

By: Representative Baker

To: Judiciary A

HOUSE BILL NO. 1271

1 AN ACT TO REENACT SECTIONS 73-67-1 THROUGH 73-67-37,  
2 MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE MISSISSIPPI  
3 PROFESSIONAL MASSAGE THERAPY ACT; TO AMEND REENACTED SECTION  
4 73-67-7, MISSISSIPPI CODE OF 1972, TO DELETE THE DEFINITIONS FOR  
5 "MISSISSIPPI STATE LAW EXAMINATION" AND "PROVISIONAL PERMIT" IN  
6 ORDER TO ELIMINATE THE REQUIREMENT OF THE MISSISSIPPI STATE LAW  
7 EXAMINATION AND TO ELIMINATE THE ISSUANCE OF A PROVISIONAL PERMIT;  
8 TO AMEND REENACTED SECTION 73-67-15, MISSISSIPPI CODE OF 1972, TO  
9 REMOVE THE AUTHORITY OF THE STATE BOARD OF MASSAGE THERAPY TO  
10 ADOPT RULES REGARDING THE ISSUANCE OF A PROVISIONAL PERMIT; TO  
11 AMEND REENACTED SECTION 73-67-17, MISSISSIPPI CODE OF 1972, TO  
12 REMOVE THE AUTHORITY OF THE STATE BOARD OF MASSAGE THERAPY TO  
13 ESTABLISH THE EDUCATIONAL, TRAINING AND EXPERIENCE REQUIREMENTS  
14 FOR LICENSURE BY RECIPROCITY; TO AMEND REENACTED SECTION 73-67-21,  
15 MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS REQUIRED  
16 FOR AN APPLICANT TO RECEIVE A MASSAGE THERAPIST LICENSE; TO AMEND  
17 REENACTED SECTION 73-67-23, MISSISSIPPI CODE OF 1972, TO REMOVE  
18 THE REQUIREMENT THAT AN APPLICANT FOR A MASSAGE THERAPY LICENSE  
19 COMPLETE THE MISSISSIPPI STATE LAW EXAMINATION; TO AMEND REENACTED  
20 SECTION 73-67-25, MISSISSIPPI CODE OF 1972, TO REVISE THE  
21 RECIPROCITY PROVISIONS TO EXPAND THOSE WHO MAY APPLY FOR A MASSAGE  
22 THERAPIST LICENSE IN MISSISSIPPI; TO REMOVE THE PROVISIONS RELATED  
23 TO THE ISSUANCE OF A PROVISIONAL PERMIT; TO AMEND REENACTED  
24 SECTION 73-67-35, MISSISSIPPI CODE OF 1972, TO REVISE THE  
25 EDUCATIONAL REQUIREMENTS REQUIRED TO BE MET BY AN APPLICANT FOR A  
26 MASSAGE THERAPIST LICENSE; TO AMEND REENACTED SECTION 73-67-39,  
27 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON  
28 THE MISSISSIPPI PROFESSIONAL MASSAGE THERAPY ACT TO JULY 1, 2021;  
29 AND FOR RELATED PURPOSES.

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



31           **SECTION 1.** Section 73-67-1, Mississippi Code of 1972, is  
32 reenacted as follows:

33           73-67-1. This chapter shall be known and may be cited as the  
34 "Mississippi Professional Massage Therapy Act."

35           **SECTION 2.** Section 73-67-3, Mississippi Code of 1972, is  
36 reenacted as follows:

37           73-67-3. The Legislature finds that in the profession and  
38 practice of massage therapy there is a necessity to preserve and  
39 protect individual life and health, promote the public interest  
40 and welfare by providing for the licensure of massage therapists  
41 and assuring public safety.

42           **SECTION 3.** Section 73-67-5, Mississippi Code of 1972, is  
43 reenacted as follows:

44           73-67-5. (1) The provisions of this chapter shall not apply  
45 to the following:

46                   (a) Persons state licensed, state registered, state  
47 certified, or otherwise state credentialed by the laws of this  
48 state to include massage as part of their practice, or other  
49 allied modalities that are certified by a nationally accredited  
50 organization recognized by the board;

51                   (b) Students enrolled in a massage therapy school and,  
52 at the same time, working in a student clinic, and out-of-state  
53 massage therapy instructors when teaching in these programs;

54           (2) Any exemption granted under this section is effective  
55 only insofar as and to the extent that the bona fide practice of



56 the profession or business of the person exempted overlaps into  
57 the field comprehended by this law, and exemptions under this  
58 section are only for those activities that are currently  
59 authorized and performed in the course of the bona fide practice  
60 of the business or profession of the person exempted.

61 **SECTION 4.** Section 73-67-7, Mississippi Code of 1972, is  
62 reenacted and amended as follows:

63 73-67-7. For purposes of this chapter, the following terms  
64 shall have the meanings stated in this section, unless otherwise  
65 stated:

66 (a) "Approved massage therapy school" means a facility  
67 that is licensed by this board and meets the curriculum and  
68 instruction requirements as stated in this chapter.

69 (b) "Board" means the State Board of Massage Therapy as  
70 created in this chapter.

71 (c) "Board-accepted hours" means hours of education  
72 accepted by the board to meet requirements of exemption and/or  
73 continuing education for pre-act practitioners and is different  
74 from "board-approved programs" and/or "board-approved school  
75 hours."

76 (d) "Classroom hour" means no less than fifty (50)  
77 minutes of any one (1) clock hour during which the student  
78 participates in a learning activity under the supervision of a  
79 board\_licensed instructor.



80 (e) "Examination" means the State Board of Massage  
81 Therapy approved examination for licensure.

82 (f) "License" means a State Board of Massage Therapy  
83 approved form of credential indicating that the license holder has  
84 met the requirements of this chapter for the practice of massage  
85 therapy.

86 (g) "Massage" means touch, stroking, kneading,  
87 stretching, friction, percussion and vibration, and includes  
88 holding, positioning, causing movement of the soft tissues and  
89 applying manual touch and pressure to the body (excluding an  
90 osseous tissue manipulation or adjustment). "Therapy" means  
91 action aimed at achieving or increasing health and wellness.  
92 "Massage therapy" means the profession in which the practitioner  
93 applies massage techniques with the intent of positively affecting  
94 the health and well-being of the client, and may adjunctively (i)  
95 apply allied modalities, heat, cold, water and topical  
96 preparations not classified as prescription drugs, (ii) use hand  
97 held tools such as electric hand massagers used adjunctively to  
98 the application of hand massage or devices designed as t-bars or  
99 knobbies, and (iii) instruct self-care and stress management.

100 "Manual" means by use of hand or body.

101 (h) "Massage establishment" means a place of business  
102 where massage is being conducted.

103 (i) "Massage therapist" means a person who practices  
104 massage therapy.



105 (j) "MPMTA" means the "Mississippi Professional Massage  
106 Therapy Act."

107 \* \* \*

108 ( \* \* \*k) "Pre-act practitioner" means an individual  
109 who has practiced professional massage therapy before January 1,  
110 2001.

111 ( \* \* \*l) "Professional" means requiring minimum  
112 standards of conduct, ethics and education.

113 \* \* \*

114 **SECTION 5.** Section 73-67-9, Mississippi Code of 1972, is  
115 reenacted as follows:

116 73-67-9. (1) There is created the State Board of Massage  
117 Therapy.

118 (2) The board shall consist of five (5) members appointed by  
119 the Governor, with the advice and consent of the Senate. At least  
120 three (3) members shall be appointed from a list submitted by  
121 state representatives of one or more nationally recognized  
122 professional massage therapy association(s), all of whom must be  
123 residents of Mississippi and must have engaged in the practice of  
124 massage therapy within the state for at least three (3) years, one  
125 (1) member shall be a licensed health professional in a health  
126 field other than massage therapy and one (1) member shall be a  
127 consumer at large who is not associated with or financially  
128 interested in the practice or business of massage therapy. No  
129 member of the board may be an owner or partner of a massage



130 therapy school. The initial members of the board shall be  
131 appointed for staggered terms, as follows: one (1) member shall  
132 be appointed for a term that ends on June 30, 2002; one (1) member  
133 shall be appointed for a term that ends on June 30, 2003; one (1)  
134 member shall be appointed for a term that ends on June 30, 2004;  
135 and two (2) members shall be appointed for terms that end on June  
136 30, 2005. Appointments shall be made within ninety (90) days from  
137 July 1, 2001.

138 (3) All subsequent appointments to the board shall be  
139 appointed by the Governor for terms of four (4) years from the  
140 expiration date of the previous term. No person shall be  
141 appointed for more than two (2) consecutive terms. By approval of  
142 the majority of the board, the service of a member may be extended  
143 at the completion of a four-year term until a new member is  
144 appointed or the current member is reappointed. The board shall  
145 elect one (1) of the appointed massage therapists as the chairman  
146 of the board.

147 (4) A majority of the board may appoint an executive  
148 director and other such individuals, including an attorney, as may  
149 be necessary to implement the provisions of this chapter. The  
150 board may hold additional meetings at such times and places as it  
151 deems necessary. A majority of the board shall constitute a  
152 quorum and a majority of the board shall be required to grant or  
153 revoke a license.



154           **SECTION 6.** Section 73-67-11, Mississippi Code of 1972, is  
155 reenacted as follows:

156           73-67-11. Before entering upon discharge of the duties of  
157 the office, the executive director of the board shall furnish a  
158 bond, approved by the board, to the state in the sum of Five  
159 Thousand Dollars (\$5,000.00). The bond shall be conditioned upon  
160 the faithful discharge of the duties of the office, the premium on  
161 the bond shall be paid from funds paid into the State Treasury by  
162 the director of the board, and the bond shall be deposited with  
163 the Secretary of State. All fees and other monies collected or  
164 received by the board shall be paid into and credited to a special  
165 fund that is created in the State Treasury, which shall be known  
166 as the "State Board of Massage Therapy Fund." Any interest earned  
167 on the special fund shall be credited to the special fund and  
168 shall not be paid into the State General Fund. Any unexpended  
169 monies remaining in the special fund at the end of a fiscal year  
170 shall not lapse into the State General Fund. Monies in the  
171 special fund shall be expended exclusively for the purposes of  
172 carrying out the provisions of this chapter. Disbursement of  
173 monies in the special fund shall be made only upon warrants issued  
174 by the State Fiscal Officer upon requisitions signed by the  
175 treasurer of the board. The financial records of the board shall  
176 be audited annually by the State Auditor. The board shall receive  
177 no appropriations from any state funds for its support except from  
178 the special fund.



179           **SECTION 7.** Section 73-67-13, Mississippi Code of 1972, is  
180 reenacted as follows:

181           73-67-13. Each member of the board shall receive the per  
182 diem authorized under Section 25-3-69 for each day actually  
183 discharging his official duties, and shall receive reimbursement  
184 for mileage and necessary expense incurred, as provided in Section  
185 25-3-41. The expenses of the board in carrying out the provisions  
186 of this chapter shall be paid upon requisitions signed by the  
187 chairman and/or secretary of the board and warrants signed by the  
188 State Fiscal Officer from the State Board of Massage Therapy Fund.  
189 Such expenses shall not exceed the amount paid into the State  
190 Treasury under the provisions of this chapter.

191           **SECTION 8.** Section 73-67-15, Mississippi Code of 1972, is  
192 reenacted and amended as follows:

193           73-67-15. (1) The board shall:

194                   (a) Adopt an official seal and keep a record of its  
195 proceedings, persons licensed as massage therapists, and a record  
196 of the licenses that have been revoked or suspended;

197                   (b) Keep on file all appropriate records pertaining to  
198 each license;

199                   (c) Annually, on or before February 15, make a report  
200 to the Governor and Legislature of all of its official acts during  
201 the preceding year, its total receipts and disbursements, and a  
202 full and complete report of relevant statistical and significantly





203 notable conditions of massage therapists in this state as  
204 uniformly stipulated by the board;

205 (d) Evaluate the qualifications of applicants for  
206 licensure under this chapter, and advise applicants as to the  
207 acceptance or denial of licensure with any reasons for denial  
208 within forty-five (45) days;

209 (e) Issue licenses to applicants who meet the  
210 requirements of this chapter;

211 (f) Inspect, or have inspected, when required, the  
212 business premises of any licensed massage therapist during their  
213 operating hours, so long as that inspection does not infringe on  
214 the reasonable privacy of any therapist's clients;

215 (g) Establish minimum training and educational  
216 standards for obtaining a license under this chapter, provided  
217 that requirements do not decrease;

218 (h) Establish a procedure for approval of educational  
219 standards required by this chapter;

220 (i) Investigate persons suspected of engaging in  
221 practices that may violate provisions of this chapter;

222 (j) Revoke, suspend or deny a license in accordance  
223 with the provisions of this chapter;

224 (k) Adopt an annual budget;

225 (l) Establish policies with respect to continuing  
226 education;



227 (m) \* \* \* Prescribe renewal procedures, requirements,  
228 dates and fees for massage therapy licenses issued by the board  
229 and shall include provisions for inactive and lapsed licenses;  
230 those rules shall be in accordance with Section 33-1-39;

231 (n) Make available all forms necessary for carrying out  
232 all provisions of this chapter and any \* \* \* necessary business of  
233 the board;

234 (o) Establish written duties of the executive director;

235 (p) Establish a set of reasonable and customary fines  
236 and penalties for violations of this chapter, and fees, including  
237 refund policies, which shall be standardized and not exceeded  
238 unless amended with at least thirty (30) days' notice to those who  
239 are licensed;

240 (q) Establish, amend or repeal any rules or regulations  
241 necessary to carry out the purposes of this chapter and the duties  
242 and responsibilities of the board. Affected practitioners shall  
243 be sent relevant changes no less than once per licensure renewal;

244 (r) The board shall maintain a current register listing  
245 the name of every massage therapist licensed to practice in this  
246 state, his/her last-known place of business and last-known place  
247 of residence, and the date and number of his/her license;

248 (s) The board shall set up guidelines for the operation  
249 of schools of massage therapy, and it is charged with that  
250 regulation in this state. The board may prescribe reasonable  
251 rules and regulations governing schools of massage therapy for the



252 guidance of persons licensed under this chapter in the operation  
253 of schools of massage therapy and in the practice of massage  
254 therapy. When the board has reasons to believe that any of the  
255 provisions of this chapter or the rules and regulations of the  
256 board have been violated, either upon receipt of a written  
257 complaint alleging those violations or upon the board's own  
258 initiative, the board or any of its authorized agents shall  
259 investigate same and may enter upon the premises of a school of  
260 massage therapy at any time during regular business hours of that  
261 school to conduct the investigation. The investigation may  
262 include, but not be limited to, conducting oral interviews with  
263 the complaining party, school or school owner(s) and/or students  
264 of the school, and reviewing records of the school pertinent to  
265 the complaint and related to an area subject to the authority of  
266 the board.

267 (2) Each board member shall be held accountable to the  
268 Governor for the proper performance of all duties and obligations  
269 of the member's office. Board members shall be immune from civil  
270 liability pertaining to any legal functions involving the carrying  
271 out of the activities and responsibilities of this chapter.

272 **SECTION 9.** Section 73-67-17, Mississippi Code of 1972, is  
273 reenacted and amended as follows:

274 73-67-17. The board may adopt rules:

275 (a) Establishing reasonable standards concerning the  
276 sanitary, hygienic and healthful conditions of the licensed



277 massage therapist and of premises and facilities used by massage  
278 therapists;

279 (b) Relating to the methods and procedures used in the  
280 practice of massage;

281 (c) Governing the examination and investigation of  
282 applicants for the licenses issued under this chapter and the  
283 issuance, renewal, suspension and revocation of the license;

284 (d) Setting standards for certifying continuing  
285 education classes;

286 (e) Requiring that massage therapists supply the board  
287 with the accurate, current address or addresses where they  
288 practice massage; and

289 \* \* \*

290 ( \* \* \*f) Establishing requirements for issuance and  
291 retention of an inactive license \* \* \*.

292 **SECTION 10.** Section 73-67-19, Mississippi Code of 1972, is  
293 reenacted as follows:

294 73-67-19. (1) The board shall report to the proper district  
295 attorney all cases that, in the judgment of the board, warrant  
296 prosecution.

297 (2) Massage therapists or establishments may not be  
298 discriminated against regarding business licenses and shall be  
299 treated as any other health care profession.

300 (3) Any civil penalty imposed under this section shall  
301 become due and payable when the person incurring the penalty



302 receives a notice in writing of the penalty. The notice shall be  
303 sent by registered or certified mail. The person to whom the  
304 notice is addressed shall have thirty (30) days from the date of  
305 mailing of the notice in which to make written application for a  
306 hearing. Any person who makes that application shall be entitled  
307 to a hearing. The hearing shall be conducted as a contested case  
308 hearing. When an order assessing a civil penalty under this  
309 section becomes final by operation of law or on appeal, unless the  
310 amount of penalty is paid within ten (10) days after the order  
311 becomes final, it may be recorded with the circuit clerk in any  
312 county of this state. The clerk shall then record the name of the  
313 person incurring the penalty and the amount of the penalty in his  
314 lien record book.

315 (4) Where the board proposes to refuse to grant or renew a  
316 license or proposes to revoke or suspend a license, an opportunity  
317 for a hearing shall be accorded. The board may designate any  
318 competent person(s) to preside at the hearing. The board shall  
319 promulgate rules for the conduct of hearings and issuance of  
320 orders.

321 (5) The board may adopt rules requiring any person,  
322 including, but not limited to, licensed massage therapists,  
323 corporations, organizations, health care facilities and state or  
324 local governmental agencies to report to the board any conviction,  
325 determination or finding that a holder of a license has committed  
326 an act that constitutes unprofessional conduct, or to report



327 information that indicates that the holder of a license may not be  
328 able to practice his profession with reasonable skill and safety  
329 to consumers as a result of a mental, emotional or physical  
330 condition. If the entity fails to furnish a required report, the  
331 board may petition the circuit court of the county in which the  
332 entity resides or is found, and the court shall issue to the  
333 entity an order to furnish the required report. A failure to obey  
334 the order is a contempt of court.

335 (6) A person is immune from civil liability, whether direct  
336 or derivative, for providing information to the board.

337 (7) Upon the complaint of any citizen of this state, or upon  
338 its own motion, the board may investigate any alleged violation of  
339 this chapter. In the conduct of investigations, the board may  
340 take evidence; take the depositions of witnesses, including the  
341 person charged; compel the appearance of witnesses, including the  
342 person charged, before the board in person the same as in civil  
343 cases; require answers to interrogations; and compel the  
344 production of books, papers, accounts, documents and testimony  
345 pertaining to the matter under investigation.

346 (8) The board shall make available, upon request, written  
347 appeals procedures for anyone whose license has been denied,  
348 suspended or revoked, and/or for anyone accused of violating any  
349 provisions of this chapter.

350 (9) Any time the board intends to deny an application for  
351 licensure, or suspend or revoke an existing license, the board



352 shall give the person an opportunity for a hearing before taking  
353 final action.

354 **SECTION 11.** Section 73-67-21, Mississippi Code of 1972, is  
355 reenacted and amended as follows:

356 73-67-21. (1) It shall be the responsibility of a massage  
357 therapy establishment to verify the current license of any \* \* \*  
358 persons practicing massage therapy at the location of or on behalf  
359 of the establishment. Failure to comply is subject to penalty  
360 assessed by the board of not less than Five Hundred Dollars  
361 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per  
362 offense.

363 (2) No person may advertise massage or practice massage for  
364 compensation in this state unless he or she is licensed as a  
365 massage therapist by the board. No person may use the title of or  
366 represent himself or herself to be a massage therapist or use any  
367 other title, abbreviations, letters, figures, signs or devices  
368 that indicate that the person is a massage therapist unless he or  
369 she is licensed to practice massage therapy under the provisions  
370 of this chapter. A current massage therapy license issued by the  
371 board shall at all times be prominently displayed in any place  
372 where massage therapy is being practiced.

373 (3) \* \* \* To receive a massage therapist license in the  
374 State of Mississippi, an applicant for licensure shall submit  
375 evidence satisfactory to the board that he or she meets the  
376 following requirements:



377 \* \* \*

378 (a) An applicant is a citizen or legal resident of the  
379 United States and has the ability to read, write, speak and  
380 understand English fluently.

381 ( \* \* \*b) An applicant has submitted all required fees  
382 for licensure \* \* \*.

383 ( \* \* \*c) \* \* \* An applicant has submitted to and  
384 cleared a background check.

385 ( \* \* \*d) An applicant \* \* \* has not, within the five  
386 (5) years preceding the date of the application, been convicted of  
387 a nonviolent felony.

388 (e) An applicant has never been convicted of or pled  
389 nolo contendere to a violent felony or a criminal offense  
390 involving sexual misconduct.

391 ( \* \* \*f) \* \* \* An applicant has submitted an official  
392 and certified transcript(s) from the applicant's massage therapy  
393 school.

394 (i) The transcript must verify that the applicant  
395 has satisfactorily completed a board-approved training program of  
396 no less than \* \* \* five hundred (500) hours of in-class supervised  
397 courses of study pursuant to rules promulgated by the board.

398 (ii) A course of study may use a credit hours  
399 equivalent as defined by the United States Department of Education  
400 in lieu of clock hours to measure student achievement. A course  
401 of study using credit hours shall provide coursework consistent





402 with the rules promulgated by the board including at least five  
403 hundred (500) hours of in-class supervised instruction.

404 (g) An applicant has passed any state, nationally or  
405 internationally accredited examination approved by the board.

406 (4) The following pre-act practitioners are exempt from  
407 having to take any examination for licensure, but must fulfill all  
408 other requirements as stated in this chapter, except for the  
409 requirements in subsection (3) ( \* \* \*f) of this section:

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

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

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

419 (d) All grandfathering exemption allowances as stated  
420 in this subsection (4) shall end on July 1, 2002, for nonstudents,  
421 and on June 1, 2003, for students who were enrolled in a part-time  
422 massage school curriculum on July 1, 2001. Individuals may apply  
423 for a license until the grandfathering exemption ends, but may not  
424 practice massage beyond the allowed grace period as provided for  
425 in Section 73-67-37 unless a valid massage therapy license \* \* \*  
426 is obtained. Except as provided in subsection (5) of this



427 section, all other pre-act practitioners and anyone not practicing  
428 massage therapy before January 1, 2001, must take and pass the  
429 licensure examination and follow the requirements in this chapter  
430 to practice massage therapy for compensation in Mississippi.

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

434 (5) Any person who has practiced massage therapy for a  
435 period of more than twenty-five (25) years before March 14, 2005,  
436 who is employed as a massage therapist by a YMCA or YWCA  
437 authorized and existing as a nonprofit corporation under the laws  
438 of this state on March 14, 2005, is exempt from having to take any  
439 examination for licensure, but must fulfill all other requirements  
440 as stated in this chapter, except for the requirements in  
441 subsection (3) \* \* \* (f) of this section. Persons exempt under  
442 this subsection may apply for a massage therapy license until  
443 January 1, 2006, but may not practice massage therapy after  
444 January 1, 2006, unless a valid license is obtained.

445 (6) Certificates of registration issued by the board before  
446 July 1, 2008, shall remain valid as licenses until the next  
447 renewal period.

448 (7) An applicant must have successfully been cleared for  
449 licensure through an investigation that shall consist of a  
450 determination as to good moral character and verification that the  
451 prospective licensee is not guilty of or in violation of any



452 statutory ground for denial of licensure as set forth in Section  
453 73-67-27.

454 (a) To assist the board in conducting its licensure  
455 investigation, all applicants shall undergo a fingerprint-based  
456 criminal history records check of the Mississippi central criminal  
457 database and the Federal Bureau of Investigation criminal history  
458 database. Each applicant shall submit a full set of the  
459 applicant's fingerprints in a form and manner prescribed by the  
460 board, which shall be forwarded to the Mississippi Department of  
461 Public Safety (department) and the Federal Bureau of Investigation  
462 Identification Division for this purpose.

463 (b) Any \* \* \* state or national criminal history  
464 records information obtained by the board that is not already a  
465 matter of public record shall be deemed nonpublic and confidential  
466 information restricted to the exclusive use of the board, its  
467 members, officers, investigators, agents and attorneys in  
468 evaluating the applicant's eligibility or disqualification for  
469 licensure, and shall be exempt from the Mississippi Public Records  
470 Act of 1983. Except when introduced into evidence in a hearing  
471 before the board to determine licensure, no such information or  
472 records related thereto shall, except with the written consent of  
473 the applicant or by order of a court of competent jurisdiction, be  
474 released or otherwise disclosed by the board to any other person  
475 or agency.



476 (c) The board shall provide to the department the  
477 fingerprints of the applicant, any additional information that may  
478 be required by the department, and a form signed by the applicant  
479 consenting to the check of the criminal records and to the use of  
480 the fingerprints and other identifying information required by the  
481 state or national repositories.

482 (d) The board shall charge and collect from the  
483 applicant, in addition to all other applicable fees and costs,  
484 such amount as may be incurred by the board in requesting and  
485 obtaining state and national criminal history records information  
486 on the applicant.

487 **SECTION 12.** Section 73-67-23, Mississippi Code of 1972, is  
488 reenacted and amended as follows:

489 73-67-23. (1) The purpose of requiring examination is to  
490 determine that each applicant for licensure possesses the minimum  
491 skills and knowledge to practice competently.

492 (2) The board shall accept as evidence of competency, in  
493 addition to all other requirements as stated in this chapter, the  
494 successful completion of any state, nationally or internationally  
495 accredited examination approved by the board.

496 (3) Eligibility requirements to take an examination approved  
497 by the board are set by the organization that is responsible for  
498 establishing and maintaining the examination.

499 (4) An applicant for licensure who has been previously  
500 licensed may be required to take an examination approved by the



501 board and achieve a passing score before re-licensure under any  
502 one (1) of the following circumstances:

503 (a) The applicant has been unlicensed voluntarily for  
504 more than thirty-six (36) calendar months; or

505 (b) The board may require reexamination in any  
506 disciplinary order, based upon the findings and conclusions  
507 relative to the competency of a holder of a license to practice  
508 massage before issuing an unconditional license.

509 \* \* \*

510 **SECTION 13.** Section 73-67-25, Mississippi Code of 1972, is  
511 reenacted and amended as follows:

512 73-67-25. (1) \* \* \* The board shall issue a license by  
513 reciprocity to any applicant who presents to the board proof that  
514 the applicant holds a valid, current license in another state,  
515 territory, commonwealth of the District of Columbia with  
516 similar \* \* \* standards and requirements to those required by this  
517 chapter, and that all other licensure requirements under this  
518 chapter are met, except for those requirements in Section  
519 73-67-21(3) (f) and (g). \* \* \*

520 \* \* \*

521 ( \* \* \*2) A current massage therapy license issued by the  
522 board shall at all times be prominently displayed in any place  
523 where massage therapy is being practiced.

524 ( \* \* \*3) A license issued under this chapter is not  
525 transferable or assignable.



526           The issuance of a license \* \* \* by reciprocity to a  
527 military-trained applicant or military spouse shall be subject to  
528 the provisions of Section 73-50-1.

529           **SECTION 14.** Section 73-67-27, Mississippi Code of 1972, is  
530 reenacted as follows:

531           73-67-27. (1) The board may refuse to issue or renew or may  
532 deny, suspend or revoke any license held or applied for under this  
533 chapter upon finding that the holder of a license or applicant:

534                   (a) Is guilty of fraud, deceit or misrepresentation in  
535 procuring or attempting to procure any license provided for in  
536 this chapter;

537                   (b) Attempted to use as his own the license of another;

538                   (c) Allowed the use of his license by another;

539                   (d) Has been adjudicated as mentally incompetent by  
540 regularly constituted authorities;

541                   (e) Has been convicted of a crime, or has charges or  
542 disciplinary action pending that directly relates to the practice  
543 of massage therapy or to the ability to practice massage therapy.  
544 Any plea of nolo contendere shall be considered a conviction for  
545 the purposes of this section;

546                   (f) Is guilty of unprofessional or unethical conduct as  
547 defined by the code of ethics;

548                   (g) Is guilty of false, misleading or deceptive  
549 advertising, or is guilty of aiding or assisting in the



550 advertising or practice of any unlicensed or unpermitted person in  
551 the practice of massage therapy;

552 (h) Is grossly negligent or incompetent in the practice  
553 of massage therapy;

554 (i) Has had rights, credentials or one or more  
555 license(s) to practice massage therapy revoked, suspended or  
556 denied in any jurisdiction, territory or possession of the United  
557 States or another country for acts of the licensee similar to acts  
558 described in this section. A certified copy of the record of the  
559 jurisdiction making such a revocation, suspension or denial shall  
560 be conclusive evidence thereof; or

561 (j) Has been convicted of any felony, other than a  
562 violation of federal or state tax laws.

563 (2) Investigative proceedings may be implemented by a  
564 complaint by any person, including members of the board.

565 (3) (a) Any person(s) found guilty of prostitution using as  
566 any advertisement, claim or insignia of being an actual licensed  
567 massage therapist or to be practicing massage therapy by using the  
568 word "massage" or any other description indicating the same,  
569 whether or not the person(s) have one or more license for the  
570 person(s) or establishment(s), shall be guilty of a misdemeanor,  
571 and upon conviction, shall be punished by a fine of not less than  
572 One Thousand Dollars (\$1,000.00), nor more than Five Thousand  
573 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or  
574 both, per offense, per person.



575 (b) Any person who knowingly participates in receiving  
576 illegal service(s) of any person found guilty as described in  
577 paragraph (a) of this subsection, upon conviction, shall be  
578 punished by a fine not exceeding Five Hundred Dollars (\$500.00),  
579 or imprisonment for up to one (1) month, or both. Persons  
580 officially designated to investigate complaints are exempt.

581 (c) Any person who violates any provision of this  
582 chapter, other than violation(s) of paragraph (a) of this  
583 subsection, is guilty of a misdemeanor, and upon conviction, shall  
584 be punished by a fine not exceeding Five Hundred Dollars  
585 (\$500.00), or imprisonment for up to one (1) month in jail, or  
586 both, per offense.

587 (d) The board, in its discretion, may assess and tax  
588 any part or all of the costs of any disciplinary proceedings  
589 conducted against either the accused, the charging party, or both,  
590 as it may elect.

591 **SECTION 15.** Section 73-67-29, Mississippi Code of 1972, is  
592 reenacted as follows:

593 73-67-29. (1) Any licensed massage therapist advertising by  
594 the use of radio, newspaper, television, electronic media, flyers,  
595 business cards, phone book or any other means shall include  
596 legibly, or clearly audible, the massage therapy license number  
597 issued to the therapist(s) on and/or with that advertising.  
598 Massage establishments with six (6) or more licensed massage  
599 therapists shall be exempt from this provision provided that the





600 therapy or service is performed by person(s) licensed under this  
601 chapter.

602 (2) Any and all advertising of the licensed massage  
603 therapist shall be of a professional and ethical nature and shall  
604 not be attached to or identified with any pornographic or other  
605 establishment that may be construed as unprofessional and/or  
606 unethical in the practice of professional massage therapy.

607 (3) No practice of, or advertisement by any means of, any  
608 type of therapy involving soft tissue movement by the use of any  
609 body part, instrument(s) or device(s), or any term that may be  
610 interpreted to involve massage, shiatsu, acupressure, oriental,  
611 Eastern or Asian massage techniques, spa, rub, or therapeutic  
612 touch, shall be allowed unless that therapy is performed by  
613 person(s) who are licensed or exempt as stated in this chapter.

614 (4) Providing information concerning continuing education of  
615 massage therapy shall not constitute advertising as that term is  
616 used in this section. National massage publications and  
617 out-of-state instruction/education/information materials are  
618 exempt.

619 (5) The advertising of any designation of massage, including  
620 the word "Swedish" (as used in this context), shall not be allowed  
621 in conjunction with any other term that the board finds  
622 questionable. Questionable terms may include "bath," "shampoo"  
623 and "escort."



624 (6) Massage schools that advertise for student clinic, or  
625 any other type of student massage, must conspicuously include the  
626 respective words "student massage" within the advertisement.

627 (7) Advertisers shall obtain the license number from each  
628 massage therapist before entering into an agreement or contract to  
629 advertise any form of massage therapy as stated in this chapter.  
630 The license number(s) shall be part of the actual advertisement.  
631 Massage establishments with six (6) or more licensed massage  
632 therapists shall be exempt from this provision provided that the  
633 therapy or service is performed by person(s) licensed under this  
634 chapter.

635 **SECTION 16.** Section 73-67-31, Mississippi Code of 1972, is  
636 reenacted as follows:

637 73-67-31. (1) All licensed massage therapists shall:

638 (a) Perform only those services for which they are  
639 qualified and which represent their training and education;

640 (b) Acknowledge their professional limitations and  
641 refer the client to an appropriate health professional when  
642 necessary, in cases where massage may be or is contraindicated;

643 (c) Recognize and respect the rights of all ethical  
644 practitioners and cooperate with health professionals in a  
645 professional manner;

646 (d) Obtain and keep an overview or profile of the  
647 client's state of being and health history and discuss any problem  
648 areas that may contraindicate massage;



649 (e) Keep accurate and up-to-date records regarding a  
650 client's condition before and after massage therapy session in  
651 cases of a client being treated for a specific condition. Public,  
652 sports and on-site seated massage sessions are exempt from  
653 documentation; sports massage sessions are exempt from post-event  
654 documentation;

655 (f) Provide sensitive attention and response to  
656 client's comfort levels for pressure and touch, and shall not  
657 cause bruising with any regularity;

658 (g) Maintain clear and honest communications with their  
659 clients, and acknowledge the confidential nature of the  
660 professional relationship with a client and respect rights to  
661 privacy;

662 (h) Abide by all laws that pertain to their work as a  
663 massage therapist;

664 (i) In no way instigate or tolerate any kind of sexual  
665 advance while acting in the capacity of a massage therapist;

666 (j) Provide and use draping to cover all genitalia;

667 (k) Clean/disinfect his hands immediately before each  
668 massage session and/or use medical gloves.

669 (2) No massage therapist shall diagnose or prescribe  
670 medicine, drugs or treatment.

671 **SECTION 17.** Section 73-67-33, Mississippi Code of 1972, is  
672 reenacted as follows:



673           73-67-33. (1) Lavatories or wash basins provided with an  
674 adequate supply of both hot and cold running water should be  
675 available. Lavatories or wash basins shall be provided with soap  
676 in a dispenser and paper, individual use towels, or air dryers.

677           (2) Any mobile massage shall have a previous recording of  
678 the client's name, address where the therapy is to occur,  
679 estimated time of return, and phone number (if available) in a  
680 conspicuous record.

681           (3) Every massage establishment shall be equipped with a  
682 workable telephone for emergency calls.

683           (4) A copy of the State of Mississippi Professional Massage  
684 Therapy Code of Ethics and Professional Conduct shall be  
685 prominently displayed.

686           **SECTION 18.** Section 73-67-35, Mississippi Code of 1972, is  
687 reenacted and amended as follows:

688           73-67-35.   \* \* \*

689           \* \* \*

690           ( \* \* \*1) A massage therapy program shall not operate in the  
691 State of Mississippi unless it meets the minimum standards of  
692 curriculum for licensure as stated in this chapter. Massage  
693 schools and massage curriculums for licensure preparation must  
694 obtain a national accreditation from such agencies as the  
695 Commission on Massage Therapy Accreditation or programs with the  
696 same or greater requirements. Existing massage schools will have  
697 five (5) years from July 1, 2001, to obtain that accreditation.



698 New massage schools will have five (5) years from the opening of  
699 the massage school to show conformance with the accreditation  
700 requirements. An existing accredited massage school that loses  
701 its accreditation will have three (3) years from the date of loss  
702 of its accreditation to show conformance with the accreditation  
703 requirements.

704 ( \* \* \*2) No massage therapy program shall consist of more  
705 than forty (40) in-class clock hours per week.

706 ( \* \* \*3) Hours credited through transfer credit shall not  
707 be recognized by the board unless the following transfer standards  
708 are met:

709 (a) The school shall be provided with a certified  
710 transcript from a school licensed or approved in that state;

711 (b) Courses for which credit is granted shall parallel  
712 in content and intensity to the course offered by the school;

713 (c) Documentation of previous training shall be  
714 included in each student's permanent file.

715 ( \* \* \*4) Private business and vocational schools that have  
716 obtained national accreditation from an accrediting agency  
717 designated by the United States Department of Education may submit  
718 evidence of current accreditation in lieu of other application  
719 requests. Applications submitted on evidence of national  
720 accreditation must be approved or denied within sixty (60) days  
721 after receipt. If no action is taken within sixty (60) days, the



722 application shall be deemed approved and a massage therapy license  
723 must be issued.

724         **SECTION 19.** Section 73-67-37, Mississippi Code of 1972, is  
725 reenacted as follows:

726         73-67-37. The grace period for licenses to be issued shall  
727 be from March 28, 2002, until July 1, 2002. Those meeting the  
728 minimum requirements as stated in this chapter, except for  
729 obtaining a license, may continue the practice of massage therapy  
730 or instruction thereof within the grace period. Massage  
731 curriculums that begin before July 1, 2001, may continue with the  
732 same curriculum until completion. Anyone not meeting the minimum  
733 requirements as stated in this chapter shall not advertise massage  
734 therapy or instruction thereof until they meet the minimum  
735 requirements of this chapter.

736         **SECTION 20.** Section 73-67-39, Mississippi Code of 1972, is  
737 amended as follows:

738         73-67-39. Sections 73-67-1 through 73-67-37 shall stand  
739 repealed on July 1, \* \* \* 2021.

740         **SECTION 21.** This act shall take effect and be in force from  
741 and after July 1, 2018.

