



Township of Raritan

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Louis Carl Reiner: Township Committeeman
Township of Raritan
One Municipal Drive
Flemington, New Jersey 08822-1799

Re: Massage Ordinance - Raritan Township

Thursday, December 14th, 2017

Dear fellow colleagues:

Please allow me this time to address an issue that has generated a great deal of passion and concern on all sides pertaining to "Massage Therapy" in Raritan Township. Having done some research on this issue, and having looked at this matter objectively, I can only conclude that sentiment for regulating "Massage, Bodywork & Somatic Therapy" at a local level has grown stronger. I can respect one's desire to scrutinize this type of activity a bit more closely for reasons one believes are right and just. Although hearts and best intentions maybe in the right place, credible data would suggest that pertinent facts relevant to this issue were missed regarding additional liability and risk the township could potentially take on as an **"Unintended Consequence"** of regulating this type of enterprise locally. It's been said time and again: "Other towns do it without any pushback, so why can't we?" Could it be because no one has ever filed an action challenging legislation regulating "Bodywork & Somatic Therapy" at a Municipal level before?

N.J.S.A. 45: 11-53 et seq. 45:11-78. "Supersedure of Municipal Ordinance Regulation" dictates that any form of registration pertaining to names, phone numbers, addresses and licensee numbers assigned to a "Massage Therapist", or that of a client for review by a town pursuant to local legislation is not permissible under the state's **"Massage, Bodywork & Somatic Therapy Act."** A "Massage Therapist" is a "Health Care Provider." They are healers and are classified as such pursuant to **N.J.S.A. 45: 11-53 et seq.** They are afforded the same protection any doctor's office is afforded when it comes to privacy rights. We're playing with fire and could easily become entangled in a situation we may not be able to get out of short of bringing **"Significant Cost and Damage to the Township."** No one driving this train to my knowledge has taken time out to do the necessary research to ensure irreparable harm has no chance of visiting our town should regulating these establishments become public policy.

To Committeeman O'Brien's point: A loving father and devoted husband to his son Joe and wife Jean was well taken. I can relate to the untold horror and abuse young women, children and their families are forced to endure as a result of being caught up in the sex trade. Their future relegated to unthinkable acts of rape, bondage and brutal beatings that all too often lead to death. "Kids represent our future and need to be protected." I get it! I'm also no fool and am able to recognize we don't live in a perfect world and cannot be all things to all people. Surgically targeting unlawful activity upon reasonable suspicion with probable cause would be a course of action I would be able to support." Anyone who compromises young women or children for their own personal ill-gotten gain needs to be jailed! On the flip side, **"Stigmatizing and Painting" Every "Massage Therapist"** with the same brush does not comport with the values I've spent a life time living. It runs counter to who we are as a society.

Most, if not all establishments operating in Raritan are above board and legitimate service providers. They draw a market of high end patrons who contribute and remain part of our town. Some Mom and Pop operations run by professional people with the highest level of integrity struggling to keep their heads above water in an ever changing market. Others are part of corporate chains that again, are not about solicitation, but rather **"Reputable & Legitimate"** "Health Care Providers", all of which represent part of our tax base. They deserve to be treated with dignity and respect, not stigmatized with innuendo and suspicion. It may be worth noting these "Treatment Centers" are licensed, regulated and inspected by the State pursuant to provisions under **N.J.S.A. 45: 11-53 et seq.** Law enforcement can enter them at any time if a question of impropriety arises with full license and authority to demand they show their license and inspection certificates allowing them to operate, or else be shut down on the spot.

The state licensing process for these "Health Care Providers" is no walk in the park. A "Massage Therapist" is required to undergo a full blown **"First Aid Course"** in addition to so much more pertaining to techniques most appropriate for the many different types of muscle tissue, bone structure and age groups out there. It is very time consuming and a very expensive commitment to take on. We're talking many hours of studying for many exams that are extremely hard even for the smartest among us. By no means a venture for the faint hearted. "Massage Therapy" works well with music and is very helpful in soothing pain from Arthritis, Osteoporosis, Fibromyalgia and many different types of Cancer. Kids with Autism and **"Disabled Veterans"** suffering with Post-Traumatic Stress Syndrome respond well to it. The elderly who too often are forced to endure chronic pain on a daily basis are huge benefactors who can appreciate the scope of relief caring hands can deliver.

The logic and reasoning for adopting an ordinance is that the more towns that pass this type of legislation, the safer we'll all be as residents. A noble and convincing concept that sounds good and feels good. The questions that need to be answered are: What is our goal? What type of benchmarks would be in the mix to measure success and justify allocating resources already stretched to the breaking point? What benefit would we receive when the music stops other than just feeling good about doing something? On what basis do we conclude we have eight Massage Therapists potentially poised to rain down untold havoc in a quiet suburban town where trouble tends to be the exception, not the rule? Would such an ordinance compromise an individual's right to privacy? Has an ordinance of this type ever been tested in the courts, and if so, what was the outcome? An individual's right to privacy is serious business. The Fourth Amendment applies here. Our Board of Health has made that very clear.

"Compromising a Client's Medical File" under the auspices of "Municipal Government" passing an ordinance without a client's written consent would be questionable at best. Subpoenas would need to be obtained. In the Township's best interest, it is paramount that a client's right to privacy be protected. Do we really want to impose the heavy hand of government on small business owners who have demonstrated time and again they are honorable people? People whose hearts and best intentions are in the right place? I believe the best option at this point would be to stand down, take a deep breath and look at the big picture instead of getting egg on our face for adopting this legislation without having done our homework. Let's all join as one to make this right. Thank you for taking this time to read, hear and absorb the content of my message. I would ask that you research this issue as you converse with the business community to ensure an intelligent and informed decision is made on this highly charged issue.

Yours Respectfully

Louis Carl Reiner

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Licensed/Certified Treatment Center
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Flemington, New Jersey 08822

Pure Land Massage
Licensed/Certified Treatment Center
3 Walter E. Foran Boulevard
Flemington, New Jersey 08822

Advanced Medical Spa & Laser Center LLC
Licensed/Certified Treatment Center
170 State Highway 31 Suite # 5
Flemington, New Jersey 08822

Forget Me Not Spa
Licensed/Certified Treatment Center
8 Reading Road
Flemington, New Jersey 08822

Crown Spa
Licensed/Certified Treatment Center
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LE Medical Spa
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