



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2019 Senate Bill 133

Senate Amendment 1

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2019 SENATE BILL 133

Current law generally requires a person to hold a license issued by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (“board”) in order to: (1) provide massage therapy or bodywork therapy;¹ (2) designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse; or (3) use or assume various titles related to massage therapy or bodywork therapy. Exceptions to the licensure requirement include a person who manipulates only the soft tissues of hands, feet, or ears or who is authorized to practice massage therapy or bodywork therapy in another state or country and is providing consultation or demonstration with a license holder. The penalty for violating the licensure requirement described above, or any other provision related to massage therapy or bodywork therapy is a civil forfeiture of not more than \$1,000 for each violation.

Current law also prohibits a city, village, or town (“municipality”) from enacting an ordinance that regulates the practice of massage therapy or bodywork therapy by a person who is licensed by the board.

2019 Senate Bill 133 amends current law to expressly authorize a municipality to enact and enforce an ordinance that prohibits a person from providing massage therapy or bodywork therapy, designating himself or herself as a massage therapist or bodywork therapist or masseur

¹ “Massage therapy” or “bodywork therapy” means “the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. ‘Massage therapy’ or ‘bodywork therapy’ includes determining whether manual actions and adjunctive therapies are appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. ‘Massage therapy’ or ‘bodywork therapy’ does not include making a medical, physical therapy, or chiropractic diagnosis.” [s. 460.01 (4), Stats.]

or masseuse, or using or assuming the title or designation as such without a license issued by the board.

The bill increases the penalty for violating any of the provisions of state law related to massage therapy or bodywork therapy from a civil forfeiture of \$1,000 to a criminal fine of \$1,000, imprisonment of up to 90 days, or both. The bill also provides that the board may, in addition to, or in lieu of, a reprimand or revocation, limitation, suspension, or denial of a license, assess a civil forfeiture of not more than \$1,000 for each violation of state law related to massage therapy or bodywork therapy.

SENATE AMENDMENT 1

Senate Amendment 1 prohibits a person from employing or contracting with another person for the provision of massage therapy or bodywork therapy services unless that person also holds the appropriate license or is exempted under current law from the licensure requirement. The penalty provisions provided under the bill apply to the prohibition created by the amendment. The amendment also expressly authorizes a municipality to enact and enforce an ordinance that prohibits this conduct.

BILL HISTORY

Senate Amendment 1 was introduced on April 4, 2019, by Senator Kooyenga. On May 22, 2019, the Senate Committee on Public Benefits, Licensing and State-Federal Relations voted to recommend adoption of the amendment, and passage of the bill, as amended, by votes of Ayes, 5; Noes, 0.

EL:jal