

Resolution 2

Title of Resolution: Creation of Model Law to Combat Massage-Related Human Trafficking

Member Board/Committee Proposing Resolution: Wisconsin Massage Therapy and Bodywork Therapy Affiliated Credentialing Board

WHEREAS the massage therapy industry has expended enormous resources to promote the value of legitimate therapy and protect the public by spearheading state regulation.

WHEREAS the 2017 Human Trafficking Task Force Report commissioned by the Federation of State Massage Therapy Boards (FSMTB), along with other organizations and studies, have made it abundantly clear that illicit massage businesses (IMBs) continue to misrepresent themselves as legitimate massage therapy establishments, endangering both the safety and reputations of massage therapists.

WHEREAS the public that seeks legitimate therapy and lawfully credentialed professionals is defrauded by illicit and/or unqualified personnel.

WHEREAS the efficacy of disciplining licensees as well as addressing unlicensed and illicit practitioners at the state level is hindered by state laws that do not sufficiently prevent massage-related human trafficking. Regulatory laws and procedures are inconsistent from jurisdiction to jurisdiction, confusing to enforcement authorities, and enforcement timelines are frequently too lengthy. State regulatory boards often have neither the legislative mandate nor the resources to seek out violators and must rely solely on complaints submitted by the public. This permits exploitation of loopholes in state laws and frustrates state and local authorities.

WHEREAS laws that attempt to combat massage-related human trafficking remain inconsistent and ineffective. With appropriate guidance and adequate resources, law enforcement and regulators can address massage-related human trafficking more consistently and effectively.

THEREFORE BE IT RESOLVED that the FSMTB draft a model law that eliminates state law ambiguities and inadequacies that allow IMBs to operate, including but not limited to loopholes related to massage establishment regulation.

IMPLEMENTATION PLAN: A volunteer committee will be created to review massage establishment regulations currently in use in Member Board jurisdictions. It will identify best practices and develop language for a model law that will be presented to Member Boards no later than the 2020 FSMTB Annual Meeting. The committee will also review the Model Practice Act to determine if there is any ambiguous language that may provide loopholes for IMBs to operate or that may impede enforcement of massage-related human trafficking. Its findings and recommendations will also be presented no later than the 2020 FSMTB Annual Meeting.

FISCAL CONSIDERATION: Fiscal impact will be negligible beyond staff support to assist with organizing committee meetings and consultation on preparing the final documents for presentation. It is estimated that the committee will meet four times via web or phone conference, so no travel expenses will be incurred.

EFFECTIVE DATE: Effective immediately upon passage by Member Board Assembly.