

SENATE FILE 35  
BY MADDOX and SZYMONIAK

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 35  
STATE GOVERNMENT

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. Notwithstanding paragraph "a", a person may engage in  
25 the practice of hypnotherapy without being licensed as a  
26 health care or mental health care professional if all of the  
27 following apply:

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

31 (2) The individual has completed, by July 1, 2001, a  
32 minimum of one hundred hours of classroom training in  
33 hypnotherapy from a program or course of instruction  
34 recognized by the national guild of hypnotists which advocates  
35 a code of ethics and standards of practice, or similar code,

1 for its students. Individuals receiving classroom training in  
2 satisfaction of this requirement between the effective date of  
3 this Act and July 1, 2001, may maintain an existing  
4 hypnotherapy practice, provided the provisions of  
5 subparagraphs (1) and (3) are met.

6 (3) The scope of the individual's hypnotherapy practice is  
7 confined to issues of vocational functioning or general self-  
8 improvement, or the alteration of minor matters of habit or  
9 behavior that are germane to those endeavors.

10 c. An individual administering hypnotherapy, or  
11 representing to the public that the individual administers  
12 hypnotherapy, other than an individual listed in paragraphs  
13 "a" and "b", shall be subject to the penalty as prescribed in  
14 section 147.86.

15 3. This section shall not apply to the administration of  
16 hypnosis for purposes of recreation, entertainment, or  
17 demonstration. Upon complaint, the department shall determine  
18 whether the administration of hypnosis shall be characterized  
19 as hypnotherapy and subject to the provisions of this section,  
20 or whether the administration of hypnosis shall be  
21 characterized as recreational in nature.

22 EXPLANATION

23 This bill establishes a definition of the term  
24 "hypnotherapy" to refer to the induction of a hypnotic state  
25 in a client to alter behavioral patterns. Hypnotherapy  
26 includes an assessment of hypnotic suggestibility and  
27 suitability, an explanation of the nature of the hypnotic  
28 state, induction of the hypnotic state, use of posthypnotic  
29 suggestions, and instruction in self-hypnosis. The bill  
30 provides that individuals shall not engage in the practice of  
31 hypnotherapy unless they are licensed as a health care or  
32 mental health care professional pursuant to Code chapter 147.  
33 The bill defines a health care or mental health care  
34 professional to include a physician, osteopathic physician,  
35 podiatrist, physician assistant, psychologist, chiropractor,

1 registered nurse, dentist, optometrist, marital and family  
2 therapist, mental health counselor, or social worker  
3 performing hypnotherapy within the scope of professional  
4 practice as permitted by their respective examining boards.  
5 Individuals not so licensed shall be subject to the serious  
6 misdemeanor penalty provisions of Code section 147.86.

7 The bill exempts individuals who administer hypnosis for  
8 recreational purposes from its provisions. Additionally, the  
9 bill provides that an individual may engage in the practice of  
10 hypnotherapy without being licensed as a health care or mental  
11 health care professional if the individual does not represent  
12 to the public that the individual is so licensed, the  
13 individual has completed a minimum of 100 hours of classroom  
14 training by July 1, 2001, and the scope of the individual's  
15 hypnotherapy practice is confined to issues of vocational  
16 functioning or general self-improvement.

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