



# NATIONAL HEALTH FREEDOM ACTION

March 15, 2014

## Urgent! Oppose Minnesota's SF 1792 and HF 1925 Unwanted Registration Of Massage and Bodyworkers

**We need your support now!** Today, March 14<sup>th</sup>, SF 1792 passed in the Senate Judiciary Committee with two strong no voice votes and is on the way to Health Finance Committee and possibly back to the Health Policy Committee. **Take Action to Oppose Minnesota SF 1792 and HF 1925 Registering Massage and Body workers by Clicking Here**

[http://org.salsalabs.com/o/850/p/dia/action3/common/public/?action\\_KEY=15227](http://org.salsalabs.com/o/850/p/dia/action3/common/public/?action_KEY=15227)

Minnesota already has the well-known law, MN146A, providing practitioner guidelines and ensuring that consumers have safe access to all unlicensed complementary and alternative health care practitioners including all types of massage therapists and bodyworkers.

These bills are a direct threat to the landscape of complementary and alternative health care practices in Minnesota and are exactly what MN146A was trying to avoid when they passed the complementary and alternative practitioner law. It was the goal of MN146A that all of the healers in the public domain could follow their vocations as they saw fit and provide safe services to consumers. **These bills would begin to take practices that do not pose an imminent risk of harm to the public** and that are currently practiced freely under MN146A, and put them into the hands of the government to regulate unnecessarily, creating a new tier of regulation and competition and getting government to make special endorsements of special types of education. Governments do not have a constitutional right to regulate professions that are not causing harm. There is no constitutional basis to register massage and bodywork therapists in Minnesota under MN 214's law listing the criteria for regulating professions! There is no need for government intervention to dole out exclusive titles for exclusive types of education unless there is an imminent risk of harm without it

**Click Here to Read Senate File 1792**

[https://www.revisor.mn.gov/bills/text.php?number=SF1792&version=1&session=ls88&session\\_year=2014&session\\_number=0&format=pdf](https://www.revisor.mn.gov/bills/text.php?number=SF1792&version=1&session=ls88&session_year=2014&session_number=0&format=pdf)

**Click Here to Read House File 1925**

<http://wdoc.house.leg.state.mn.us/leg/LS88/HF1925.0.pdf>

Read the following excerpts from NHFA's prepared testimony for the Judiciary Committee:

**"Our concern with the bill has to do with whether or not the implementation of the bill will be voluntary registration.** The registration is being brought forth as voluntary however the bill contains a municipal preemption clause which treats registered and unregistered massage

therapists differently and could allow for and lead to the mandatory registration of massage therapists by cities in the future.

**Currently all unregistered massage and body workers in Minnesota practice under MN146A** and must fill out their client bill of rights and avoid the prohibited acts listed in MN 146A. And in addition they must comply with city ordinances if there are any.

**Some cities draft city ordinances for massage and bodywork that not only deal with business license issues such as the right to transact business, enforcing health codes, and criminal background checks for practitioners, but some cities also include come occupational credentialing and schooling requirements and these requirements are not uniform from city to city.** And we are glad that recently some cities, instead of mandating particular types of education, are now deferring to the MN146A requirements and only requiring the state mandated disclosing of their educational backgrounds to consumers. We are grateful that cities are allowing this wide variety of types of healers to practice because there are multiple types of massage and bodywork practitioners with many types of training that consumers use and desire.

**Although SF1792 will continue to protect the rights of cities to require business licenses form registered and unregistered practitioners,** and background checks from unregistered practitioners, there is the concern that because there would now be two types of practitioners, MN146A massage therapists and registered massage therapists, and because registered massage therapists would already have a certain type of education from state endorsed schools of massage, and would have completed background checks, that the cities will defer to the state registered practitioners because background checks would have already been completed, and cities will then pass ordinances that all massage and bodywork practitioners in their jurisdiction be state registered. This would be instead of what cities do now by requiring background checks of unregistered MN146A practitioners and allowing unregistered practitioners to practice under their MN146A consumer disclosure of education and credentials.

**This dilemma was discussed in the health committee** and the proponents of the bill agreed to discuss and make changes if the bill left committee to address this problem. The changes have not been made so we would like to recommend that a sentence be added to the bill that states that:

**"Municipalities may not mandate that all massage and bodywork therapists practicing in their municipalities be state-registered massage and bodywork therapists."**

Thank you for your consideration."



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