	massage. Massage therapy may include the use of lubricants such as salts, powders,
21	liquids, creams , (with the exception of prescriptive or medicinal creams) , heat lamps,
22	hot and cold stones, whirlpool, hot and cold pack packs, salt glow, body wraps, or
23	steam cabinet baths. It shall not include electrotherapy, laser therapy, microwave,
24	colonic therapy, injection therapy, or manipulation of the joints. Equivalent terms
25	for massage therapy are massage, therapeutic massage, massage technology, Shiatsu,
26	body work, or any derivation of those terms. As used in this Chapter, the terms
27	"therapy" and "therapeutic" shall not include diagnosis, the treatment of illness or
28	disease, or any service or procedure for which a license to practice medicine,
29	chiropractic, physical therapy, or podiatry is required by law.

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1	(6) "Massage therapy instructor" means an individual who is licensed as a
2	massage therapist, who possesses credentials satisfactory to the board and who meets
3	criteria established by the board pursuant to rule.
4	(7) "Person" means an individual, corporation, association, or other legal
5	entity.
6	(11) "Professional Massage Therapy Association" means a statewide
7	organization or statewide chapter of an organization which meets all of the following
8	criteria:
9	(a) Either directly, or through the parent organization, qualifies as a tax
10	exempt nonprofit organization under 26 U.S.C. 501(c)(6).
11	(b) Within Louisiana, offers a voting membership to licensed massage
12	therapists who practice or reside in Louisiana and who maintain their voting
13	membership in good standing.
14	(c) Within Louisiana, is administered by a governing body composed of
15	officers democratically elected by the organization's voting membership within
16	Louisiana.
17	(12) "Writing" shall be a written communication transmitted either by United
18	States mail or by electronic means such as e-mail.
19	§3553. Application of Chapter; exceptions and exemptions
20	A. This Chapter shall apply to any person practicing as a massage therapist
21	or massage establishment engaging in the practice of massage therapy within the
22	state of Louisiana.
23	B. (1) This Chapter shall not apply to any services performed in hospitals
24	licensed by the state.
25	(2) This Chapter shall also not apply to any of the following:
26	(a) Persons who are licensed, registered, or certified in another state,
27	territory, the District of Columbia, or a foreign country when incidentally present in
28	the state to teach a course of instruction related to massage and bodywork therapy
29	as a continuing education course.

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1	(b) Persons giving massage and bodywork to their immediate family without
2	compensation.
3	(c) Persons incidentally present in the state to provide services as part of an
4	emergency response team working in conjunction with relief officials during a
5	disaster, provided such persons are properly licensed in the state from which they
6	originate.
7	\underline{C} . Nothing in this Chapter shall be construed as preventing or restricting the
8	practice or activities of any person licensed or certified in this state under any other
9	law from engaging in the profession or occupation for which he is licensed or
10	certified. However, no person shall in any way hold himself out or designate himself
11	as a massage therapist unless duly licensed by the board in accordance with this
12	Chapter.
13	§3554. Louisiana Board of Massage Therapy; creation, membership, qualifications,
14	terms, vacancies, officers, meetings, reimbursement, liability
15	A.(1) There is hereby created the The Louisiana Board of Massage Therapy
16	is hereby created within the Louisiana Department of Health and Hospitals. It shall
17	be composed of seven members appointed by the governor. Five licensed massage
18	therapists of the members shall be appointed from a list of nominees submitted to the
19	governor by professional massage therapy and bodywork associations. From the list
20	of association nominees, three of the persons appointed shall be licensed massage
21	therapists. Two lay members shall be appointed from a the list of nominees,
22	submitted to the governor by professional massage therapy associations. both of
23	whom shall be consumers who have never been nor are currently a licensed massage
24	therapist in the state. Two additional licensed massage therapists shall be appointed
25	to the board from a general list of names which are submitted for consideration by
26	other interested sources or individuals.
27	(2) The All massage therapists initially appointed to the board from
28	nominations submitted to by the governor by professional massage therapy
29	associations shall be qualified to be licensed and in good standing under this Chapter.

The appointees shall have practiced massage therapy for at least three years. and

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1	shall be required to obtain a license within one hundred eighty days after
2	appointment to the board; thereafter, massage therapists appointed to the board shall
3	be licensed as massage therapists under this Chapter and shall have been in practice
4	for a minimum of three years.
5	(3) The initial members of the board shall be appointed by the governor not
6	later than October 1, 1992.
7	B. Except as provided in Paragraph (1) of this Subsection, All members of
8	the board shall serve two-year terms. However, no No member shall serve more than
9	three consecutive terms. Board For the purposes of staggering the board member
10	terms, are to be staggered as follows:
11	(1) The the governor shall appoint to the board three massage therapists and
12	one lay person each to a term of one year beginning October 1, 2002. Thereafter,
13	member in odd odd-numbered years the governor shall appoint three massage
14	therapists and one lay person to the board.
15	(2) In even years the governor shall appoint and two massage therapists and
16	one lay person to the board member in even-numbered years.
17	* * *
18	D. The board shall hold its first meeting within thirty days after October 1,
19	1992, and shall meet at least twice each year thereafter. Additional board meetings
20	may be held at the call of the chairman or upon the written request of any three
21	members of the board.
22	E. The Each year, the board shall annually elect a chairman, vice chairman,
23	secretary, and treasurer from its membership and shall maintain records of the
24	attendance of its members at board meetings.
25	F. Each member of the board shall serve with compensation, not to exceed
26	fifty dollars per day, and consisting of at least three hours of board business,
27	including travel time. Board members shall be reimbursed for travel and related

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1	expenses incurred, not to exceed those expenses authorized for reimbursement by the
2	Department of Health and Hospitals, for each day that the member engages in board
3	business.
4	* * *
5	§3555. Powers and duties of the board
6	A. The board shall:
7	(1) Prescribe application forms for examination, licensure, and registration
8	and assess and collect fees pursuant to R.S. 37:3562. Regulate the practice of
9	massage and bodywork in Louisiana by licensing massage therapists who meet the
10	state's minimum standards of education. Among its functions, the board promulgates
11	rules and regulations, issues and renews professional and establishment licenses,
12	collects and assesses fees pursuant to R.S. 37:3562, inspects, investigates, and
13	disciplines licensees, including both individuals and establishments, who violate the
14	law, and imposes fines and penalties.
15	(2) Perform inspections and investigate persons who may be engaging in
16	practices which violate provisions of this Chapter and impose fines and penalties.
17	(3) Maintain a complete record going back for a period of at least five years
18	of all licensed massage therapists and annually prepare a roster of the names and
19	addresses of all such licensees. A copy of this roster shall be made available to any
20	person requesting it, upon payment of a fee set by the board in an amount sufficient
21	to cover the costs of its publication and distribution.
22	(3) Investigate persons who may be engaging in practices which violate
23	provisions of this Chapter and impose fines and penalties.
24	(4) Adopt and revise rules and regulations pursuant to the Administrative
25	Procedure Act for the purpose of administering the provisions of this Chapter. Such
26	rules and regulations shall include rules relating to the definition of unprofessional
27	conduct, as that term is further defined in R.S. 37:3563(A)(3).
28	(5) Issue declaratory rulings interpreting the scope of practice of massage
29	therapy, as that term is further defined in R.S. 37:3552(5) R.S. 37:3552(10).

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1	(6) Have all other powers necessary and proper for the performance of its
2	duties.
3	B. The board may:
4	(1) Accept or deny entrance of any applicant applying for licensure or
5	registration.
6	(2) Establish continuing education requirements for license renewal and
7	criteria for certifying massage therapy instructors.
8	§3556. Licensure; qualifications
9	A.(1) No person shall act as or perform the duties of a massage therapist
10	unless he possesses engage in the practice of massage therapy without a current
11	license issued pursuant to this Chapter or is unless such person is exempt under the
12	provisions of this Chapter. To receive a massage therapist license in the state of
13	Louisiana, an applicant shall pay the application fee pursuant to R.S. 37:3562 and
14	shall submit evidence satisfactory to the board of meeting the following
15	requirements:
16	(1)(a) Has satisfactorily completed a minimum five hundred hour in-class
17	supervised course of studies pursuant to rules promulgated by the board in
18	accordance with the Administrative Procedure Act.
19	(b) A course of study may utilize a credit hours equivalent as defined by the
20	United States Department of Education in lieu of clock hours to measure student
21	achievement. A course of study using credit hours shall provide coursework
22	consistent with the rules promulgated by the board including at least five hundred
23	hours of in-class supervised instruction.
24	(2) Has passed a national examination approved by the board under R.S.
25	37:3557 within two years from the date the application is filed.
26	(3) Is a citizen or legal resident of the United States and has the ability to
27	read, write, speak, and understand English fluently.
28	(4) Has not, within the five years preceding the date of the application, been
29	convicted of a nonviolent felony.

1	(5) Has never been convicted of or pled nolo contendere to a violent felony
2	or a criminal offense involving sexual misconduct.
3	(6) Has submitted to and cleared a background check.
4	(2) A licensed massage therapist shall not perform massage therapy, whether
5	or not for compensation, at or for a sexually oriented business, as defined in R.S.
6	37:3558(D).
7	(3) A licensed massage therapist shall not be directly employed by a person
8	licensed to practice medicine or osteopathy pursuant to R.S. 37:1261 et seq.
9	B. A person desiring to be licensed as a massage therapist shall apply to the
10	board to take the examination provided for in R.S. 37:3557. To be eligible to take
11	the examination, an applicant shall pay the examination fee, except as otherwise
12	provided in R.S. 37:3562(B), and shall submit evidence satisfactory to the board that
13	he has met one of the following requirements:
14	(1) Has satisfactorily completed massage therapy studies in a minimum five
15	hundred-hour supervised course of instruction. The course of instruction may be
16	provided by a proprietary massage therapy school licensed by the state Department
17	of Education. The minimum five hundred hours shall consist of three hundred
18	twenty-five hours dedicated to the study of basic massage therapy techniques and
19	clinical practicum-related modalities, one hundred twenty-five hours dedicated to the
20	study of anatomy and physiology, and an additional fifty hours of discretionary
21	related course work, including but not limited to hydrotherapy, business practices
22	and professional ethics, health and hygiene, and cardiopulmonary resuscitation
23	(CPR) and first aid.
24	(2) Has been in the practice of massage therapy for a minimum of three
25	consecutive years prior to the date of application, provided that no person shall
26	qualify to take the examination pursuant to the provisions of this Paragraph after
27	March 1, 1998.
28	(3) Holds a valid license as a physical therapist pursuant to R.S. 37:2401 et
29	seq.

1	(4) Has been licensed or registered as a massage therapist in another state,
2	territory, commonwealth, or the District of Columbia which has and maintains
3	standards and requirements of practice and licensure or registration which
4	substantially conform to the requirements in force in this state, as determined by the
5	board.
6	The requirements set forth in R.S. 37:3556(A)(1) and (2) shall not apply to
7	either of the following:
8	(1) Persons who have continuously held a license to engage in the practice
9	of massage therapy issued by the board since March 1, 1998.
10	(2) Persons who hold a valid, current, and unexpired license or registration
11	to engage in the practice of massage therapy in another state, territory,
12	commonwealth, or the District of Columbia that has and maintains standards and
13	requirements of practice and licensure or registration that substantially conform to
14	the requirements in force in this state, as determined by the board.
15	C. After review of the evidence submitted, the board shall notify each
16	applicant that his application and such evidence is either satisfactory and accepted
17	or unsatisfactory and rejected. If an application is rejected, such notice shall state
18	the reasons for the rejection.
19	D. The board shall issue a license to each person who meets the
20	qualifications provided for in this Section upon payment of the professional license
21	fee provided pursuant to R.S. 37:3562. The license, in the form of a Licensed
22	Massage Therapist Identification Card (LMT-ID Card), grants all professional rights,
23	honors, and privileges to the licensed massage therapist.
24	E. Each license granted shall have a validity period of one calendar year and
25	shall have an expiration date as determined by administrative rules promulgated by
26	the board.
27	§3557. Examination
28	A. Examination of applicants to be massage therapists shall be conducted at
29	such times and places and under such supervision as the board determines by rule.;
30	however, examinations shall be conducted at least twice in each calendar year. The

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1	board shall give public notice and shall notify each person who has made satisfactory
2	application for examination of the date, time, and place of examination.
3	B. The board shall determine by rule the scope, form, and content of the
4	examination., which shall consist of both a written examination to test knowledge of
5	anatomy and physiology and a practical demonstration or oral interview to verify
6	skills necessary for the practice of massage therapy.
7	C. An applicant shall successfully pass the examination in order to be
8	eligible for licensure as a massage therapist. The board shall notify each applicant
9	of the results of the examination in writing. Any applicant who fails to pass the
10	examination and is, therefore, refused licensure may take the examination again upon
11	application and payment of an additional examination fee. No applicant shall be
12	allowed to take the examination more than twice within a two-year period.
13	§3558. Registration of massage Massage establishments
14	A. A massage establishment shall register with the board as provided in the
15	following:
16	(1) For physical addresses where only one massage therapist is practicing:
17	(a) The professional massage license shall act as a registration certificate for
18	the establishment;
19	(b) Separate professional licenses will be issued for each physical address
20	listed on the license application form or renewal application form; and
21	(c) The professional license will cover all outcalls made from that physical
22	address by the licensee.
23	(2) For physical addresses where more than one massage therapist is
24	practicing:
25	(a) A separate massage establishment registration certificate is required;
26	(b) The responsibility for obtaining a massage establishment registration
27	certificate shall belong to one of the following entities as it applies to the physical
28	location: sole proprietor, lessee, owner, partnership, corporation, cooperative,
29	association, or other legal entity; and

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1	(c) The establishment registration certificate shall cover all outcalls made
2	from the physical address by massage therapists listed on the establishment
3	registration.
4	Massage establishments shall be required to be licensed as follows:
5	(1) Each person engaging in the practice of massage therapy at a massage
6	establishment shall be the holder of a Licensed Massage Therapist Identification
7	Card (LMT-ID Card), which shall identify the therapist as being properly licensed
8	and shall authorize the therapist to provide off-site massage services.
9	(2) All locations where one or more persons are regularly engaged in the
10	practice of massage therapy shall register with the board as a massage establishment.
11	Additionally, all locations where more than one person is regularly engaged in the
12	practice of massage therapy shall pay the establishment license fee.
13	(3) Obtaining a massage establishment license shall be the responsibility of
14	the entity which controls the physical location where the services are provided,
15	which entity may be a sole proprietor, lessee, owner, partnership, corporation,
16	cooperative, association, or other legal entity.
17	B.(1) A sexually oriented business, as defined in Subsection C of this
18	Section, shall be ineligible for registration as a massage establishment and shall not
19	operate as a massage establishment.
20	(2) The physical address where a sexually oriented business is determined
21	to be in operation shall be ineligible to house a registered massage establishment for
22	a period of not less than two years following such a determination.
23	A massage establishment shall employ or contract only licensed massage
24	therapists to perform massage therapy.
25	* * *
26	D. A massage establishment shall employ only licensed massage therapists
27	or provisionally licensed massage therapists to perform massage therapy. A sexually
28	oriented business shall be ineligible for registration as a massage establishment and
29	shall not operate as a massage establishment.

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1	§3559. Applications; issuance of licenses and certificates of registration; referrals
2	License regulations
3	A. Applications for licensure, registration, or renewal shall be on forms
4	provided by the board and shall be accompanied by the fees specified in R.S.
5	37:3562. Each licensed massage therapist who works at a massage establishment
6	shall display his LMT-ID Card in plain view in an appropriate public manner. A
7	licensed massage therapist who is working outside of a massage establishment shall
8	have in his possession his LMT-ID Card and shall present it for review upon request
9	of a client or board representative.
10	B. The board shall issue a license to each person qualified as a massage
11	therapist and a registration certificate to each qualified massage establishment. To
12	be qualified for a license as a massage therapist, an applicant shall have successfully
13	passed the examination provided for in R.S. 37:3557. Such a license or certificate
14	grants all professional rights, honors, and privileges relating to the practice of
15	massage therapy. Name or location changes to any license shall be submitted to the
16	board within thirty days of the change with appropriate fees.
17	C. Each licensed massage therapist shall display his license in an appropriate
18	public manner as specified by the board. In addition, each massage establishment
19	shall post in plain sight its certificate of registration and the license of each massage
20	therapist who practices in the massage establishment. The license is nontransferable
21	and shall be for the sole use and benefit of the licensee or location issued.
22	D. A license or registration certificate is All licenses are the property of the
23	board and shall be surrendered upon demand of the board.
24	E. Any license or massage establishment registration certificate shall be for
25	the sole use and benefit of the licensee or location for whom it was issued and as
26	such is nontransferable.
27	F. Changes to any license or registration certificate must be submitted to the
28	board within thirty days on board-approved forms with the appropriate fees, if
29	applicable, as per rule.
30	* * *

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1	§3561. License or registration renewal; reinstatement; continuing education
2	requirements
3	A. Each license or registration certificate, except a provisional license, shall
4	be renewed annually, on or before the anniversary its expiration date; by forwarding
5	to the board submitting a renewal application form, accompanied by the payment of
6	the renewal fee specified in R.S. 37:3562. Each licensee, upon making an
7	application for renewal of a license, shall submit R.S. 37:3562, and providing
8	evidence of satisfactory completion of that the licensee has completed continuing
9	education requirements, as established by rule of the board.
10	B. Any license or registration certificate not renewed on or before its
11	anniversary expiration date shall expire and all rights and privileges under the license
12	shall cease.
13	<u>C.</u> However, a <u>A</u> person whose license has lapsed expired and who has
14	ceased activities as a massage therapist for not more than five years less than twenty-
15	four consecutive months may have his license reinstated upon payment of the
16	renewal fee and the late fee specified in R.S. 37:3562, upon submission of a renewal
17	application form and providing evidence satisfactory to the board that he has fulfilled
18	continuing education requirements and passed the examination provided for in R.S.
19	37:3557.
20	D. A licensee who chooses to adopt inactive status and cease activities as a
21	massage therapist may submit an affidavit, along with the specified fee in R.S.
22	37:3562 to apply for inactive status as required by rule of the board. If the licensee
23	does not request to be placed on inactive status, his license shall expire if not timely
24	renewed.
25	E. If a person does not apply for inactive status and does not renew his
26	license for a period of more than twenty-four consecutive months, the license shall
27	be considered to have lapsed and in order to obtain a license, the person shall submit
28	a new application which complies with all of the current requirements of this Chapter
29	and the rules of the board as appropriate and shall pay the licensure application fee,

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1	the original professional license fee, and any other fees applicable to a new
2	application.
3	* * *
4	§3563. Causes for suspension, revocation, or failure to renew or issue a license
5	Grounds for discipline
6	A. The board may suspend, revoke, or refuse to issue or renew a license or
7	registration certificate, after notice and opportunity for hearing pursuant to the
8	Administrative Procedure Act, upon proof of any of the following:
9	(1) Obtaining a license or registration certificate by means of fraud,
10	misrepresentation, or concealment of material facts, including making false
11	statements on an application or other document required by the board.
12	(2) Selling, bartering, or offering to sell or barter a license or registration
13	certificate .
14	(3) Engaging in unprofessional conduct that has endangered or which that
15	is likely to endanger the health, welfare, or safety of the public, as further defined by
16	rules of the board.
17	(4) Conviction of a felony, or any crime arising out of or connected with the
18	practice of massage therapy, unless such conviction was reversed on appeal.
19	(5) <u>Conviction of any crime arising out of or connected with the practice of</u>
20	massage therapy, unless such conviction was reversed on appeal.
21	(6) Violating or aiding and abetting in the violation of any provisions of this
22	Chapter or the rules and regulations promulgated hereunder.
23	(6) (7) Failing to pass the examination for licensure comply with license or
24	renewal requirements.
25	B. Any person who has been convicted of, entered a plea of nolo contendere
26	to, or received deferred adjudication to crimes or offenses involving in connection
27	with any criminal offense involving sexual misconduct prostitution or sexual
28	offenses shall be ineligible for licensure as a massage therapist. or a massage therapy
29	instructor.

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<u>C.</u> The board shall revoke the license of any person who is convicted of, enters a plea of nolo contendere to, or receives deferred adjudication to a crime or offense involving in connection with any criminal offense involving sexual misconduct or prostitution or other sexual offenses.

5 C. D. Any person who has been convicted of, entered a plea of nolo 6 contendere to, or received deferred adjudication to crimes or offenses involving in 7 connection with any criminal offense involving sexual misconduct or prostitution or 8 sexual offenses shall be ineligible for registration licensure as an owner or operator 9 of a massage establishment. The board shall revoke the registration license of any 10 person if the board determines that the establishment is a sexually oriented business, 11 as defined in R.S. 37:3558(D), R.S. 37:3558(C), or that a crime or offense involving 12 prostitution or other sexual offenses and resulting in a conviction, to which a plea of 13 nolo contendere was entered; or deferred adjudication was received, has occurred on 14 the premises of the establishment since the date of the most recent license renewal. 15 of the registration certificate.

16 §3564. Regulation of advertising

17 A. A person who or an entity that does not hold a license as a massage 18 therapist, physical therapist, or chiropractor, or athletic trainer or a certificate of 19 registration to practice athletic training, or a license as a massage establishment shall 20 not use the words "massage", "shiatsu", or "body work", or any derivative or 21 variation of the word "massage", including specific bodywork or massage modalities, 22 on any sign or other form of advertising. Any advertisement by a massage therapist 23 or a massage establishment shall contain the license or registration number of such 24 therapist or establishment. Building signs with promotional material shall also 25 include the professional or establishment number.

B. Under no circumstances shall a No sexually oriented business, as defined
in R.S. 37:3558(D), R.S. 37:3558(C), shall use the word "massage", "shiatsu", or
"body work", or any derivative or variation of the word "massage", including
specific bodywork or massage modalities, on any sign or other form of advertising.

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ENROLLED

1	§3565. Penalties
2	A. Any Violation of the provisions of this Chapter shall be considered a
3	misdemeanor and any person, including the owner or operator of a massage
4	establishment, who violates the provisions of this Chapter shall be guilty of a
5	misdemeanor and, upon conviction, shall be fined not less than one hundred nor
6	more than one thousand dollars or imprisoned for not more than six months, or both.
7	B. A person convicted of a violation of the provisions of this Chapter shall
8	additionally be ineligible for licensure as a massage therapist or registration as a
9	massage establishment for a period of <u>up to</u> five years from the date of conviction.
10	§3566. Injunction
11	* * *
12	B. In the suit for an injunction, the board may demand of the defendant court
13	may impose a penalty of fifty dollars per day for each violation, together with
14	reasonable attorney fees , and the costs of court.
15	C. The judgment for penalty, An award of penalties, attorney fees, and court
16	costs may be rendered in the same judgment in which the injunction is made
17	absolute. If the board brings an action against someone pursuant hereto and fails to
18	prove its case, then it shall be liable to such person for the payment of his attorney
19	fees and costs. If the board is unsuccessful in obtaining injunctive relief, the court
20	may award attorney fees and costs to the prevailing party.
21	Section 2. R.S. 37:3556.1 is hereby enacted to read as follows:
22	<u>§3556.1. Course of study; hours</u>
23	A. Pursuant to the licensure requirements provided in R.S. 37:3556, a course
24	of study may utilize a credit hours equivalent as defined by the United States
25	Department of Education in lieu of clock hours to measure student achievement. A
26	course of study using credit hours shall provide course work consistent with the rules
27	promulgated by the board including at least five hundred hours of in-class supervised
28	instruction.
29	B. The provisions of this Section shall terminate on January 1, 2013.
30	Section 3. R.S. 37:3560 is hereby repealed in its entirety.

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1	Section 4. The provisions of Sections 1 and 3 of this Act shall become effective on
2	January 1, 2013.
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Section 5. The provisions of Section 2 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Section 2 of this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____