



American Massage Therapy Association OREGON CHAPTER

TO: House Consumer Protection & Government Effectiveness
FROM: AMTA-OR
RE: Opposition to HB 2543
DATE: March 19, 2015

The American Massage Therapy Association (AMTA) is the largest non-profit professional association serving massage therapists, massage students and massage schools. The AMTA Oregon (AMTA-OR) chapter currently has 1,086 members throughout Oregon. AMTA-OR has three concerns about HB 2543 that we hope you will consider.

1) In 2007 the State passed a law prohibiting gift cards from having an expiration date or from decreasing in value with passage of time....HB 2543 does both of those things.

According to the *Bend Bulletin* in 2007, House Bill 2513 required gift cards sold for full value to come without strings attached — no matter how long the recipients take to use them:

"It returns some of the power to consumers," said House Majority Leader Dave Hunt, D-Gladstone.

"This new law says to consumers: 'If you buy something of value, you get to keep that value, or if you give a gift, the recipient gets to keep the value of that gift.' It's a core common sense, consumer argument — this is not rocket science."

Confusingly, the state seems to be saying it should be able to do exactly what Oregon businesses were told they could not. With HB 2543, strings are "reattached" and "common sense" disappears, as a certain length of non-use leads a card to be of absolutely no value to the consumer and only worthwhile to the state.

2) Many massage therapists are independent contractors who provide gift certificates. Although we are told that this bill and the statute specific to gift cards only affect "electronic gift cards" that distinction is nowhere in the actual statutory language. The definition in ORS 646A.274 simply says "gift card means a prefunded record evidencing a promise that the issuer will provide good or services to the owner of the record in the amount shown in the record." So while there has been an assumption that "card" means the plastic triangle in our wallets, and that may have been the intent, it actually does not say that.

AMTA-OR is concerned about the reliability and reasonableness of tracking for and paying to the state an amount left on a paper gift certificate. Without electronic verification of unused balance, the issuer, purchaser and recipient would not necessarily all agree to amount remaining — nor would there be proof. Hard to determine, easy to manipulate.

3) While the implementation of this escheats program that is already done in other states may seem simple, for some small businesses it can be immense. We ask that you consider the burden placed on small businesses in Oregon for implementation, compliance, verification, and liability.

Thank you for your public service.

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