

By: Representative Brown

To: Public Health and Human  
ServicesCOMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 890

1 AN ACT TO AMEND SECTION 73-67-21, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT ANY PERSON WHO HAS PRACTICED MASSAGE THERAPY FOR  
3 MORE THAN TWENTY-FIVE YEARS BEFORE THE EFFECTIVE DATE OF THIS ACT,  
4 WHO IS EMPLOYED AS A MASSAGE THERAPIST BY A NONPROFIT YMCA OR YWCA  
5 ON THE EFFECTIVE DATE OF THIS ACT, IS EXEMPT FROM HAVING TO TAKE  
6 AN EXAMINATION FOR REGISTRATION UNDER THE PROFESSIONAL MASSAGE  
7 THERAPY ACT; TO PROVIDE THAT PERSONS EXEMPT UNDER THIS ACT MAY  
8 APPLY FOR A MASSAGE THERAPY CERTIFICATE OF REGISTRATION UNTIL  
9 JANUARY 1, 2006, BUT MAY NOT PRACTICE MASSAGE THERAPY AFTER THAT  
10 DATE UNLESS A VALID CERTIFICATE OF REGISTRATION IS OBTAINED; AND  
11 FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** Section 73-67-21, Mississippi Code of 1972, is  
14 amended as follows:

15 73-67-21. (1) It shall be the responsibility of a massage  
16 therapy establishment to verify the current registration of any  
17 and all persons practicing massage therapy at the location of or  
18 on behalf of the establishment. Failure to comply is subject to  
19 penalty assessed by the board of not less than Five Hundred  
20 Dollars (\$500.00) and not more than One Thousand Dollars  
21 (\$1,000.00) per offense.

22 (2) No person may advertise massage or practice massage for  
23 compensation in this state unless he is registered as a massage  
24 therapist by the board. No person may use the title of or  
25 represent himself to be a massage therapist or use any other  
26 title, abbreviations, letters, figures, signs or devices that  
27 indicate that the person is a massage therapist unless he is  
28 registered to practice massage therapy under the provisions of  
29 this chapter. Massage establishments with six (6) or more  
30 registered massage therapists shall be exempt from the advertising

31 provisions found in Section 73-67-29 provided that the therapy or  
32 service is performed by person(s) registered under this chapter.

33 (3) The following are requirements for registration:

34 (a) An applicant must be eighteen (18) years of age, or  
35 older, on the date the application is submitted.

36 (b) An application must provide proof of high school  
37 graduate equivalency.

38 (c) An applicant must be of legal status not only to  
39 receive a certificate of registration, but also to work in the  
40 State of Mississippi with that certificate of registration.

41 (d) An applicant must supply proof of current  
42 certification in cardiopulmonary resuscitation (CPR) and first aid  
43 of at least eight (8) hours of training, including practical  
44 testing, and supply documentation of familiarity with the  
45 Americans With Disabilities Act.

46 (e) All required fees for registration must be  
47 submitted by the applicant.

48 (f) Any and all requirements regarding good moral  
49 character and competency, as provided for in this chapter and in  
50 accepted codes of ethics, shall be met.

51 (g) An applicant must have completed an approved  
52 continuing education course on communicable diseases, including  
53 HIV/AIDS information and prevention.

54 (h) The applicant's official and certified  
55 transcript(s) from the applicant's massage therapy school. The  
56 transcript must verify that the applicant has completed a  
57 board-approved training program of no less than the minimum  
58 requirement for supervised in-class massage therapy instruction  
59 and student clinic, with a minimum grade requirement of "C" or  
60 better in every course of instruction, as stated for school  
61 requirements; or if the applicant is submitting criteria from an  
62 apprenticeship program, all required documentation, forms and  
63 other board-stipulated requirements must be met.

64 (4) The following pre-act practitioners are exempt from  
65 having to take any examination for registration, but must fulfill  
66 all other requirements as stated in this chapter, except for the  
67 requirements in subsection (2)(h) of this section:

68 (a) Those having more than three hundred (300)  
69 documented, board-accepted in-class hours of massage therapy  
70 education before January 1, 2001.

71 (b) Those having more than five (5) years of  
72 professional massage therapy experience and a minimum of one  
73 hundred fifty (150) hours of approved massage therapy education.

74 (c) Those having no formal training, but who have  
75 successfully passed the National Certification Examination for  
76 Therapeutic Massage and Bodywork.

77 (d) All grandfathering exemption allowances as stated  
78 in this subsection (4) shall end on July 1, 2002, for nonstudents,  
79 and on June 1, 2003, for students who were enrolled in a part-time  
80 massage school curriculum on July 1, 2001. Individuals may apply  
81 for a certificate of registration until the grandfathering  
82 exemption ends, but may not practice massage beyond the allowed  
83 grace period as provided for in Section 73-67-37 unless a valid  
84 massage therapy certificate of registration or provisional permit  
85 is obtained. Except as provided in subsection (5) of this  
86 section, all other pre-act practitioners and anyone not practicing  
87 massage therapy before January 1, 2001, must take and pass the  
88 registration examination and follow the requirements in this  
89 chapter to practice massage therapy for compensation in  
90 Mississippi.

91 (e) Students enrolled in a massage therapy curriculum  
92 of at least five hundred (500) hours on July 1, 2001, who complete  
93 graduation from the same curriculum.

94 (5) Any person who has practiced massage therapy for a  
95 period of more than twenty-five (25) years before the effective  
96 date of House Bill No. 890, 2005 Regular Session, who is employed

97 as a massage therapist by a YMCA or YWCA authorized and existing  
98 as a nonprofit corporation under the laws of this state on the  
99 effective date of House Bill No. 890, 2005 Regular Session, is  
100 exempt from having to take any examination for registration, but  
101 must fulfill all other requirements as stated in this chapter,  
102 except for the requirements in subsection (3)(b), (d), (g) and (h)  
103 of this section. Persons exempt under this subsection may apply  
104 for a massage therapy certificate of registration until January 1,  
105 2006, but may not practice massage therapy after January 1, 2006,  
106 unless a valid certificate of registration is obtained.

107       **SECTION 2.** This act shall take effect and be in force from  
108 and after its passage.