

## Written Testimony Against House Bill 2493

Dear Legislators,

My name is Mandi Schwendiman, and I am a licensed acupuncturist and business owner. I live in Tangent, OR.

Like you, I am very concerned about the welfare of Oregonians as well as the practices of alternative and commentary health care practices.

While I applaud the Oregon legislature for working hard during these difficult times, I have the following serious concerns about HB 2394:

1A. This Act quite possibly constitutes religious discrimination due to its lack of applicability to priests or even lay priests in the major "mainstream" religions. Because Christian, Muslim, and Jewish pastors and religious people are not required to hold a license or disclose their background, they are not subject to a test, they are not subject to discipline, or to do any of the other things that would be required by this statute of anyone who does not follow one of the three major monotheistic religions. Priests also are not subject to sanctions or "discipline" by secular authorities for their work with their parishioners unless the priest commits a hideous criminal act. Nor are Christian priests required to disclose the content of communications with members of their church, per the priest-penitent privilege, etc.

1B. This Bill of the Oregon Legislature would require that non-Christian, pagan, agnostic, or followers of alternative spiritual beliefs get a license, pay for licensure, and otherwise do all the things that **Christian or other "priests" are not required to do.** There is no one who does more advising about family issues, mental disorders, major life decisions, etc., than a pastor, lay pastor, etc. But in Christian churches in this country, these non-science spiritual advisors are not required to pass a test, pay a fee, or otherwise do any of the things that the bill will require for other types of spiritual practices. And if what all these other spiritual practices or practices of other religions (like Wiccan, pagan, etc.), are not required it of mainstream Christian churches? **Then this law pretty clearly discriminates against non-Christian religious or spiritual belief systems, and there is a strong argument to be made that is an illegal infringement on the free exercise of various religions in favor of Christian practices.** This legislation will not pass constitutional muster in State or federal courts.

1C. This licensing legislation is quite likely an **unconstitutional infringement upon the exercise of religious rights and practices, per the Free Exercise clause of the First**

**Amendment** – namely the provision that prohibits the Congress from making a law “respecting an establishment of religion or prohibiting the free exercise thereof.” And the way that Constitutional rights work is that State law must respect established constitutional rights at least as much (or more) than the federal Constitution.

2. Who is the Oregon legislature to determine what is an “acceptable” spiritual belief or practice?
3. The language of the proposed Act appears to be intentionally deceptive, because
  1. While on the one hand it appears to applaud the work of energy workers and holders of “alternative” spiritual beliefs
  2. It simultaneously disregards those same spiritual beliefs or systems and relegates them to a status well below that of the standard, mainly Christian religious sects.
4. A similar bill was introduced in 2017 and was tabled because there was a huge outcry against it — because we do not want or need more regulations and an oversight board.
5. The bill labels the current situation as an “emergency situation and threat to public safety”. But there has been no documentation that there has been a public safety threat.
6. Complementary and alternative healers do not practice medicine or mental health counseling and should not be regulated in the same way as medical and mental that counseling is regulated by professional boards. Most of them spend a great deal of time training initially and also in continuing education.
7. It is not in an alternative healthcare provider’s job description to assess, diagnose or treat a mental, emotional, or behavioral disorder.
8. This bill takes away the right of Oregonians to choose their own healthcare providers.
9. The definition of alternative well-being provider is too vague. Care givers, certain types of ministries, and other professions fall under the given definition.
10. Too many professions that have no relationship with each other have been lumped together into one category.
11. Alternative health care providers have no say as to who is to govern them.

12. There is no provision to put alternative healthcare providers on the governing boards.

13. The passage of this bill would put many Oregon healthcare practitioners out of work during difficult times.

14. We do not want to face this every few years – and we currently have a better approach that 11 other states use as their model of legislation. Its formal name is the Oregon Consumer Access and right to Practice Complementary and Alternative Health Care Act. (Working name: Safe Harbor Exemption for short) Many other states are introducing or preparing to introduce this. It has guardrails that practitioners need to stay within and includes disclosure about what training and experience a practitioner has.

If a practice/practitioner violates these, then there is legal recourse with laws that already are in place.

Thank you,

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