



State Nutrition Practice Laws

Disclaimer:

Nothing contained herein should be considered legal or career advice. It is only our interpretation of state policy as it relates to the practice of nutrition. While we make every effort to ensure the accuracy of the information, laws are dynamic and can change frequently. We recommend you consult with a licensed attorney in your state of practice and your state's department and/or division of professional licensure and business regulations.



Nutrition Practice Laws: Overview

Nutrition practice laws can be really confusing, especially when they differ from state to state. We've put together this guide to help you better understand these laws, the different types, and how they impact your ability to practice.

State laws on nutrition are broken up into different types:

- None
- Certification
- Title Protection
- Licensure with a defined scope of practice

None/Certification

States without laws regarding the practice of nutrition are the easiest, of course, but they are few. Some states have a certification law that provides for state recognition and certification of specific individuals who meet a set of defined criteria, such as a private certification, education, etc. This certification does not prevent anyone else from practicing nutrition, but it may protect certain titles, such as "dietitian" or "nutritionist," and abbreviations, such as "RD" or "CD."

Title Protection

Title protection laws are the next level of restriction because they start to incorporate the basic tenants of licensure. While some states do not restrict the practice of nutrition, they may place strict limitations on who may use certain titles and require a license to do so.

A title protection law may or may not contain a scope of practice, but if so, that scope will not be defined exclusively to one group. For example, Texas has a licensure option for those who wish to use the protected titles “licensed dietitian” or “registered dietitian.”

Other examples are North Carolina and New Jersey, which have a licensure requirement to practice dietetics, but these laws also have very broad exemptions for those who are non-licensed.

Licensure with a Defined Scope of Practice

The main elements of a licensure law with a defined scope of practice is are that the state **REQUIRES** a person to have very specific education and other criteria to be granted a license. This license gives its holder an exclusive right to practice within a defined scope of practice.

These laws tend to have very narrow exemptions and can be quite broad in their application. The requirements to become licensed, and thus take advantage of the exclusive privileges of licensure, are almost always limited for just Registered Dietitians.

For example, the state of Ohio specifically defines what the “Practice of dietetics” means within the law, and then it reserves that exclusively for those with a license: “...no person shall practice, offer to practice, or hold himself forth to practice dietetics unless he has been licensed...”

Exemptions

Most restrictive states contain some standard exemptions within the law. These exemptions generally allow for persons to practice nutrition and dietetics if they are employed by one or more of the following:

- Federal, state, county or municipal agency;
- Military;
- Another political subdivision;
- Elementary or secondary school; or an
- Accredited institution of higher education.

Restrictive states usually make an exemption for those who are licensed in other areas of the law, such as a physician or chiropractor, so long as that person is practicing within the scope of their license. A few states will also allow for the exemption of employees of other licensed professionals, so long as there is proper oversight and documentation.

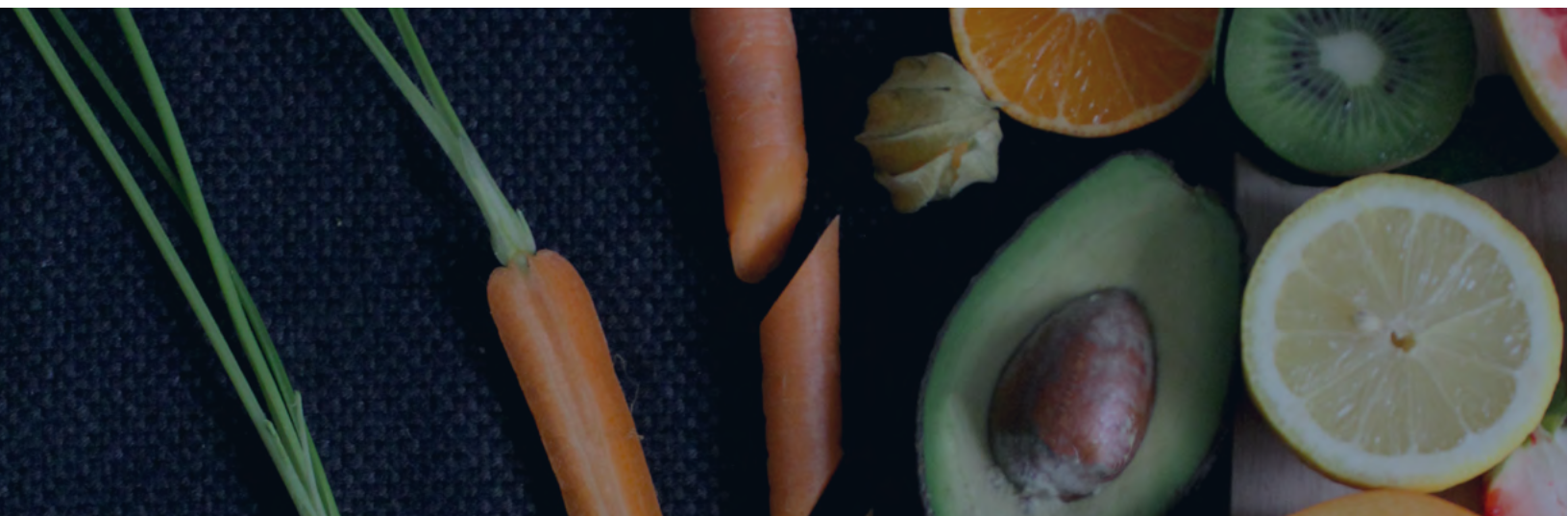
For the sale of food, food materials, and dietary supplements in a retail establishment, an exemption generally exists so long as the salesperson does not hold themselves out to be registered or licensed in any way.

General Health and Wellness

In states which require a license, the law allows for an exemption for providing general health. This term is rarely defined and varies from state to state. For example, Illinois law allows an unlicensed person to provide “general nutrition information and encouragement of general healthy eating choices.” North Carolina allows “general nutrition information on food, food materials, and dietary supplements.” In Iowa, this is written as “routine education and advice regarding normal nutritional requirements and sources of nutrients.”

Out of an abundance of caution, we interpret all general health and wellness exemptions to mean the providing to individuals or groups, information, education, or guidance that would apply to everyone, as a whole.

If it can be found in a book, journal, or website, then it can be said to apply to everyone. The key consideration is if the information, education, or guidance is specific to an individual, as that would not be considered “general health and wellness.” For example: You could not create a meal plan that is specific to an individual’s tastes and wants, but you could provide meal plans from a book, journal, or article that will meet the client’s goals.



Religious Exemptions

Some states have explicit religious exemptions for those practicing the tenets of a bona fide religion, however, the religious exemption varies greatly from state to state. For example:

In Nebraska, it states that “[p]ersons who care for the sick in accordance with the tenets and practices of any bona fide church or religious denomination” are exempt from licensure.

Whereas Georgia law states that the “practice of the tenets of any religion, sect, or denomination whatsoever” are exempt from dietetics licensure, so long as they do not “use the title “dietitian” and shall not designate himself or herself by any other term or title which implies that such member is engaged in dietetic practice.”

This slight ambiguity has led some to believe that the first amendment right to the free practice of religion exempts a practitioner from licensure, so long as they are operating under the tenets of a religion. Unfortunately, this may not always work.

Cautions

Even if you are practicing in a state with no law, certification, or title protection, you should be aware of certain limitations and pitfalls.



- Diagnosing or treating a disease: This is often referred to in law as “Medical Nutrition Therapy,” and it is forbidden in every state for non-licensed practitioners. As such, extra care and disclosure statements should be used when working with clients.



- Display of public notice: California and Rhode Island require the display of certain information in your place of business. See [the website](#) for each of these states under Laws and Policy for more details. These public notices may require client notification and agreement prior to working with a client.



- Individualized care: Probably the most contentious issue in nutrition is when services become “individualized” to a specific person. Restrictive states with an exclusive scope are always on the look out, and will punish harshly, the providing of individualized services. In these states, it is best to stay within the bounds of general health, wellness, and lifestyle information, as it pertains to everyone. In your practice or marketing materials, avoid anything that may give the impression services are individualized.



- At this time, board certifications for holistic practitioners do not provide additional privileges or benefits under the law. The only credential recognized for food, diet, and nutrition professionals is the Registered Dietitian credential, and in some states, the Certified Nutrition Specialist credential is gaining recognition. While they may be very useful for demonstrating a practitioner's qualifications, it may be some time before the law recognizes additional credentials.

While the law may vary from state to state, and not every state has broad exemptions, avenues for holistic practice do exist. Please review the [State Law and Policy](#) for more information.



State	Does your state require a license to provide nutrition services?		Are holistic and wellness practitioners exempt?		Can I use the occupational title "Nutritionist"?		Are licensed medical practitioners exempt?		Dietary Supplements			Exemptions and Pathway to Practice
	Yes	No	Yes	No	Yes	No	Yes	No	Sell	Educate	Recom- mend	
Alabama	•			•		•	•		•	•	•	General Health and Wellness
Alaska		•	————			•	————		•	•	•	Law does not limit
Arizona		•			•				•	•	•	Law does not limit
Arkansas		•	————		•		————		•	•	•	Law does not limit
California		•			•				•	•	•	Law does not limit
Colorado		•	————		•		————		•	•	•	No Law
Connecticut		•			•				•	•	•	Law does not limit
Delaware	•			•		•	•		•	•	•	General Health and Wellness
Florida	•		•			•	•		•	•	•	Exempt: May only work with clients not presently under the active care of a medical doctor; may not diagnose, treat, or cure diseases.
Georgia	•			•		•	•		•	•	•	General Health and Wellness
Hawaii		•			•				•	•	•	Law does not limit
Idaho	•		•		•		•		•	•	•	Broad exemption so long as you do not engage in disease management
Illinois	•			•		•	•		•	•	•	General Health and Wellness
Indiana		•	————		•		————		•	•	•	Law does not limit
Iowa	•			•		•	•		•	•	•	General Health and Wellness
Kansas	•			•		•	•		•	•	•	General Health and Wellness
Kentucky		•				•			•	•	•	Law does not limit
Louisiana	•		•			•	•		•	•	•	Law does not limit
Maine	•		•	•		•	•		•	•	•	Law does not limit due to a safe harbor law; may not provide disease management and must notify clients that you are not licensed.

Each state's law is different and could depend on a practitioners individual circumstance. Please contact the Council of Holistic Health Educators if you would like more information.

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	Yes	No	Yes	No	Yes	No	Yes	No	Sell	Educate	Recom-mend	
Maryland	•			•		•	•		•	•	•	General Health and Wellness
Massachusetts		•	—		•		—		•	•	•	Law does not limit
Michigan		•			•				•	•	•	No Law
Minnesota		•	•		•		—		•	•	•	Broad complementary practice law that exempts those who do not provide disease management
Mississippi	•			•		•	•		•	•	•	General Health and Wellness
Missouri	•			•		•	•		•	•	•	General Health and Wellness
Montana	•			•		•	•		•	•	•	General Health and Wellness
Nebraska	•			•		•	•		•	•	•	General Health and Wellness
Nevada		•			•				•	•	•	Law does not limit
New Hampshire		•	—		•		—		•	•	•	Law does not limit
New Jersey	•		•			•	•		•	•	•	Very broad exemption that makes it as if this state does not have a law.
New Mexico	•		•			•	•		•		•	Law does not limit.
New York		•			•				•	•	•	Law does not limit.
North Carolina	•		•			•	•		•	•	•	Broad exemption so long as you do not market, or attempt to diagnose, treat, or cure a disease.
North Dakota	•			•		•	•		•	•	•	General Health and Wellness
Ohio	•			•		•	•		•	•	•	General Health and Wellness - with caution. Most restrictive state.
Oklahoma	•			•		•	•		•	•	•	Law does not limit
Oregon		•	—		•				•	•	•	Law does not limit
Pennsylvania		•			•		•		•	•	•	Law does not limit

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	Yes	No	Yes	No	Yes	No	Yes	No	Sell	Educate	Recommend	
Rhode Island	•			•		•	•		•	•	•	General Health and Wellness
South Carolina		•	_____	_____	•		_____	_____	•	•	•	Law does not limit
South Dakota	•			•		•	•		•	•	•	General Health and Wellness
Tennessee	•		1.			•	•		•	•	•	General Health and Wellness; if you own or operate a health, weight loss, or fitness business, then you are exempt.
Texas		•							•	•	•	Law does not limit
Utah		•	_____	_____	•		_____	_____	•	•	•	Law does not limit
Vermont		•			•				•	•	•	Law does not limit
Virginia		•	_____	_____		•	_____	_____	•	•	•	Law does not limit
Washington		•				•			•	•	•	Law does not limit
West Virginia		•	_____	_____	•		_____	_____	•	•	•	Law does not limit
Wisconsin		•	_____	_____	•		_____	_____	•	•	•	Law does not limit
Wyoming	•				•		•		•	•	•	General Health and Wellness

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1. Employed by or operating a health, weight loss, or fitness program

About Council of Holistic Health Educators

[The Council of Holistic Health Educators](#) is a membership-based 501(c)(4) nonprofit advocacy organization made up of holistic health schools and organizations, practitioners, and supporters. We work to protect the practice of holistic health by defeating harmful legislation and lobby to pass laws that protect and grow our diverse profession's ability to practice and employment opportunities.

The Council of Holistic Health Educators provides its members and their holistic health students and graduates:

- Current nutrition and wellness practice policy regulations in specific states
- Individualized government relations and lobbying services to meet your program's goals
- Educational services, including advocacy and rights to practice seminars



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