



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2371

Introduced 2/3/2004, by Denny Jacobs

SYNOPSIS AS INTRODUCED:

New Act

Creates the Hypnosis Consumer Protection Act. Provides that an unlicensed practitioner providing hypnotism services shall be guilty of a petty offense and subject to a fine not to exceed \$500 plus other fees if he or she: 1) willfully diagnoses or independently treats a physical or mental illness of any person, 2) conducts surgery or any other procedure on any person that punctures the skin, 3) prescribes or administers x-ray radiation to any person, 4) prescribes or administers legend drugs or controlled substances, 5) recommends to any person discontinuance of medication prescribed by a physician, or 6) implies that he or she is an Illinois licensed health care practitioner. Provides that an unlicensed person providing hypnotism services shall disclose to the client in a written statement, information relating to the nature of the services provided and his or her academic and professional experience, and he or she shall obtain written acknowledgment from the client that such information was provided.

LRB093 19052 RXD 44787 b

1 AN ACT concerning consumer protection.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Hypnosis Consumer Protection Act.

6 Section 5. Legislative findings; purpose.

7 (a) The use of hypnotism as a helpful practice to increase
8 self-control and to improve personal productivity is well
9 documented in numerous studies. The General Assembly has
10 recognized in the past that hypnotism for nontherapeutic
11 purposes is a lawful activity by unlicensed persons and has
12 exempted such persons from the requirement for psychological
13 licensure as there is no demonstration that the practice poses
14 an imminent risk of significant harm to the public's health and
15 safety.

16 (b) Some providers of hypnotism services have held their
17 services out to the public in technical compliance to the law,
18 but using titles, representations, or academic degree
19 designations that could lead reasonable persons to believe that
20 the provider was a licensed health care practitioner able to
21 treat, diagnose, or prescribe. This has resulted in confusion
22 among the public as to the appropriate limits of practice of an
23 unlicensed person, uncertainty in how to weigh advice given by
24 such persons, and unfair marketing practices by some providers
25 at the expense of those who are careful to hold services out to
26 the public in a manner that is not deceptive.

27 (c) The General Assembly finds that the unlicensed practice
28 of nontherapeutic hypnotism services is not harmful to the
29 public's health and safety. The General Assembly intends to
30 allow public access to nontherapeutic hypnotism services and to
31 protect the public from unlicensed providers of hypnotism
32 services who hold themselves out to the public in a deceptive

1 or misleading manner or who seek to increase their authority
2 with consumers by using bogus or unaccredited academic degrees.

3 Section 10. License.

4 (a) This Act shall not be construed to limit the activities
5 and services provided by a person legally regulated in this
6 State by any other Act from engaging in the practice of
7 hypnotism provided the regulatory Act governing such persons
8 contains a scope of practice which might reasonably be
9 interpreted to include the use of hypnotism.

10 (b) A person who is not licensed to provide some form of
11 health care by a valid Illinois regulatory Act and who provides
12 hypnotism services in accordance with this Section shall not be
13 in violation of any Acts concerning the health care profession
14 and shall be deemed to be engaged in the nontherapeutic
15 practice of hypnotism, unless he or she does any of the
16 following:

17 (1) Willfully diagnoses or independently treats a
18 physical or mental illness of any person;

19 (2) Conducts surgery or any other procedure on any
20 person that punctures the skin;

21 (3) Prescribes or administers x-ray radiation to any
22 person;

23 (4) Prescribes or administers legend drugs or
24 controlled substances to any person;

25 (5) Recommends to any person the discontinuance of
26 legend drugs or controlled substances prescribed by a
27 licensed physician or the discontinuance of mental health
28 care provided by a licensed health care practitioner; or

29 (6) Holds out, states, indicates, advertises or
30 implies to any person that he or she is an Illinois
31 licensed health care practitioner.

32 (c) An unlicensed practitioner who violates this Section
33 shall be guilty of a petty offense and fined an amount not to
34 exceed \$500 for each offense as determined by the court, plus
35 any court costs, reasonable attorney's fees, and the reasonable

1 costs of investigation and prosecution.

2 Section 15. Unlicensed service.

3 (a) Any unlicensed person providing hypnotism services
4 shall, prior to providing those services, disclose to the
5 client in a plainly worded written statement:

6 (1) that he or she is not a physician or licensed
7 healthcare provider in Illinois;

8 (2) the nature of the services to be provided and the
9 theory upon which the services are based;

10 (3) the academic or professional degrees held,
11 including the accreditation or lack of accreditation of
12 such degrees by an agent recognized by the United States
13 Department of Education;

14 (4) his or her training, experience, credentials, or
15 other qualifications regarding the hypnotism services
16 being provided, including whether such training was
17 obtained from a school that has been approved by this State
18 to offer such training, or from a school in another state
19 that has licensure, accreditation, or approval system as
20 rigorous as this State; and

21 (5) that the consumer of hypnotism services has a right
22 to coordinated transfer of services of another
23 practitioner or professional, the right to refuse services
24 at any time, the right to be free of physical, verbal, or
25 sexual abuse, the right to know the expected duration of
26 services and the cost, and that he or she may assert any
27 right without retaliation.

28 (b) An unlicensed person providing hypnotism services
29 shall:

30 (1) obtain written acknowledgment from the client
31 stating that he or she has been provided with the
32 information described in this Section, which shall be
33 maintained by the person providing the services for 3
34 years. The client shall be provided with a copy of this
35 written acknowledgement; and

1 (2) state in any display advertisement that he or she
2 is not a licensed health care practitioner in Illinois.

3 (c) An unlicensed practitioner who violates this Section
4 shall be guilty of a petty offense and fined an amount not to
5 exceed \$500 for each offense as determined by the court, plus
6 any court costs, reasonable attorney's fees, and the reasonable
7 costs of investigation and prosecution.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.