

# HB 374 Testimony

Rob Rishel  
Economic Development Coordinator  
City of Westerville  
t: 614.901.6896  
e: [rob.rishel@westerville.org](mailto:rob.rishel@westerville.org)

**FROM** Rob Rishel, Economic Development Coordinator  
Bryan Wagner, Code Enforcement Manager

**TO** Chairwoman Manning  
Commerce and Labor Committee Members  
The Ohio House, 133rd General Assembly

**DATE** November 18, 2020

**RE:** Proponent Testimony - House Bill 374

Good afternoon Chairwoman Manning, Vice Chairman Dean, Ranking Member Lepore-Hagan, and members of the Committee. Thank you for this opportunity to provide testimony in support of House Bill 374.

My name is Rob Rishel and I am the Economic Development Coordinator for the City of Westerville. With me today is Mr. Bryan Wagner, the Code Enforcement Manager for the City. We have been asked to provide testimony today regarding the process Westerville went through in passing a Massage Establishment Registration Ordinance in 2018. It is our understanding the Bill before this Committee is similar to Westerville's ordinance and we would be happy to answer any questions regarding our experience.

In February 2018, Westerville City Council instructed City staff to investigate health, safety, and public welfare risks associated with unlicensed massage services in the community. A committee of City officials expended considerable time and effort in investigating this issue. Members of the committee consulted with the American Massage Therapy Association, the State Medical Board of Ohio, law enforcement, and local massage establishments. After conducting research, review, and analysis; the committee determined additional regulation of massage establishments would be in the best interest of public welfare.

The committee proposed an ordinance to Westerville City Council requiring all businesses offering massage services to obtain a Massage Establishment Registration Certificate from the City's Planning & Development Department. Businesses offering massage services associated with and/or incidental to other services licensed by the below boards are exempt from registration:

The State Medical Board of Ohio (except those licensed under R.C. § 4731.15)  
The Ohio State Cosmetology and Barber Board  
The State of Ohio Board of Nursing  
The Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board  
The Ohio Chiropractic Board

As a requirement of obtaining a Massage Establishment Registration Certificate, all individuals offering massage services shall be a Licensed Massage Therapist (LMT) in good standing with the State Medical Board of Ohio pursuant to R.C. § 4731.15. Other application requirements include providing the business owner's name and contact information, providing a list of services offered, and payment of a \$40.00 application fee. Registrations are valid for two years.

On June 19, 2018 Westerville City Council passed Ordinance Number 2018-13 requiring the registration of all non-exempt massage establishments on or before January 1, 2020. Westerville City Council specifically delayed enforcement of this ordinance for over 18 months to provide massage therapists in the community with an opportunity to become LMT's.

Five massage establishments were issued registrations in 2018, seven massage establishments were issued registrations in 2019, and eight massage establishments have been issued registrations this year. Staff is aware of one massage establishment that closed because employees were unable or unwilling to become LMT's.

By requiring a Massage Establishment Registration Certificate for non-exempt businesses, the City of Westerville is able to ensure that only LMT's will provide massage services in the community. Significant consideration was given as to whether or not individuals with credentials short of an LMT should be allowed to operate in the City, however, it was determined those individuals are not required to comply with the prescribed rules of practice and conduct that govern licensed professionals.

House Bill 374 will have a positive impact on reducing forced labor, sexual slavery, and commercial sexual exploitation in our State. Hundreds of Ohioans, some of which are minors, have been affected by these crimes. Ohio law enforcement continues to proactively investigate and arrest traffickers. The City of Westerville encourages the support of community partners including the National Human Trafficking Network, the Ohio Human Trafficking Task Force, The Salvation Army Anti-Human Trafficking Program, the Central Ohio Rescue and Restore Coalition (CORRC), the Switch Anti-Trafficking Network, She Has a Name, and the Franklin County CATCH Court (the Honorable Paul M. Herbert, presiding). Your advocacy can change lives!

House Bill 374 is common sense legislation providing Ohio townships with many of the same tools available to municipalities. Additionally, House Bill 374 eliminates the "relaxation massage" loophole and requires individuals providing massage services to become an LMT. We are pleased to provide testimony to this Committee on behalf of the City of Westerville and provide testimony in support of this Bill. Thank you.

