



# JOE SANFELIPPO

STATE REPRESENTATIVE • 15<sup>th</sup> ASSEMBLY DISTRICT

(608) 266-0620  
FAX: (608) 282-3615  
Toll-Free: (888) 534-0015  
Rep.Sanfelippo@legis.wi.gov

P.O. Box 8953  
Madison, WI 53708-8953

May 2, 2019

Chairman Spiros and committee members, thank you for holding a public hearing on 2019 Assembly Bill 143 relating to violations of the law relating to the practice of massage therapy or bodywork and providing a penalty.

Police in West Allis and Waukesha have uncovered prostitution and human trafficking occurring in multiple massage therapy businesses in their cities. Unfortunately, these have not been the only areas in Wisconsin where such illicit activities have taken place. Another recent story indicates that a New Berlin massage therapy business owner was keeping a place of prostitution and could face up to six years in prison. There have also been incidents reported in Greenfield and Franklin, as well as in other communities throughout the state.

In Wisconsin, Massage Therapists are governed by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board and are licensed by the state through DSPS. The vast majority of businesses that offer massage therapy services are professional, operate with the greatest of integrity, and follow the law. Unfortunately, a few bad actors involved in human trafficking are tarnishing the entire industry. Current statutes are unclear and leave very limited recourse for our local communities to take swift action in the event that an unscrupulous operation is discovered.

After City of West Allis officials contacted our office asking for help, we worked with the Wisconsin Department of Safety and Professional Services to come up with a plan that would empower local governments to take enforcement actions while still maintaining the current state-level licensure model.

Under Assembly Bill 143, local governments can pass certain ordinances giving their police departments the ability to issue municipal citations in cases of illegal activity. Specifically, the bill allows a local jurisdiction to enact a law requiring that only massage therapists holding a state issued license can perform massage therapy services in their community. While this is already state law, the bill clearly gives local authorities the ability to take enforcement action. This is an important step in closing these law breaking operations down while DSPS conducts an investigation which can be a long, slow process.

The bill also allows the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to assess a fine of up to \$1,000 for each separate offense in addition to, or in place of, any other disciplinary actions taken by the board. This amount is consistent with current law.

Under the amendment, a municipality can pass and enforce an ordinance which prohibits a massage business owner from employing unlicensed therapists. This helps to give local authorities recourse against bad actors in the business. This amendment was drafted at the request of the West Allis Police Department and the City of West Allis.

DSPS will continue to license Massage Therapists statewide, investigate complaints, and take enforcement action when circumstances require.

It should be noted this bill does not include new laws or regulations governing massage therapists. It merely gives local authorities clarity in what they can and cannot do under current state law.

This bill empowers our local communities to keep our neighborhoods safe by taking immediate action to stop illegal activity when it is discovered while DSPS, concurrently, conducts its full investigation and adjudication.

Finally, this bill will help to protect the vast majority of massage therapists and massage therapy businesses from being unjustly tarnished by a few bad actors.

Thank you for your time. I'm happy to answer any questions.



**DALE KOOYENGA**  
STATE SENATOR · 5<sup>TH</sup> DISTRICT

State Capitol · P.O. Box 7882 · Madison, WI 53707-7882 · (608) 266-2512

---

May 2, 2019

TO: Members of the Assembly Committee on Criminal Justice & Public Safety

FR: Senator Dale Kooyenga

RE: Support for AB 143 - violations of the law relating to the practice of massage therapy or bodywork therapy and providing a penalty

Thank you for holding a hearing on Assembly Bill 143. Police in West Allis and Waukesha have uncovered numerous instances of prostitution and human trafficking occurring in multiple massage establishments in their cities. Unfortunately, these are not the only communities in Wisconsin where such illicit activities have taken place. New Berlin, Greenfield and Franklin, as well as other communities throughout the state have also experienced similar incidents.

In Wisconsin, massage therapists are governed by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board, and they are licensed by the state through the Department of Safety and Professional Services. While the vast majority of businesses that offer massage therapy services are professional, operate with integrity, and follow the law, current statutes leave very limited recourse for our local communities to take swift action in the event that an unscrupulous operation is discovered.

After City of West Allis officials contacted Rep. Sanfelippo and me asking for help, we worked with DSPS to develop legislation that would empower local governments to take enforcement actions while still maintaining the current state-level licensure model.

Local governments can pass an ordinance giving their police departments the ability to issue municipal citations in cases of illegal activity. The bill also allows the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board to assess a fine of up to \$1,000 for each separate offense in addition to, or in place of, any other disciplinary actions taken by the board. This amount is consistent with current law.

DSPS will continue to license massage therapists, investigate complaints, and take enforcement action when circumstances require.

This bill empowers our local communities to keep our neighborhoods safe by taking immediate action to stop illegal activity when it is discovered while DSPS, concurrently, conducts its full investigation and adjudication.

Assembly Amendment 1 came at the request of the West Allis Police Department and the City of West Allis. Similar to the original draft that allows a municipality to pass and enforce an ordinance for individuals practicing massage without a license, the amendment allows municipalities to penalize owners of a massage clinic if they hire employees who do not hold a massage therapist license.

Thank you for hearing this bill. I respectfully ask for your support.



## The American Massage Therapy Association (AMTA) / Wisconsin Chapter

### About AMTA

The American Massage Therapy Association, the most trusted name in massage therapy, is the largest non-profit, professional association serving massage therapists, massage students and massage schools. The association is directed by volunteer leadership and fosters ongoing, direct member-involvement through its 51 chapters. AMTA works to advance the profession through ethics and standards, the promotion of fair and consistent licensing of massage therapists in all states, and public education on the benefits of massage.

### The Massage Therapy Profession

Research estimates that massage therapy was a \$16 billion industry in the country in 2017 (Most recent figures). By comparison, in 2005, massage therapy was projected to be a \$6 to \$11 billion a year industry.

It is estimated that there are 335,000 to 385,000 massage therapists and massage school students in the United States. From 2012 to 2017, revenue from alternative/complementary healthcare providers, which includes massage therapists, increased 4 percent, and employment increased 3.3 percent. Revenue growth is projected to continue at an average rate of 4 percent per year through 2022.

### Massage Therapy in Wisconsin

The AMTA-WI Chapter is a non-profit, professional massage therapy association which began May 1, 1955 with 14 charter members. Today the AMTA-WI Chapter has over 2,000 members. Our Chapter's motto is "Promoting Wellness Through Massage." As a state chapter of the American Massage Therapy Association, which is approaching 75,000 members, we strive to make available to our members the highest quality continuing education providers, to keep them informed of relevant Wisconsin news, and to market massage with AMTA Members to the general public. This we do through semi-annual meetings, regular newsletters, monthly emails, social media and our chapter website at <https://www.amtawi.org/about>

### What are the qualifications for licensure in Wisconsin

1. Complete an approved, minimum 600-hour massage therapy or bodywork therapy program.
2. Pass a nationally administered, entry-level competency exam accepted by the board.
3. Pass a state exam on massage and bodywork laws and regulations.
4. Demonstrate proof of professional liability insurance (which is included in your AMTA membership).
5. Pay the fee.
6. Complete the application form 2960 at this link:  
<http://dsps.wi.gov/Documents/Credentialing%20Forms/Health%20Application%20Forms/fm2960.pdf>

### **The primary reason people received massage was for health and wellness reasons**

Forty-three percent of adult Americans who had a massage between July 2016 and July 2017 received it for medical or health reasons such as pain management, soreness/stiffness/spasms, injury rehabilitation, or overall wellness, a slight decrease from 2016 data.

Eighty-nine percent agree that massage can be effective in reducing pain.

Twenty-nine percent of massage consumers had a massage for relaxation/stress reduction between July 2016 and July 2017.

The therapeutic benefits of massage continue to be researched and studied. Recent research has shown the effectiveness of massage for the following conditions:

- Cancer-related fatigue
- Low back pain
- Osteoarthritis of the knee
- Reducing post-operative pain
- Boosting the body's immune system functioning
- Decreasing the symptoms of carpal tunnel syndrome
- Lowering blood pressure
- Reducing headache frequency
- Easing alcohol withdrawal symptoms
- Decreasing pain in cancer patients
- Fibromyalgia

### **State Regulation of the Massage Therapy Profession**

- Currently, 46 states, (including Wisconsin) and the District of Columbia regulate massage therapists or provide voluntary state certification.
- In states that regulate massage therapy, massage therapists must meet the legal requirements to practice, which may include minimum hours of initial training and passing an exam.
- In states that do not regulate massage therapy, this task may fall to local municipalities.
- Most states that license massage therapists require a passing grade on the Massage & Bodywork Licensing Exam (MBLEx) or one of two exams provided by the National Certification Board for Therapeutic Massage & Bodywork.

**AMTA supports fair and consistent licensing of massage therapy in all states.**

For more information about the AMTA/Wisconsin Chapter, go to our website at  
<https://www.amtawi.org/>