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Dear Village of Oak Park Officials,

We are writing you on behalf of the American Massage Therapy Association (AMTA). AMTA has more than 83,000 members nationally, including over 3,900 in Illinois. We have received several concerns from licensed and practicing massage therapists in Oak Park regarding the City Ordinance that regulates "Massage Establishments and Massage Services". While we commend efforts that states, counties, and cities take to rid their communities of illicit businesses operating under the guise of "massage," we oppose any regulations that are at the expense of professional, educated and licensed massage therapists. We collaborate with many stakeholder groups nationally to address these issues. Upon reviewing the requirements in this ordinance for businesses and massage therapists to practice, we have several comments and serious concerns that we would like to bring to your attention:

1. **8-38-2 Fingerprint Requirements:** Requiring fingerprints to be submitted by all applicants and practitioners is overly burdensome and duplicative as all licensed massage therapists in Illinois have to submit to a background check and fingerprinting. Simply confirming that a massage therapist has a current license in good standing would suffice. Ordinances regulating our businesses should not be used as a means for the city to collect revenue or require duplicative requirements for legitimate, educated, and trained state licensed massage therapists.
2. **8-38-4 Operation Requirements**
  - **(E):** The prohibited acts detailed in this section are already criminal acts in criminal state code. These do not need to be reiterated or stated in a massage establishment ordinance. This presumption that licensed massage therapists would commit these acts in a licensed establishment is incorrect and damaging to our members' businesses.
  - **(I) Records keeping –** We have concerns if this is compliant with HIPAA requirements to protect confidential client information.
  - **(O) Requiring Massage therapists to present customers with the following notice:**

"State law prohibits soliciting another for the purpose of a sexual act. Solicitation is punishable as a Class 4 felony subjecting an offender to fines and imprisonment and impoundment of any vehicle used by the offender to commit the offense. We immediately report all offers or requests to buy sexual services to law enforcement"

This notice is of great concern to massage therapists and is something we have never seen included in any city ordinance. We see hundreds of local ordinances from all over

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the country on regulating massage establishments. This notice has the real potential to offend customers and deter business. This requirement goes above and beyond what is required in the IL Massage Therapy Practice Act, and while Oak Park does have home rule, the Illinois Massage Therapy Practice Act also states the following: Sec. 55. Exclusive jurisdiction - The regulation and licensing of massage therapy is an exclusive power and function of the State. A home rule unit may not regulate or license massage therapists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. It is our interpretation that requiring massage therapists to provide this notice to potential customers is regulating their practice and overstepping the state law in place, which supersedes home rule villages.

- (R) Human Trafficking Notices – we advocate that the massage therapy profession and massage businesses be regulated in the same manner as other health care professions. Therefore, if this notice is not required of chiropractors, physical therapists, or other health care professionals, we ask that this requirement be removed for massage therapists. As licensed professionals, massage therapists should be treated the same as other health care professionals.

We appreciate your time and attention to these issues and look forward to fostering a good working relationship and understanding between Oak Park officials and the licensed massage therapists practicing in your village. We would welcome an opportunity to have a discussion with the appropriate representatives from the village government so that we may provide further clarity and insight regarding these concerns.

Respectfully,  
James Specker  
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