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PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE
ON INTRASTATE COMMERCE

TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018

Wednesday, January 31, 2018
9:00 a.m.

TESTIMONY ON HOUSE BILL NO. 1966, RELATING TO MASSAGE THERAPY.

TO THE HONORABLE TAKASHI OHNO, CHAIR, AND MEMBERS OF THE
COMMITTEE:

The Department of Commerce and Consumer Affairs (“Department”) appreciates the opportunity to testify on H.B.1966, Relating to Massage Therapy. My name is Daria Loy-Goto, and I am the Complaints and Enforcement Officer for the Department’s Regulated Industries Complaints Office (“RICO”). RICO takes no position on the bill, but offers the following enforcement-related comments.

H.B. 1966 creates an exemption from the licensure requirements of Hawaii Revised Statutes (“HRS”) chapter 452. Under this bill, manipulation of the soft tissues of only the hands, feet, and outer ears, including the practice of

reflexology and foot zone therapy, would no longer need to be performed by a licensed massage therapist.

RICO defers to the Board of Massage Therapy on whether this bill furthers the interests of the public. The Board next meets on January 31, 2018.

Under current Hawaii law, a license is required for an individual to operate as a massage therapist. A license is also required for a business to operate as a massage establishment. RICO regularly investigates and prosecutes unlicensed activity in this area.

RICO is concerned it will face practical challenges in enforcing HRS chapter 452 as a result of this exemption and that allowing unlicensed individuals to perform some related activity may make it more difficult for RICO to determine if an individual is providing massage services beyond the scope of the exemption.

RICO also notes the exemption permits a practitioner to advertise for services within the exemption. HRS section 452-23 currently regulates advertising relating to massage. These requirements apply to both licensees and those exempted under HRS section 452-21. If the Committee is inclined to move this measure forward, RICO would request clarification on whether the advertising regulations in HRS chapter 452 would apply to those exempted by H.B. 1966.

HRS section 452-3 also currently requires that an establishment offering "massage therapy" must be licensed as a massage therapy establishment. If the Committee is inclined to move this measure forward, RICO would also request clarification that under H.B. 1966, establishments that offer only the services

described in the exemption will not need a massage therapy establishment license to practice.

As the agency charged with enforcing unlicensed massage therapist activity and unlicensed massage establishment activity, RICO respectfully requests any exemption be approached with caution, in order to ensure that consumer interests are not adversely affected.

Thank you for the opportunity to testify on H.B. 1966. I will be happy to answer any questions the Committee may have.

**PRESENTATION OF THE
BOARD OF MASSAGE THERAPY**

TO THE HOUSE COMMITTEE ON INTRASTATE COMMERCE

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Wednesday, January 31, 2018
9:00 a.m.

TESTIMONY ON HOUSE BILL NO. 1966, RELATING TO MASSAGE THERAPY.

TO THE HONORABLE TAKASHI OHNO, CHAIR, AND MEMBERS OF THE
COMMITTEE:

My name is Carol Kramer, and I am the Executive Officer of the Board of
Massage Therapy ("Board"). Thank you for the opportunity to testify on H.B. 1966. The
Board has not had an opportunity to discuss this measure but offers the following
comments.

This measure would exempt individuals specializing in only foot, hand, and outer
ear manipulation, including reflexology and foot zone therapy, from licensure as
massage therapists. At the Board's July 11, 2008, meeting, it confirmed that reflexology
has always been considered massage therapy according to the definition. The
definition clearly states that manipulation of the superficial soft parts of the body
constitutes massage therapy.

The Board intends to discuss H.B. 1966 at its January 31, 2018, meeting.

Thank you for the opportunity to testify on H.B. 1966.

HB-1966

Submitted on: 1/29/2018 7:32:33 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Wilcox		Support	No

Comments:

Foot Zoning is a natural way to assist the body in healing with the four bodies of health; physically, mentally, emotionally, & spiritually. It assists to bring the body back into balance/homeostasis. Please realize the powerful way this allows people to heal. This is a wonderful modality to make legal & supported by the state. Thank you. Tamara Wilcox

HB-1966

Submitted on: 1/29/2018 9:48:27 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Marcum		Support	No

Comments:

I strongly urge you to pass this bill. For the last 18 years I have seen it help many people. It is a completely different field of study than massage therapy. I attended school in Utah and Montana for foot zoning and have never seen any massage therapy school teach anything like it. Many other states have already exempt foot zoners and reflexologists from massage laws as they are so different in nature. I urge you to allow this treatment to be free from massage therapy laws.

HB-1966

Submitted on: 1/29/2018 10:01:26 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Audrey Hyde		Support	No

Comments:

I fully support this bill and ask that you please pass it. This is a positive step in recognizing foot zoning and reflexology in our State. These are both unobtrusive, noninvasive ways to help someone's body to heal itself. Mahalo.

HB-1966

Submitted on: 1/29/2018 10:15:50 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Olivia Tufaga		Support	No

Comments:

Foot Zoning has changed my life in an amazing way! It has helped me and my family and friends. In more ways than just physically and emotionally. It has helped us become more aware of ourselves in ways that we never really thought of before. And it always amazes me that it is only thru touching the feet or hands! It is not invasive and I truly believe EVERYONE should experience it!

HB-1966

Submitted on: 1/29/2018 10:37:33 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
June Pearl		Support	No

Comments:

I love foot zoning. It's a fantastic way to support the body in feeling better. Foot zoning has helped my lower back, my thyroid and overall feeling great. It's so amazing as I can feel what's going on in my body through my feet. I totally support this Bill 1966.

HB-1966

Submitted on: 1/29/2018 10:45:17 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Misi Alisa Smith		Support	No

Comments:

As a foot zoner, I strongly support this legislation. Foot zoning in particular has been a powerful influence for good in my life, my children, and many friends/acquaintances here on Oahu. I would love to see this legislation pass!

HB-1966

Submitted on: 1/29/2018 8:48:45 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Francis	Foot Zone Therapy	Support	No

Comments:

To Whom it may Concern, Regarding the Exemption to Massage Therapy Law:

I am grateful for this opportunity to share why I believe that Foot Zone Therapy should be exempted from the Message Therapy Law. When we work on a persons feet for Foot Zone Therapy, we are only working on the ankles down. A person is required to stay clothed and we make sure that this information is clear to the client before we work on their feet. We are able to do this work in any location. It does not require a closed off space or privacy.

This modality would be an amazing addition to the other modalities already in place in Hawaii and with the culture. I feel that this would truly add to the 'Ike of the Islands of Hawaii, that KNOWLEDGE to see, know, experience, and understand people, the body and healing even that much better. Please consider the exemption and know that we are truly grateful for that consideration.

Mahalo,
Heather Francis
Foot Zone Therapy Student.

HB-1966

Submitted on: 1/29/2018 3:12:46 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Orton		Support	No

Comments:

Aloha!

I am a foot zone practitioner and instructor who moved from Utah to Hawaii in 2017. What draws me to Hawaii is your deep natural healing traditions as well as your Blue Zone initiative.

As you know, so much of the Hawaiian tradition starts in the feet. Ancient Hawaiian's, the hula, all start from the feet and the movement from the ground up.

Foot Zoning is about presence from the feet up. Our entire body can be accessed through reflex signals in the feet bringing the body into homeostasis. It is an ancient practice linked to many cultures and traditions. This is a valuable therapy as it enhances that rooting; that sense of freedom through simple movements, restoring health and bringing overall vitality to the individual. If people aren't practicing aloha here and moving from the feet up we are missing the point of attempting to be a Blue Zone state.

Current Hawaiian law requires one to be a licensed massage therapist in order to do such work; however, the technique of foot zone therapy is different than massage.

While massage therapy involves muscle manipulation of the entire body, the foot zone technique focuses on the feet and ankles to stimulate energy signals which correspond to body systems, organs, and parts. During a massage the client lies, unclothed, on a massage table. During a foot zone session the client sits, fully clothed, except for shoes and socks, in a chair.

Requiring massage therapy licensure to practice foot zoning places an undo financial burden on foot zone practitioners who spend \$4,000 to receive training and are then required to spend another \$10,000 - \$15,000 to receive massage training in order to practice their modality. Massage schools do not provide instruction on foot zoning and the training that is provided is not relevant to foot zoning.

This is a healing island, and I'd like to see it as the gateway of such to allow residents to experience that healing through their feet. Most people who receive a treatment report feeling balanced, calm, healthier, increased circulation, energy, and relaxation, reduced tension, and over all better alignment.

I ask for your support in passing HB 1966 exempting foot zone practitioners from the massage therapy law. In 2014 we successfully accomplished this in Utah and it has been a wonderful thing for the people in this state! Many other states have passed similar exemptions.

Mahalo nui loa for your time and consideration,

Jennifer Orton

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HB-1966

Submitted on: 1/30/2018 11:02:52 AM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
D Nautu		Support	No

Comments:

Aloha,

I am in favor of exempting foot zoning from the Massage Therapy laws. The part that is being touched is the foot. I have truly benefited from foot zoning. I believe in modern medicine and the use of medication; however, I also believe in the healing of the body. Modern medicine focuses more on the symptoms and relieving symptoms while natural healing as la'au lapa'au, foot zoning, and other healing modalities focus on healing the problem which can be more than taking medication.

Also, my body is very sensitive to medication and doesn't respond well. I have found my body response very well to foot zoning. It is non-intrusive and allows the body to heal at its own pace. It doesn't force the body to heal.

Please pass HB1966 and exempt foot zoning from Massage Therapy laws. It two very different methods and purposes. The only thing that is touched is the foot and the only thing removed is footwear.

Mahalo.

LATE

HB-1966

Submitted on: 1/30/2018 1:18:28 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kai Holland		Support	No

Comments:

I support HB 1966

My name is Kai Holland and I am writing in support of HB 1966 which exempts a person, engaging in manipulation of soft tissue on hands, feet and ears, including the practice of reflexology and foot zone therapy, from having to obtain a massage therapy license.

As someone who has received a foot zone many times, I can testify that the process works for me and that the process is not a massage. This helpful service - those who perform and receive it - will benefit greatly from the passage of house bill 1966.

Thank you,

Kai Holland

Kaneohe, HI

Kai_holland@hotmail.com

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HB-1966

Submitted on: 1/30/2018 6:22:28 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carol		Support	Yes

Comments:

I support the exemption measure through this bill. Thank you!

LATE

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HB-1966

Submitted on: 1/30/2018 6:30:07 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Emmanette Haiola		Support	No

Comments:

My family and I have greatly benefited from footzoning. What footzoning has done for me is allowed my body to reset and pay attention to specific areas by accessing body systems through the feet. I have felt an adjustment and alignment in my overall health. My body feels aligned when I get a footzoning treatment. I have experienced improvements in my hips, feet and menstrual cycle. After a Footzone session I feel lighter, happier and a sense of relief when a footzoner works on my feet.

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HB-1966

Submitted on: 1/30/2018 7:04:04 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Kahawaii		Support	No

Comments:

I strongly support this bill.

LATE LATE

HB-1966

Submitted on: 1/30/2018 9:04:33 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sepiuta Davis		Support	No

Comments:

Aloha,

I support this bill 100% as a certified foot zoner. Using hand, feet, ear techniques is totally separate from massages or relating to massage therapy. As a foot zoner I am conversating with clients and finding deep root and even emotional issues that are unrelated to massages.

Mahalo,

Sepiuta Davis

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HB-1966

Submitted on: 1/30/2018 9:07:28 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ashley Moffat		Support	No

Comments:

I am getting certified to Footzone and fully support this Bill! I have no interest in getting my massage license but hope to work someday as a footzoner!

mahalo and aloha

LATE **LATE**

HB-1966

Submitted on: 1/30/2018 9:56:00 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Johnna Ah Puck		Support	No

Comments:

Aloha,

My name is Johnna Ah Puck. I am testifying in support of HB1966 Relating to Massage Therapy that it **"Exempts individuals specializing in only foot, hand, and outer ear manipulation from licensure as a massage therapist."**

My family and I have been recipients of foot zoning and have found it to be very beneficial to our healing process.

Mahalo,

Johnna

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HB-1966

Submitted on: 1/30/2018 11:14:33 PM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucy Mariteragi		Support	Yes

Comments:

Aloha,

My name is Lucy Mariteragi. I am in total support of HB1966.

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LATE

HB-1966

Submitted on: 1/31/2018 12:49:54 AM

Testimony for IAC on 1/31/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kehaulani Ah Quin		Support	No

Comments:

Aloha mai kakou.

I am a native Hawaiian who has been seeking, for my personal and family health challenges, alternative and cultural ways of achieving health and wellness. For this reason I sought out to become a certified Foot Zone Practitioner. It connects one to the traditions of our kupuna who achieved much through the use and care of their kino, manamana wawae to their po'o. My practice based in Waimea of Hawai'i Island began by acquiring the knowledge of the body and skills to trigger through the feet and hands systems in the body. Intense study and application has helped family and friends come to a state of balance easing the internal discomfort they were living in.

Writing to you at this time I share my support for all therapists with skills that would aid in overall wellness. My understanding of House Bill 1966 is that anyone who desires to practice massage or any other applicable pressure to the feet, hands, and ears would be able to do so with training for that specific trade without additional training, and cost for it, in Massage Therapy. I believe that each practicing therapist should have the right to become certified and licensed to do business in their chosen field of speciality, much like engineers have various trades and skills for which they may become licensed and participate in transactions that provide a desired service for consumers. Some of these trades include architects, contractors, electricians, plumbers, carpenters, painters, and such.

I have come to a greater appreciation for the variety of therapists and their skills of alternative ways for obtaining overall wellness. Thus, I am out of respect for the nature of massage therapy, reflexology, acupuncture, and other means of wellness like foot zoning, I feel each should be separate in state-wide certification and licensure, offering each kind of

â€‹therapistâ€‹ â€‹the sameâ€‹ â€‹advantagesâ€‹ â€‹asâ€‹ â€‹anotherâ€‹ â€‹inâ€‹
â€‹theâ€‹ â€‹tradeâ€‹ â€‹theyâ€‹ â€‹chooseâ€‹ â€‹toâ€‹ â€‹pursueâ€‹ â€‹withoutâ€‹
â€‹attachmentâ€‹ â€‹to meetingâ€‹ â€‹requirementsâ€‹ â€‹ofâ€‹ â€‹anotherâ€‹
â€‹relativelyâ€‹ â€‹similarâ€‹ â€‹trade.

Myâ€‹ â€‹deepestâ€‹ â€‹mahaloâ€‹ â€‹forâ€‹ â€‹youâ€‹ â€‹andâ€‹ â€‹allâ€‹
â€‹thoseâ€‹ â€‹whoâ€‹ â€‹areâ€‹ â€‹associatedâ€‹ â€‹withâ€‹ â€‹theâ€‹
â€‹servicesâ€‹ â€‹youâ€‹ â€‹provideâ€‹ â€‹for theâ€‹ â€‹citizensâ€‹ â€‹ofâ€‹
â€‹Hawaiiâ€‹ â€‹nei.

‘A‘oheâ€‹ â€‹pauâ€‹ â€‹kaâ€‹ â€‹‘ikeâ€‹ â€‹iâ€‹ â€‹kaâ€‹ â€‹ha‘,lauâ€‹ â€‹ho‘okahi.
Allâ€‹ â€‹knowledgeâ€‹ â€‹isâ€‹ â€‹notâ€‹ â€‹learnedâ€‹ â€‹inâ€‹ â€‹justâ€‹ â€‹oneâ€‹
â€‹school.

Kehaulaniâ€‹ â€‹Ahâ€‹ â€‹Quin Waimea,â€‹ â€‹Hawaiiâ€‹ â€‹Island