Table of Contents

Table of Contents.........................................................................................................................2

Introduction........................................................................................................................................3

Colorado...........................................................................................................................................5

Connecticut.......................................................................................................................................6

Florida...............................................................................................................................................7

Washington......................................................................................................................................8

California.......................................................................................................................................9

Illinois.............................................................................................................................................12

Texas...............................................................................................................................................15

Utah...............................................................................................................................................16

Unregulated States within the United States...................................................................................19

Legal Information for Hypnotists – Steve G. Jones, Ed.S.  2
Introduction

It should be noted that use of the term “hypnotherapy”, or related terms, in most states is prohibited, unless used by a practitioner who is either a psychologist or other Medical professional.

Legal research has revealed that the use of terms like hypnotherapist, hypnotherapy and alike, are problematic in most jurisdictions and it is recommended that language be added to client disclaimers on all web venues emphasizing that the venue is not practicing hypnotherapy, or Medicine without a license.

Of the 50 United States, four states have regulations mandating licensing and registration for those who intend to practice hypnosis. Colorado, Connecticut, Florida and Washington are all states that require mandatory licensure or registration.

In 2010 the State of Indiana passed Senate Bill 0356 repealing Hypnotist and Hypnotherapist licensing laws in the State of Indiana effective July 1, 2010. Prior to the Senate Repeal, Indiana had been among the prohibited states and
it was very difficult to obtain licensing.

While a number of courses include California and Texas as unregulated states, in light of Case Law brought to light during research we have included California and Texas among the prohibited states. Similarly, an Illinois statute considered to be “vague and overbroad” may apply to those who practice hypnosis.

It is also worth noting a case in South Carolina where the Board of Examiners took the position that an unlicensed person advertising “Hypnotherapy” or “Counseling” on a WEBSITE is practicing psychology without a license.
Colorado

In Colorado, in order to practice hypnotherapy you need to either be licensed or listed in the Unlicensed Psychotherapists Database. A state regulation prohibits the use of the term “hypnotherapy”, or claim of practice of “hypnotherapy”, by any person not duly licensed or registered in the state psychotherapist database.

This regulation does not apply, however, to instructional or informational products on diversified commercial websites, nor does it prohibit the offering of certification programs. It also does not prohibit clients from purchasing hypnosis products.

Any person residing or conducting business in the jurisdiction of Colorado is prohibited from engaging in any form of hypnosis as a profession, even if they go by another title, since the practice of hypnosis of any kind within the jurisdiction by any person not duly licensed or registered could be deemed “hypnotherapy” by definition, and thus subject the offender to both civil and criminal prosecution.
Connecticut

In the state of Connecticut, effective October 1, 2006, “no person shall practice hypnosis, or hold him/herself out as a hypnotist, without being duly Registered with the Department of Consumer Protection”.

The registration as a practicing hypnotist does not specify any eligibility prerequisites. Anyone interested in registering should inquire with the Connecticut Department of Consumer Protection, the state Regulating Authority responsible for the licensure and oversight of the practice of hypnosis.

As with Colorado, the regulation does not impact on the business standards of client websites, nor does it prohibit any user from purchasing of instructional or informational product lines within the state of Connecticut.

However, if a client intends to use that information to practice within the state of Connecticut, they must file the indispensible application to practice hypnosis within the state.
Florida

Florida regulates “Therapeutic Hypnosis”, though there is no clear definition within the state of just what “Therapeutic Hypnosis” is. What is clear, however, is that Therapeutic Hypnosis within Florida is reserved for Medical Professionals, and any person found to be in violation could be prosecuted for practicing Medicine without a license.

Clients are not prohibited from accessing or purchasing hypnosis products, or taking certification programs within the state, but they must comply with the Florida State Law mandating registration and meet the requirements of the state before practicing within Florida. There are no Florida state prohibitions against any client venues, product line, or certification programs.
In Washington state, “Hypnotherapists” and “Hypnosis Counselors” are required to register. It is not recommended that you practice within the state unless you can meet the eligibility requirement of being a qualified Hypnotherapist, or Counselor, in accord with Washington state law.

The law does not prohibit you from accessing or purchasing any hypnosis product line, or taking a certification course within the state, but you must comply with the state law mandating registration, and meet the requirements of the state before practicing within the state. There are no Washington state prohibitions against any client venues, product line, or certification programs.
California

In People v. Cantor, a 1961 Superior Court case, the court held that the practice of hypnotism as a curative measure or mode of procedure in helping patients lose weight, relax tension and improve nerves and bad habits by one not licensed to practice medicine amounts to the unlawful practice of medicine (Case Law: People v. Cantor, 198 App. 2d Supp. 843).

The “Practicing Medicine” Statute follows:

“Any person who practices or attempts to practice, or who advertises or holds himself of herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate obtained in accordance with some other provision of law is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars ($10,000), by imprisonment in the state
prison, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.” (California Business and Professions Code §2052 (a).)

The hypnotist in question advertised that “Hypnosis helps lose weight… relax. Self Hypnosis… improve… nerves and bad habits.” He claimed that he had no failures, had cured bed wetting by a child, and that he could and did relieve cancer pain. In the 1961 case, the court found that from “All the evidence, it is apparent that appellant ‘advertised,’ held himself out as a practicing and practices and attempting to practice a system or mode of treating the sick or afflicted, that he diagnosed, treated ‘an ailment, disease or disorder or other mental or physical condition’ within the purview of the statute.”

In light of this case, it is advised that care be taken in California to, at a minimum, disclaim in advertising materials the practice of medicine and to state clearly that the hypnotist does not diagnose, prescribe, or treat any medical condition.
There appears to be no other case law in California affecting hypnosis and there is no other California case that follows/disagrees/disapproves/cites People v. Cantor.
Illinois

Reviews of the applicable statute in Illinois, which numerous sources included as an unregulated state, reveals that the statute is too “vague and overbroad”, leaving room to be misused by overzealous prosecutors. The language used in the statute could be construed to apply to those who practice hypnosis for self improvement purposes.

Statute: “Nothing in this Act shall be construed to prevent a person from practicing hypnosis without a license issued under this Act provided that the person (1) does not otherwise engage in the practice of clinical psychology including, but not limited to, the independent evaluation, classification, and treatment of mental, emotional, behavioral, or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, the psychological aspects of physical illness, (2) does not otherwise engage in the practice of medicine including, but not limited to, the diagnosis or treatment of physical or mental ailments or conditions, and (3) does not hold himself or herself out to the public by a title or description stating or implying that the individual is a clinical
psychologist or is licensed to practice clinical psychology.”

**Definition of Clinical Psychology:** “Clinical psychology” means the independent evaluation, classification and treatment of mental, emotional, behavioral or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness. The practice of clinical psychology includes psychoeducational evaluation, therapy, remediation and consultation, the use of psychological and neuropsychological testing, assessment, psychotherapy, psychoanalysis, hypnosis, biofeedback, and behavioral modification when any of these are used for the purpose of preventing or eliminating psychopathology, or for the amelioration of psychological disorders of individuals or groups. “Clinical psychology” does not included the use of hypnosis by unlicensed persons pursuant to Section 3 [225 ILCS 15/3].

*Reference: 225 Illinois Compiled Statutes 15/3(h).*
The state does not prohibit any client venues, nor does it create any remarkable Business Standard made applicable to the client.
Texas

In Texas Case Law, the court held that “a hypnotist was not exempt from obtaining a medical license when he advertised hypnosis as a means of curing certain mental and physical disorders”. (Masters v. State, 170 Tex. Crim 471 (1960))

There is no Texas law or regulation which prohibits anyone from accessing internet venues, purchasing products online, or purchasing a certification program.
Utah

Utah has a specific statute which exempts the practice of self-improvement Hypnosis from licensure.

Statute: Exemptions from licensure:

(5) An individual engaged in performing hypnosis who is not licensed under this title in a profession which includes hypnosis in its scope of practice,

1. And Who:

   1. Induces a hypnotic state in a client for the purpose of increasing motivation or altering lifestyles or habits, such as eating or smoking, through hypnosis;

   2. Prepares the client to enter hypnotic states by explaining how hypnosis works and what the client will experience;

   3. Tests clients to determine degrees of suggestibility;

   4. Applies hypnotic techniques based on interpretation of consultation results and analysis of client’s motivation and behavior patterns; and
5. Trains clients in self-hypnosis conditioning;

2. May Not:

1. Engage in the practice of mental health therapy;

2. Represent himself using the title of a license classification in Subsection 58-60-102(5);

3. Use hypnosis with or treat a medical, psychological, or dental condition defined in generally recognized diagnostic and statistical manuals of medical, psychological, or dental disorders.

Reference: Utah Code § 58-60-107
**Statute:** Unless one is licensed (e.g., as a psychologist), the title “clinical hypnotist” may not be used

As used in this chapter, “unlawful conduct” includes:

Representing oneself as or using the title of any of the following unless currently licensed in a license classification under this title:

1. psychiatrist;
2. psychotherapist;…
3. clinical hypnotist;

*Reference: Utah Code 58-60-109*
Unregulated States within the United States

- Alabama
- Alaska
- Arizona
- Arkansas
- Delaware
- District of Columbia
- Georgia
- Hawaii
- Idaho
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana
- Nebraska
- Nevada
- New Hampshire
- New Mexico
- New York (does have statutes about “Therapy”)
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Oregon
- Pennsylvania
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- Vermont
- Virginia
- West Virginia
- Wisconsin
- Wyoming