

2019 Assembly Bill 143 (LRB -0761)

An Act to renumber 460.17; to amend 460.15; and to create 460.14 (4) and 460.17 (2) of the statutes; relating to: violations of the law relating to the practice of massage therapy or bodywork therapy and providing a penalty. (FE)

2019

03-25.	A.	Introduced by Representatives Sanfelippo, Hutton, Vining, Ballweg, Born, Duchow, Gundrum, Jagler, Kerkman, Kitchens, Knodl, Kuglitsch, Kulp, Kurtz, Murphy, Mursau, Novak, Ott, Petersen, Rodriguez, Rohrkaste, Spiros, Stuck, Subeck, Thiesfeldt, Tittl, Vorpapel, Wichgers and Brandtjen ; cosponsored by Senators Kooyenga, Fitzgerald, Jacque, Craig, Olsen and Nass.	76
03-25.	A.	Read first time and referred to Committee on Criminal Justice and Public Safety	76
03-27.	A.	Representative Skowronski added as a coauthor	78
03-27.	A.	Senator Marklein added as a cosponsor	79
04-03.	A.	Fiscal estimate received	
04-09.	A.	Assembly Amendment 1 offered by Representative Sanfelippo (LRB a0090)	94
05-02.	A.	Public hearing held	
05-08.	A.	Executive action taken	
05-08.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Criminal Justice and Public Safety, Ayes 8, Noes 0	122
05-08.	A.	Report passage as amended recommended by Committee on Criminal Justice and Public Safety, Ayes 8, Noes 0	122
05-08.	A.	Referred to committee on Rules	122
05-09.	A.	Placed on calendar 5-15-2019 by Committee on Rules	
05-15.	A.	Read a second time	137
05-15.	A.	Assembly Amendment 1 adopted	137
05-15.	A.	Ordered to a third reading	137
05-15.	A.	Rules suspended	137
05-15.	A.	Read a third time and passed	137
05-15.	A.	Ordered immediately messaged	137
05-16.	S.	Received from Assembly	205
05-16.	S.	Read first time and referred to committee on Public Benefits, Licensing and State-Federal Relations	206
09-26.	S.	Executive action taken	
09-26.	S.	Report concurrence recommended by Committee on Public Benefits, Licensing and State-Federal Relations, Ayes 5, Noes 0	401
09-26.	S.	Available for scheduling	
10-04.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 3, Noes 2	418
10-04.	S.	Placed on calendar 10-8-2019 pursuant to Senate Rule 18(1)	419
10-08.	S.	Read a second time	
10-08.	S.	Ordered to a third reading	
10-08.	S.	Rules suspended	
10-08.	S.	Read a third time and concurred in	
10-08.	S.	Ordered immediately messaged	
10-08.	A.	Received from Senate concurred in	

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ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

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Amendments: None or Listed below.

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Corrections: None or Listed by date below.

Topic: Same as relating clause or Indicated below.

10/a/19

Date

Enrolling Drafter



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0761/1
MES&MED:wlj

2019 ASSEMBLY BILL 143

March 25, 2019 - Introduced by Representatives SANFELIPPO, HUTTON, VINING, BALLWEG, BORN, DUCHOW, GUNDRUM, JAGLER, KERKMAN, KITCHENS, KNODL, KUGLITSCH, KULP, KURTZ, MURPHY, MURSAU, NOVAK, OTT, PETERSEN, RODRIGUEZ, ROHRKASTE, SPIROS, STUCK, SUBECK, THIESFELDT, TITTL, VORPAGEL, WICHGERS and BRANDTJEN, cosponsored by Senators KOOYENGA, FITZGERALD, JACQUE, CRAIG, OLSEN and NASS. Referred to Committee on Criminal Justice and Public Safety.

1 **AN ACT** *to renumber* 460.17; *to amend* 460.15; and *to create* 460.14 (4) and
2 460.17 (2) of the statutes; **relating to:** violations of the law relating to the
3 practice of massage therapy or bodywork therapy and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, subject to certain exceptions, no person may provide massage therapy or bodywork therapy, designate himself or herself as a massage therapist or bodywork therapist or masseur or masseuse, or use or assume any title or designation that represents the person as a massage therapist or bodywork therapist unless the person is licensed as a massage therapist or bodywork therapist by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

This bill does all of the following with respect to the practice of massage therapy or bodywork therapy:

1. Specifically authorizes a city, village, or town (municipality) to enact and enforce an ordinance prohibiting a person from violating the prohibitions described above unless the person is licensed by the board. The bill authorizes municipalities to impose forfeitures of up to \$1,000 for ordinance violations.

2. Allows the board, in addition to or in lieu of professional discipline or certain other actions that may be taken by the board against a person who violates certain prohibitions relating to massage therapy or bodywork therapy, to assess a forfeiture of not more than \$1,000 for each separate offense.

3. Adjusts the penalty for violating provisions under state law relating to massage therapy and bodywork therapy, including practicing without the required

ASSEMBLY BILL 143

license, to a criminal fine of not more than \$1,000 for each violation or imprisonment for not more than 90 days, or both. Under current law, the penalty is a civil forfeiture of up to \$1,000.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 460.14 (4) of the statutes is created to read:

2 460.14 (4) The affiliated credentialing board may, in addition to or in lieu of a
3 reprimand or revocation, limitation, suspension, or denial of a license, assess against
4 a person who has done anything specified under sub. (2) (a) to (j) a forfeiture of not
5 more than \$1,000 for each separate offense. Each day of continued violation
6 constitutes a separate offense.

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1. 7 **SECTION 2.** 460.15 of the statutes is amended to read:

8 **460.15 Penalty.** Any person who violates this chapter or any rule promulgated
9 under this chapter ~~shall forfeit~~ may be fined not more than \$1,000 for each violation
10 or imprisoned for not more than 90 days, or both.

11 **SECTION 3.** 460.17 of the statutes is renumbered 460.17 (1).

12 **SECTION 4.** 460.17 (2) of the statutes is created to read:

13 460.17 (2) (a) ^{1.} A city, village, or town may enact and enforce an ordinance that
14 prohibits an individual from violating the prohibitions under s. 460.02 unless the
15 individual is licensed under this chapter as required under s. 460.02.

16 (b) Law enforcement personnel of a city, village, or town may issue citations for
17 violations of a local ordinance described in par. (a), and the city, village, or town may

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ASSEMBLY BILL 143

1 impose forfeitures, not to exceed the amount specified in s. 460.14 (4), for violations
2 of such an ordinance.

3 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

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ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 143

April 8, 2019 - Offered by Representative SANFELIPPO.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 6: after that line insert:

3 "SECTION 1m. 460.145 of the statutes is created to read:

4 **460.145 Employment of unlicensed persons.** No person may employ or
5 contract for the services of an individual to provide massage therapy or bodywork
6 therapy who is required to be licensed under s. 460.02 unless the individual is
7 licensed under this chapter."

8 2. Page 2, line 13: after "(2) (a)" insert "1."

9 3. Page 2, line 15: after that line insert:

10 "2. A city, village, or town may enact and enforce an ordinance that prohibits
11 a person from employing or contracting for the services of an individual to provide

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