



NATIONAL HEALTH FREEDOM ACTION

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STATE ACTION UPDATE Safe Harbor Exemption Laws for Independent Health Care Practitioners July 2010

NHFA is committed to supporting the passage of Safe Harbor Exemption bills for independent health care practitioners that do not hold state occupational licenses and are currently practicing in the public domain. These practitioners have been unfairly charged with practice of medicine without a license. Safe Harbor exemption laws for these practitioners are needed in order to protect consumer access to the broad range of health care and healing practitioners, such as herbalists, traditional naturopaths, homeopaths, body workers, and culturally specific healing practices, that are not currently regulated by the states and that do not rise to the level of concern requiring state oversight, certification, registration, or licensure. NHFA is also committed to supporting Expanded Care Practice Acts for holistic doctors and other holistic licensed professionals.

This project embodies what health freedom is all about: empowering citizens to make health care decisions with the information they need. Eight states now protect consumer access to unlicensed health care practitioners, including *Oklahoma, Idaho, Minnesota, Rhode Island, California, Louisiana, New Mexico, and Arizona* (limited exemption passed in Arizona in 2008). Twenty additional states have introduced similar legislation. Other states are preparing for the future.

The following is a table of bills we have opposed or supported to protect health freedoms. Following the table, you will find a brief narrative update on efforts across the United States to succeed at passing safe harbor laws.

Recent Bill Activity as of July 5, 2010

States	Year	Bill	Action
Colorado	2007	HB08-1158 introduced	Supported
		Health Freedom Safe Harbor Exemption bill	
	2009	HB115 Naturopathic Physician Registration	Opposed Defeated
	2010	HB 1371 introduced	Supported safe harbor bill – no hearing held
Delaware	2008	SB317 Dietitian regulation	Supported Successful health freedom amendments - Passed 7/9/08
Iowa	2009	Safe Harbor Exemption health freedom bill	Supported Tabled
Louisiana	2008	Safe Harbor Exemption health freedom bill	Supported and passed positive amendments
Maryland	2007	Mercury Free dentistry – expanded practice bill for Dentistry	Passed and vetoed by Governor
	2008	HB 730 Safe harbor Exemption health	Supported, no action taken

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		freedom bill	
	2009	HB1380 Exemption bill but with registration for unlicensed persons	Opposed and tabled
	2010	HB 541, SB 357	Supported safe harbor – hearing held with no vote taken in both House and Senate
Massachusetts	2009	Safe Harbor exemption health freedom bill	Support
Minnesota	2008	Naturopathic Medicine Registration bill	Opposed - and also supported health freedom amendments exempting traditional naturopaths Passed and goes into effect July 2009.
	2009	Assessment of Naturopathic regulation task force	Participated as member of task force and crafted clarifying amendments
	2010	Massage Licensure bill SF1233	Opposed, successfully defeated
Montana	2009	SB 287 Safe harbor exemption health freedom bill	Supported Passed Senate 2/23/09 3/24/09 Tabled in the House 14-4
Nevada	2009	SB 69 regulating all unlicensed practitioners under Integrative Medical Bd.	Opposed
	2009	SB269 Safe Harbor health freedom exemption bill	Supported and put aside until next session
New Hampshire	2007	Bill to regulate all bodywork and Reiki	Opposed
New Jersey	2008-2009	S 1941 and A 2933 Regulating Dietitians	Opposed – now monitoring and no hearings
New Mexico	2009	HB 664 Safe Harbor Exemption health freedom bill	Supported Passed the House March 5, 2009 Passed the Senate March 21, 2009 Signed by Governor April 7, 2009!!!!
New York	2008	A8733 Safe Harbor Exemption Health Freedom bill	Support
North Carolina	2007 2009	H842 Safe harbor exemption bill	Introduced March 2009 Support
Ohio	2005	HB117	Supported / but opposed after registration added
	2006	HB 117 with registration for unlicensed practitioners	Opposed and defeated
	2007	Registration bill	Opposed and defeated
	2008	HB580 Safe harbor exemption health freedom bill	Supported
	2009	Safe harbor exemption health freedom bill	Support/soon to be introduced again
	2010	Safe harbor exemption bill HB 442	Supported, testified, no vote yet
Pennsylvania	2008	HB2499 Massage Therapy licensure	Opposed Passed October 9, 2008
Texas	2007	Dietitian bill	Opposed and defeated
	2009	SB40 Safe harbor exemption health freedom bill	Support Tabled at 1 st hearing Negotiations of study bill in progress
Virginia	2008	HB 784 Naturopathic Physician licensing bill	Opposed Defeated
	2009	HB 1744 Safe Harbor Exemption health freedom bill	Supported Tabled Indefinitely
	2009	HB 1820 Naturopathic Physician licensure	Opposed Defeated
	2010	Study bill to not include traditional naturopaths	Opposed, bill defeated
Washington	2007	SB 6034/HB2266 Safe harbor exemption health freedom bill	Supported No hearing

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	2009	HB1961 Safe harbor exemption health freedom bill	Supported No hearing
	2009	Colon hydrotherapy regulation bill	Opposed
Wisconsin	2008	Dietitian licensing bill	Opposed Defeated
	2009	SB 155 Dietitian licensing bill	Oppose
	2009	Safe Harbor Exemption health freedom bill	Soon to be introduced Support
	2010	AB440, S115 Dietitian Licensing bill	Opposed, bill defeated

Arizona: **Congratulations! Arizona has a safe harbor exemption law for independent homeopaths, passed in 2009!** Persons and acts exempted will be *“the practice of providing treatment of the spiritual vital force in accordance with hahnemanian principles through the use of remedies that are diluted beyond the concentration of substances in drinking water and prepared in the manner described in the homeopathic pharmacopeia of the United States* Hopefully the health freedom advocates will continue to request changes in order to be able to exempt all other unlicensed practitioners from the act as well.

California: **California has a Safe Harbor Exemption Law, passed in 2001!** California passed a health freedom law (remember famous SB 577!) that protects consumer access to practitioners that are not conventional medical health care occupations licensed by the state, such as herbalists, traditional naturopaths, homeopaths, and other healing arts practitioners practicing in the public domain. Practitioners have an exemption for state licensing requirements if they practice within the safe harbor law which includes a duty to avoid prohibited conduct and to give out disclosures to their clients spelled out in the law.

Colorado On March 23, 2010, **Colorado introduced a Health Freedom Safe Harbor Exemption bill, HB 1371**, Sponsored by Representative Frangas and Swalm, and Senator Mitchell. There is growing support for the bill but it was not heard this session. Freedom activists from Colorado’s Sunshine Health Freedom Foundation, Colorado Springs Health Freedom Steering Committee, National Health Freedom Action are working to promote the safe harbor act and protection of access to the healing arts.

Delaware: **Delaware has a safe harbor exemption law in their Dietitian law for persons giving nutritional advice that are not license, passed in 2007.** The new amendment exempts persons from criminal charges of practicing Dietetics without a license who are herbalists, retailers, or other persons making recommendations as long as they do not hold themselves out as a licensed Dietitian or Nutritionist.

Florida: **Florida has a Governor’s Proclamation on Health Freedom, signed in 2003 by Governor Jeb Bush**, which supports the right of unlicensed practitioners to practice and consumers to have access to those practitioners. Florida has a strong history of working for health freedom due to the presence of Florida Health Freedom Coalition (an educational non-profit organization) and their sister organization Florida Health Freedom Action lobbying organization. (See Proclamation: <http://www.nationalhealthfreedom.org/InfoCenter/reports/proclamation.pdf>)

Hawaii: Hawaii has a small number of people that are interested in passing a safe harbor exemption law in Hawaii. Hawaii Representatives Evans and Carroll are champions and they introduced health freedom legislation in 2007 to protect access to unlicensed practitioners. The bill did not get a hearing and no action was taken by the legislature due to lack of grassroots and consumer presence.

Idaho: **Idaho has the oldest safe harbor exemption bill, passed over 30 years ago!** We are grateful to Idaho for preserving access to healers. Idaho law exempts from medical licensing requirements:

A person who administers treatment or provides advice regarding the human body and its functions that:

- (i) Does not use legend drugs or prescription drugs in such practice;*
- (ii) Uses natural elements such as air, heat, water and light;*
- (iii) Only uses class I or class II nonprescription, approved, medical devices as defined in section 513 of the federal food, drug and cosmetic act;*
- (iv) Only uses vitamins, minerals, herbs, natural food products and their extracts, and nutritional supplements; and who*
- (v) Does not perform surgery;*
- (vi) Requires each person receiving services to sign a declaration of informed consent which includes an overview of the health care provider’s education which states that the health care provider is not an "M.D." or "D.O." and is not licensed under the provisions of this chapter.*

Illinois: Illinois is working to defeat or amend a restrictive Naturopathic Physician licensing bill that would restrict the practices of many natural health and traditional naturopathic practitioners. Individual citizens of Illinois have contacted NHFA and are interested

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in forming an Illinois group to support health freedom. Illinois has a Sunshine Health Freedom Foundation Coordinator that is working to gather a group together and looking forward to building a stronger movement in Illinois for health freedom. Healthkeeper's Alliance sponsors the Health Freedom Expo in Chicago annually and this year it will be held June 3-6, 2010.

Indiana is a strong natural health state including the presence of Healthkeepers Alliance, and Trinity College. Many natural health practitioner practice in Indiana. In 2007, a bill passed in Indiana for mandatory certification of massage therapists. NHFA opposed this bill.

Iowa Iowa Health Freedom Coalition is the face of health freedom at the Iowa capitol. The group did not introduce a safe harbor bill in 2010, however they were successfully opposing a Naturopathic Physician Licensing bill in 2010. In 2009 they introduced a safe harbor exemption bill HF855, and also they were working on mercury free vaccine legislation, and working on protection of children from Teen Screening. Sadly, the Chairman of the Health and Human Services committee in the House refused to give the safe harbor bill a hearing, blocking it from Committee discussions and votes. The bill would have exempted unlicensed practitioners such as herbalists, traditional naturopaths, homeopaths, and many natural health care providers from existing law of criminal charges of practicing medicine without a license.

Kansas Kansas for Health Freedom is seeking a team to work for their own health freedom legislation. Two Board members from National Health Freedom Action and one Board member from national Health Freedom Coalition are located in Kansas and they participated in the gatherings and are very interested in joining together with advocates for health freedom. In addition, Dale Scott, national Board member of Sunshine Health Freedom Foundation, is located in Kansas and eager to gain supporters for their movement.

Kentucky: Sunshine Health Freedom Foundation has a coordinator in Kentucky named JD Riggs. National Health Freedom Acton has been in contact with Riggs regarding possible health freedom bill language and Riggs is communicating with his Representative and is organizing to start on a Health Freedom Bill.

Louisiana: Louisiana is one of the eight states that already have a safe harbor exemption health freedom law that provides safe harbor to the unlicensed practitioners. Louisiana Health Freedom Coalition (LHFC) has been very committed to having a stellar law to protect their natural health care practitioners and we commend LHFC and their wonderful President, Cynthia Reed, and her team for their national leadership in this effort.

Maine: There is no 2010 news on Maine's work on getting a safe harbor bill. In 2007 Maine LD 1516 and SP 539 entitled the Act to Permit Certain Health Care Practices, was introduced and June 13th the Majority "ought not to pass" report was accepted and the bill ended. Maine is interested in building a larger freedom group now to work for the future.

Maryland: Maryland got their health freedom bill introduced in the House and Senate and heard in both bodies! Congratulations! Maryland's bill was HB541. It was heard in both House and Senate but was not voted out of committee this year.

Massachusetts: Health Freedom Action Massachusetts's introduced a bill in 2009 and we are waiting to hear news. HFAM's founding President, Sheila Parks, has handed leadership over to founding members George Rhoades PhD. and homeopath Janice Mancini as they move ahead to file a safe harbor exemption bill for the Commonwealth of Massachusetts. The fact sheets on the Consumer Access to Health Arts bill states: "*This bill recognizes and provides for consumer access to health arts with provisions for consumer protection and practitioner safety. Free consumer access to health arts while providing for consumers to be able to make safe and informed choices...*" The filing number in January 09 is #111409 and the first hearing on this bill took place on July 21, 2009. Massachusetts leaders are gaining momentum and soliciting for new memberships and preparing for a successful presentation of their bill.

Michigan: Michigan Natural Health Coalition is currently quickly mobilizing in April of 2010 in response to learning that a restrictive licensing bill is being planned that would make it impossible for traditional naturopaths to practice their profession or use the term "naturopathic doctor" or their degree initials "N.D.". The bill would also negatively impact many other natural health practitioners. A group has got a new website and Board of Directors and plans to move swiftly to stop negative bills, and to prepare the way for introduction of a safe harbor exemption bill that would protect consumer access to unlicensed practitioners such as herbalists, traditional naturopaths, homeopaths, Reiki practitioners and a host of others. Michigan is the home of Reiki International (www.reiki.org) and it's founder and Director, William Lee Rand, Reiki Master.

Minnesota: Minnesota has a safe harbor exemption bill, passed in 1999 and they continue to work to protect it!! Minnesota Natural Health - Legal Reform Project, lead lobbying group for the famous MN146A Minnesota Complementary and Alternative Health Freedom of Access Act of 1999, is working hard at the state capitol to keep legislators informed about top priority issues for health freedom. Those include long term vigilance and protection of MN146A from outside threats such as: annual funding concerns;

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attempts to pass legislation regulating other groups of practitioners such as massage therapists without protection and exemption amendments for unlicensed practitioners; and their work to repeal a bill from last year that banned workman's comp insurance coverage of MN146A practitioner services. As of March 2010, they have helped defeat a massage licensing bill that would have not been good for MN146 practitioners. This group has also been one of the leaders in mounting a strong legislative campaign to make sure consumers are not receiving mercury in their vaccines without being informed before they receive them and a watch dog group monitoring all other forms of legislation that might support or jeopardize health freedom in Minnesota. They are currently launching a ground-breaking project to protect holistic doctors, and to also exempt parents out of child abuse allegations for refusing chemotherapy and radiation cancer treatments for their children.

Montana: Gratitude for Montana health freedom leaders' three years of preparation, and Montana Health Freedom Coalition's full steam ahead work in 2009! The Consumer Health Freedom and Access Act, sponsored by Senator Balyeat, passed the Senate 32-18 on February 23rd, 2009! After passing the Senate Committees, on March 24, 2009, the health freedom bill, SB287, was tabled in a House Committee 14-4. Montana's bill would have provided a safe harbor exemption and protected access to herbalists, traditional naturopaths, homeopaths, and the many natural health care practitioners of Montana that consumers regularly use.

Nevada: In 2009 Jim Jenks, Sunshine Health Freedom Foundation Coordinator in Nevada, worked single-handedly to move a safe harbor exemption bill SB296 forward in the Nevada legislature and was up against opposing medical interests. He is urgently needing support for his efforts. The bill is a Consumer Choice Protection bill, protecting consumer access to traditional and unlicensed natural health care practitioners. National Health Freedom Action assisted in the drafting of the bill.

New Hampshire: NH activists continue to consider the possibility of introducing a safe harbor health freedom exemption bill to provide long term protection of health freedoms in New Hampshire. In 2007, the International Center for Reiki Training supported New Hampshire activists in a grassroots challenge to an attempt to regulate Reiki under massage laws. Thanks to them for their leadership role in the grassroots efforts.

New Jersey: New Jersey's Dietitian bill is not moving. NJ health freedom advocates rallied together in June 2008 to defeat S-1941 and A-2933, two monopolistic Dietician bills that would have shut down any citizen giving nutritional advice or recommendations. The bill has not moved through a hearing and is still pending. The New Jersey group is monitoring the situation. NHFA provided support and guidance on strategies and amendment language options.

New Mexico **New Mexico has a Safe harbor exemption law, congratulations New Mexico!!!** New Mexico HB664 has passed and was signed into law by the Governor on April 7, 2009. New Mexico's Complementary and Alternative Medicine Project (NMCAAMP) leaders successfully moved their safe harbor exemption bill through to passage after two years of preparation and study mandated by the legislature. HB664, sponsored by Representative W. Ken Martinez, passed two Committees in the House and passed the full House floor on March 5, 2009. HB664 then went to the Senate and passed two committees in the Senate and passed the full Senate Floor unanimously!!! NMCAAMP is a health practitioner and freedom group that has worked to establish a safe harbor exemption law for persons engaged in traditional, cultural, complementary or alternative health care.

New York Health Freedom and **NYNCPP** have historically been supporting bills that will protect access to unlicensed practitioners in the state of New York. On January 30, 2007, Assemblyman Michael Benedetto introduced a health freedom bill A8733 to exempt unlicensed persons from criminal charges of practice of medicine. This bill is has not yet passed but the entire health freedom community is supporting Assemblyman Benedetto in his efforts.

North Carolina The Consumer Health Freedom Act was reintroduced into the 2009 North Carolina legislature and was scheduled for its first hearing April 30th, but it was taken off the schedule to give more time to negotiate agreed upon language. The bill was "developed over years of work by notable health freedom advocates, in conjunction with a year long "legislative study" by a "Legislative Study Committee." The study committee held a series of three public hearings in major NC cities (Raleigh, Asheville, New Bern) where more than four-hundred citizens expressed support for health freedom." Taking the lead in moving the bill and gathering support from new sources for their bill is Citizens for Health Care Freedom, a long standing reputable freedom group in North Carolina.

Ohio: **HB 442 was introduced March 24, 2010, and heard in Committee May 18th, 2010! The first hearing heard from proponents, and next week the Committee heard from opponents. Good luck Ohio and Congratulations!** Ohio Sunshine Health Freedom Coalition is a strong freedom organization with a mission to establish true health freedom in Ohio by passing "THE REAL HEALTH FREEDOM BILL" without a mandatory registration requirement. Ohio freedom advocates have persistently prepared for now when in the 2010 session they are moving forward with a safe harbor exemption bill to protect access to all unlicensed practitioners in Ohio. The group has worked hard reviewing language and garnering legislative support including hiring a lobbyist in order that their bill will be successful in passage. Now we are all waiting to hear the news of a successful Ohio health freedom bill!

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Oklahoma Oklahoma is a health freedom state! Oklahoma Health Freedom Action Network has been a health freedom leader in Oklahoma and has worked hard to defeat restrictive licensing bills in the past years that would restrict access to natural and holistic practitioners. Because of this, leaders are now gathering together to design a long term solution for Oklahoma in their efforts to have natural health care protected at all times.

Oregon: Oregon has recently launched a new health freedom group and we are awaiting more information on their contact information. In addition Sunshine Health Freedom Foundation has Coordinators Mark and Sylvia Rogers in Oregon. Also health freedom advocate and attorney Sandra Duffy is a valuable and dynamic leader in the freedom movement in Oregon.

Pennsylvania: Sunshine Health Freedom Foundation has a Pathfinder, Eileen Johannsen, in Pennsylvania. Eileen attended the annual leadership conference of National Health Freedom Coalition in September 2008 and is in contact with NHFA regarding potential health freedom bill language for PA. 2008 saw the introduction of a massage therapy licensure bill in PA which Eileen and Ruth Hoskins worked to defeat.

Rhode Island: Rhode Island has a safe harbor exemption law, passed in 2000. It followed Minnesota in its passage and the language of the law is similar in model. Coalition for Natural Health ushered this bill through the legislature, and National Health Freedom Action offered support.

South Carolina: Is working to put a health freedom group together to pass a safe harbor exemption bill. Contact NHFA for more info.

Texas: Texas is gearing up for the 2011 legislative session and holding legislative networking meetings at the Capitol Club in Austin TX with legislators and their aids in spring 2010 to educate them about their upcoming introduction of a health freedom bill. Texas Health Freedom Coalition worked hard during the 2009 session to support in large numbers the passage of HB40, the Texas Complementary and Alternative Health Care Services Act, a safe harbor exemption law, which will protect Texan's access to unlicensed natural health care practitioners such as herbalists, traditional naturopaths, and homeopaths among others. The bill was heard in hearing for its first time on April 7th, 2009 and detailed prohibited acts by a provider and required a disclosure form to be provided to a client prior to providing services.

Virginia Congratulations Virginians in stopping a 2010 study bill that would have supported the practice of Naturopathic Physicians but not protected the practice of traditional naturopaths. We hope that a safe harbor bill can be reintroduced in Virginia! In 2008, Virginia Certified Natural Health Care Practitioners (VCNHP) launched a new initiative which they have titled, Virginians for Health Freedom. In 2009, the group lobbied against a naturopathic physician licensure bill NP1820, and stopped it from passing. They also introduced HB1744, in 2009, a health freedom safe harbor exemption bill. Diane Miller went to Virginia to testify however HB1744 was tabled indefinitely. VCNHP had an urgent challenge in January 2008, when a Naturopathic licensing bill was introduced that would have shut down all traditional naturopaths in Virginia as well as many other natural health care practitioners. VCNHP mobilized the entire natural health community and successfully convinced the legislature to take the bill off the table for the 2008 session.

Washington Congratulations Washington on keeping the momentum going and laying a strong foundation for change. Washington state health freedom advocates are meeting every week to keep their momentum and support up for the reintroduction of a safe harbor exemption bill. They have held successful meetings with legislators and regulators and are working hard to build consensus among all parties and finding a sponsor that will be a champion for health freedom.

WA is unique in that they currently have legislative intent stating that the state does not expect all health care practitioners to be licensed. However, the intent has not held up in cases against the unlicensed practitioners. Health freedom is under major attack in WA. At least seven licensed and unlicensed practitioners that provide alternative health care have been investigated in the past 2 years. In response to the investigations, activists have formed organizations with the goal of changing the laws.

Wisconsin Wisconsin successfully defeated a very restrictive Dietitian Licensing bill (AB440, S115) that would have been a direct infringement on free speech. Go Wisconsin! Wisconsin leaders worked hard to educate legislators about the broad array of health care services that would be negatively impacted by the Dietitian licensing bill. In addition, they were prepared to introduce a health freedom bill to protect consumer access to traditional practitioners. Wisconsin Health Freedom Coalition has drafted a safe harbor exemption bill entitled the Consumer and Health Freedom Access Act. The bill is "seeking an exemption, or safe harbour, from licensed health care practice acts, for the many natural healing arts that are practiced in our state and pose no risk of harm to the public." The safe harbor health freedom bill will protect the rights of herbalists, naturopaths, homeopaths, and natural health care practitioners to practice without being charged with practicing medicine without a license and it will allow them to provide nutritional advice or recommendations without having to be licensed Dietitians or licensed nutritionists.

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