

TESTIMONY ON 19-S 576
AN ACT RELATING TO HEALTH AND SAFETY – LICENSING OF MASSAGE THERAPISTS
April 25, 2019

The ACLU appreciates the opportunity to comment on S 576. While we do not hold a position on the matter of massage therapy licensing, we would like to raise specific concerns regarding the qualifications for obtaining this license. Specifically, the provisions set forth within this bill and current law allow for an expansive list of criminal charges – including all felonies, regardless of their relevance to massage therapy – to serve as grounds for the denial of a massage therapist license. With the proposed sweeping changes to this statute, we believe that it is the opportune moment to review and revise these excessively discriminatory provisions.

Along with a number of other advocacy groups, the ACLU is concerned about the barriers that broad-based criminal record check requirements can have on a person's ability to obtain an occupational license in Rhode Island. All too often, an individual's past criminal record, even if in the distant past and unrelated to the license being sought, can inappropriately prevent them from entering an employment field for which they may be wholly qualified.

Current statute defines "disqualifying information" (page 6, lines 8-9) with considerable breadth, including charges such as felony drug offenses and felony banking law violations, and with no specified length of time for which the charge can be used to disqualify the applicant. S 576 retains this language, which could bar an individual with a twenty-year-old felony drug possession charge from obtaining a license, regardless of their professional experience since and their actual qualifications for the position. We urge that this bill be revised to provide strict limits on which crimes serve as disqualifying, rather than utilizing a blanket ban on all felonies.

The legislation also alters language to change grounds for automatic denial from any "sexual" offense to any "felony" offense (page 8, line 7). This actually *expands* the ability for an individual to be automatically banned from obtaining a license, again including unrelated crimes like drug possession or banking violations within the scope of this provision. Automatic disqualifications such as these are excessive, unfair, and inappropriate.

Rather than perpetuate a pattern of discrimination against ex-offenders, we urge the Committee to impose specific and strict limitations on the use criminal records that inappropriately prevent an individual from entering a field for which they may be eminently qualified.

Thank you for your consideration.