

3/31/99 Returned from Calendar to  
State House

FILED MAR 3 1999

SENATE FILE 285  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 35)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the practice of hypnotherapy and providing  
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 285

1 Section 1. NEW SECTION. 147.161 HYPNOTHERAPY.

2 1. As used in this section, unless the context otherwise  
3 requires, "hypnotherapy" means the induction of a hypnotic  
4 state in a client to alter behavioral patterns. Hypnotherapy  
5 includes all of the following:

- 6 a. Assessment of hypnotic suggestibility.
- 7 b. Assessment to determine the suitability of
- 8 hypnotherapy.
- 9 c. Explanation of the nature of the hypnotic state.
- 10 d. Induction of the hypnotic state.
- 11 e. Use of posthypnotic suggestions.
- 12 f. Instruction in self-hypnosis.

13 2. a. A person shall not engage in the practice of  
14 hypnotherapy unless the person is licensed as a health care or  
15 mental health care professional by the state pursuant to this  
16 chapter. For purposes of this section, "health care or mental  
17 health care professional" means a physician, osteopathic  
18 physician, podiatrist, physician assistant, psychologist,  
19 chiropractor, registered nurse, dentist, optometrist, marital  
20 and family therapist, mental health counselor, or social  
21 worker who performs hypnotherapy within the scope of  
22 professional practice as permitted by the professional's  
23 respective examining board.

24 b. An individual administering hypnotherapy, other than an  
25 individual listed in paragraph "a", shall be subject to the  
26 penalty prescribed in section 147.86.

27 3. This section shall not apply to the administration of  
28 hypnosis for purposes of recreation or entertainment. Upon  
29 complaint, the department shall determine whether the  
30 administration of hypnosis shall be characterized as  
31 hypnotherapy and subject to the provisions of this section, or  
32 whether the administration of hypnosis shall be characterized  
33 as recreational in nature or for entertainment.

34 EXPLANATION

35 This bill establishes a definition of the term

1 "hypnotherapy" to refer to the induction of a hypnotic state  
2 in a client to alter behavioral patterns. Hypnotherapy  
3 includes an assessment of hypnotic suggestibility and  
4 suitability, an explanation of the nature of the hypnotic  
5 state, induction of the hypnotic state, use of posthypnotic  
6 suggestions, and instruction in self-hypnosis. The bill  
7 provides that individuals shall not engage in the practice of  
8 hypnotherapy unless they are licensed as a health care or  
9 mental health care professional pursuant to Code chapter 147.  
10 The bill defines a health care or mental health care  
11 professional to include a physician, osteopathic physician,  
12 podiatrist, physician assistant, psychologist, chiropractor,  
13 registered nurse, dentist, optometrist, marital and family  
14 therapist, mental health counselor, or social worker  
15 performing hypnotherapy within the scope of professional  
16 practice as permitted by their respective examining boards.  
17 Individuals not so licensed shall be subject to the serious  
18 misdemeanor penalty provisions of Code section 147.86. The  
19 bill exempts individuals who administer hypnosis for  
20 recreational purposes or for entertainment from its  
21 provisions.

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## SENATE FILE 285

S-3080

1 Amend Senate File 285 as follows:

2 1. Page 1, by striking lines 24 through 26 and  
3 inserting the following:

4 "b. Notwithstanding paragraph "a", a person may  
5 engage in the practice of hypnotherapy without being  
6 licensed as a health care or mental health care  
7 professional if all of the following apply:

8 (1) The individual does not represent to the  
9 public that the individual is licensed as a health  
10 care or mental health care professional by the state.

11 (2) The individual has completed, by July 1, 2001,  
12 a minimum of one hundred hours of classroom training  
13 in hypnotherapy from a program or course of  
14 instruction which advocates a code of ethics and  
15 standards of practice, or similar code, for its  
16 students. Individuals receiving classroom training in  
17 satisfaction of this requirement between the effective  
18 date of this Act and July 1, 2001, may maintain an  
19 existing hypnotherapy practice, provided the  
20 provisions of subparagraphs (1), (3), and (4) are met.

21 (3) The scope of the individual's hypnotherapy  
22 practice is confined to issues of vocational  
23 functioning or general self-improvement, or the  
24 alteration of minor matters of habit or behavior that  
25 are germane to those endeavors.

26 (4) The individual has not been convicted of a  
27 crime that has a direct bearing on the individual's  
28 ability to practice without endangering the public.

29 c. An individual administering hypnotherapy, or  
30 representing to the public that the individual  
31 administers hypnotherapy, other than an individual  
32 listed in paragraphs "a" and "b", shall be subject to  
33 the penalty as prescribed in section 147.86."

By JOANN JOHNSON

S-3080 FILED MARCH 16, 1999