

By: Representative Brown

To: Public Health and Human Services

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)(h) of this section.
103 Persons exempt under this subsection may apply for a massage
104 therapy certificate of registration until January 1, 2006, but may
105 not practice massage therapy after January 1, 2006, unless a valid
106 certificate of registration is obtained.

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