

Testimony in opposition to HB0975/SB0492

EarthTouch Shiatsu

Asian Bodywork and Massage Therapy
for body, mind, and spirit

Tom Swiss, Dipl. ABT (NCCAOM), CP (AOBTA), LMT
2119 Arlonne Dr, Catonsville MD 21228
tms@EarthTouchShiatsu.com
443-803-9621 (voice or text)



www.EarthTouchShiatsu.com

Tom Swiss, Dipl. ABT (NCBAHM), CP (AOBTA), LMT
2119 Arlonne Drive
Catonsville, MD, 21228

Dear Senators and Delegates:

HB0975 / SB0492 proposes to change the statutes regulating massage therapy advertising. While this bill seems well-intended to prevent sex workers from conflating their work with massage – something every Licensed Massage Therapist (LMT) supports! – it raises serious **privacy and safety concerns** for independent massage therapists, as well as **First Amendment** issues.

LMTs on social media have pointed out how enforcing this bill would require public disclosure of personal information that would actually **enable stalkers**, an important concern for a profession where the majority of practitioners are women. The buffer of a brand name rather than one's own can be an **important personal safety practice**.

It unfairly **discriminates against the micro-businesses of individual practitioners** by putting **differing rules** in place for larger businesses that hire or contract with multiple LMTs.

And it places **unnecessary burdens** on therapists, interfering with their rights to inform the public of the nature of their practice by selecting a name reflective of their values and intent. A hypothetical name like **“Champion Sports Massage”** informs potential clients in a way that **“John Smith, LMT”** does not. And how many “John Smith, LMT”s are there going to be in Maryland? A small business relies on building a unique brand.

In today's internet-centric world, advertising often takes the form of **short bits of text linked to a website**. When placing an ad on Google, a business has only a few words to capture the eye. Making **independent LMTs – but not bigger businesses** – use that space for one's personal name and license number is burdensome and unfair.

My **ads link to my website**. My website uses the **practice name** “EarthTouch Shiatsu and Massage” which was **registered** with the Board of Chiropractic Examiners, the predecessor of the massage therapy board, back when I started practice. Should there be an issue with an ad by “EarthTouch”, the state has the records to link that name with my own name and license number. **There is no need for any name appear in the ad, or for my own name to appear on my website**, when a registered practice name appears on the website linked by the ad.

In my case, as a male LMT in my 50s who is unlikely to be stalked, **I do put my name prominently on my website. But my case is not the case of**, for example, a young woman LMT seeking to avoid an abusive ex-partner.

And it would be irrational to put my name in Google text ads where it would **waste limited space I need to communicate to the public** about my services.

This bill also raises **serious First Amendment concerns** by prohibiting LMTs from advertising “on a website known for advertising prostitution services, escort services, or sexual services”.

The only way to administer such a law would be to have the Board of Massage Therapy Examiners start classifying websites. Is Google “a website known for advertising...sexual services”? Is Facebook? Craigslist?

Under Amendment I as applied to the states by Amendment XIV, no state agency can divide websites into “good” and “bad” like that. Even if this were permitted, the Board of Massage Therapy Examiners has neither the training nor qualifications to do such sorting.

For these reasons I urge you to **oppose** this bill.

Thank you for your consideration. I will be happy to answer any questions you may have.

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