
Wisconsin Legislative Council

ACT MEMO



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2019 Wisconsin Act 41 [2019 Assembly Bill 143]

Unauthorized Practice of Massage Therapy or Bodywork Therapy

BACKGROUND

State law generally requires a person to hold a license issued by the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board (MTBTA Credentialing 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. Under prior law, the penalty for violating the licensure requirement described above, or any other provision related to massage therapy or bodywork therapy, was a civil forfeiture of not more than \$1,000 for each violation.

State 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 WISCONSIN ACT 41

2019 Wisconsin Act 41 makes the following changes to current law:

- 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 exempt under state law from the licensure requirement.
- Expressly authorizes a municipality to enact and enforce an ordinance that **prohibits** a person from doing any of the following **without a license** issued by the MTBTA Credentialing Board:
 - Providing massage therapy or bodywork therapy.
 - Designating himself or herself as a massage therapist or bodywork therapist or masseur or masseuse.

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.]

- Using or assuming the title “massage therapist and bodywork therapist” or “massage therapist” or “bodywork therapist” or “masseur” or “masseuse” or any title that includes “massage therapist,” “bodywork therapist,” or “bodyworker,” or append to the person's name the letters “M.T.,” “R.M.T.,” “L.M.T.,” “C.M.T.,” “B.T.,” “B.W.,” “L.B.W.,” “R.B.W.,” or “C.B.W.”
- Using any other title or designation that represents or may tend to represent that he or she is licensed by the MTBTA Credentialing Board.
- Expressly authorizes a municipality to enact and enforce an ordinance that **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 exempt** under state law from the licensure requirement.
- Increases the penalty for violating any provision 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 act also specifies that if a municipality enacts an ordinance described above, the municipality may impose a forfeiture of not more than \$1,000 for each ordinance violation.
- Provides that the MTBTA Credentialing Board may assess a civil forfeiture of not more than \$1,000 for each violation of state law related to massage therapy or bodywork therapy in addition to, or in lieu of, a reprimand or revocation, limitation, suspension, or denial of a license.

Effective date: November 23, 2019

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