



## YOGA ALLIANCE'S STANCE ON GOVERNMENT REGULATION

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In recent years, we have seen an uptick in government regulation specifically targeting the practice or instruction of yoga. These initiatives include efforts to regulate yoga teacher training programs as “private postsecondary schools,” and to levy taxes specifically on yoga businesses. Yoga Alliance® firmly believes that laws and regulations specifically targeting yoga businesses and providers are unnecessary, burdensome, and ultimately harmful to the yoga community.

### **I. Yoga Alliance is Opposed to Government Regulations Targeted at Yoga Instruction and Practice**

Yoga Alliance’s membership base<sup>1</sup> is comprised of yoga teachers and yoga teacher training schools. In addition, Yoga Alliance has an indirect connection through those teachers and schools to yoga studios, and it plans to eventually expand membership eligibility to them. To the extent that these teachers, schools and studios provide services, and operate businesses, they are subject to business, tax, and consumer protection regulation. Yoga Alliance does not oppose these generally applicable regulations, nor does it advocate for an exemption for the yoga community from these general standards.

Yoga Alliance does, however, oppose government regulation specifically targeting the practice or instruction of yoga. These attempts at government regulation, which compromise the public’s access to yoga, may include:

- Efforts to regulate yoga teacher training programs as “private postsecondary,” “occupational,” “proprietary,” or “vocational” schools;
- Licensure requirements for yoga teachers, yoga schools or yoga studios;
- Taxes levied specifically at yoga businesses and fitness establishments (as opposed to generally applicable business taxes); or
- Other forms of government regulation that create special requirements that apply only to the extent a school, business, or individual provides services related to yoga practice and instruction.

#### **Government regulation of yoga serves no compelling public interest.**

Government regulation, by its very nature, often creates burdens on individuals, organizations and businesses and may divert resources away from other legitimate government activities. Accordingly, regulation should be appropriately tailored to situations in which there is a strong countervailing public interest offsetting its inherent burdens and resource expenditure. Government regulation targeting yoga instruction and practice serves no such public interest that isn’t already served by existing law. The government can properly protect students and customers in the yoga community by enforcing existing laws. Neither the public nor the yoga community, however, would be served by government regulation targeting yoga practice and instruction.

#### **Yoga is a safe activity.**

Yoga is not inherently dangerous or unsafe. Some forms of yoga practice and study that occur in

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<sup>1</sup> Yoga Alliance Registry, a 501(c)(3) public charity, and Yoga Alliance, a 501(c)(6) trade and professional association are related non-profit organizations that complement each other in promoting public awareness of the benefits of yoga. Registered Yoga Schools (RYSs) and Registered Yoga Teachers (RYTs) are registered with Yoga Alliance Registry. Member benefits and services are provided through Yoga Alliance.

the teacher training or yoga studio environment — such as meditation, breath work and the discussion of yogic philosophy — involve minimal physical activity. Other forms of yoga are more vigorous, so, as with any voluntary physical activity, practitioners may be susceptible to injury. However, the government rarely sees fit to regulate instruction in other physical activities (e.g., martial arts, recreational league soccer coaches, or running clubs). Indeed, insurance companies — which are in the business of quantifying the actuarial risk of injury and loss — offer low premium rates for liability insurance to yoga teachers. This is strong evidence that yoga instruction and practice are very safe activities.<sup>2</sup>

**Yoga is so diverse and complex that government licensure or other requirements would inevitably reduce consumer choice.**

In some contexts, government licensure requirements may serve the public as a form of quality assurance. Yoga theory and practice is so complex and diverse, however, that governmental licensure requirements defining what a yoga teacher must teach would inevitably exclude certain forms of yoga practice and stifle creativity and innovation. Yoga Alliance's related 501(c)(3) organization, Yoga Alliance Registry, does set standards for yoga teacher training schools, requiring a minimum number of hours in a variety of curricular areas and a minimum level of education and experience for lead trainers. Unlike government regulation, however, registration with Yoga Alliance Registry is voluntary.

**Joining Yoga Alliance Registry is voluntary.**

There are many yoga schools, teachers, and studios that operate successfully and responsibly without registering with Yoga Alliance Registry. Moreover, Yoga Alliance Registry does not purport to establish certification tests for yoga teachers. It provides a service to the public by maintaining a directory of registered yoga schools that meet the Registry's core curricular Standards and of yoga teachers who have completed programs of instruction at registered yoga teacher training schools. This informational resource seeks to support informed, voluntary choices, rather than restricting choice. By contrast, mandatory governmental licensure or the imposition of other requirements would criminalize unlicensed yoga schools and teachers and prevent them from offering their services to the public.

**Government authorities are not qualified to develop licensure requirements for yoga.**

Governmental regulatory authorities are not experts on yoga practice, theory, history, or spiritual beliefs. Regulators are not qualified to develop licensure requirements reflecting the full diversity and range of yoga theory and practice. Regulation of yoga, therefore, would reduce the richness and depth of options for yoga practice and instruction.

**Government regulation may deter those in the yoga community from operating yoga-related businesses or becoming or remaining yoga teachers.**

The majority of yoga studios and yoga teacher training programs are small operations with tight budgets and limited revenues; most yoga teachers are self-employed, not highly compensated, work only part-time as yoga teachers, and do not earn a living wage from teaching yoga. Like all small businesses, they are especially vulnerable to the burdens of governmental regulation. In addition to the direct expense of licensing fees or taxes, compliance with government regulations

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<sup>2</sup> Nationally, average liability insurance premiums for aerobics instructors, certified personal trainers, massage therapists, Pilate's instructors and water fitness trainers are substantially higher than premiums offered to yoga teachers. Premiums for occupational therapists and physical therapists are more over 100 percent higher than those offered to yoga teachers. Data provided by the Hays Companies.

also entails costs in lost time, expenditure of other resources, fees to obtain compliance advice, and risk of financial penalties for even inadvertent non-compliance. Unnecessary government regulation, therefore, may deter those in the yoga community from operating yoga-related businesses or becoming yoga teachers — or may compel existing businesses to close or current yoga teachers to stop offering instruction.

## **II. Post-Secondary Education/Vocational Training Regulations Should Not Apply to Yoga Teacher Training Programs**

Some states already have regulations on the books purporting to regulate yoga teacher training schools (“YTTs”) as vocational or post-secondary institutions, also known as “career,” “occupational,” or “vocational” schools. Although the specifics of each jurisdiction’s regulatory scheme vary, they share a fundamental misunderstanding of the nature of yoga schools. While some YTTs may have heightened admissions requirements relating to yoga experience, few or no yoga schools set general educational requirements for admission. In addition, most students who participate in YTT programs have no intention of making a career out of it. Therefore, YTTs are neither vocational nor post-secondary schools.

### **YTTs fall outside the U.S. Department of Education’s purview and therefore should also be exempt from state regulation of post-secondary schools.**

Colleges and other post-secondary schools are subject to significant regulatory requirements. Yoga Alliance does not question the government’s substantial interest in regulating post-secondary educational institutions. Many students take on considerable debt in order to finance post-secondary educations, often with federally subsidized student loans, and they regard post-secondary degrees as investments in their primary career options. Accordingly, the U.S. Department of Education regulates and oversees post-secondary institutions. YTTs rightly fall outside the Department of Education’s purview, however, and should likewise be exempt from state regulation of post-secondary schools.

### **YTTs do not set general educational requirements for admission.**

Unlike colleges and other post-secondary educational institutions, YTTs do not require students to earn a high school diploma or GED as a precursor to admission. In fact, Yoga Alliance Registry has registered teens who have completed a teacher- training program at a Registered Yoga School.

### **YTTs are not “vocational” schools because they aren’t designed to provide training for students seeking to earn a living.**

Vocational schools provide job-specific training programs that serve as a gateway to a profession, trade, or vocation. Vocational schools offer programs in which students can earn certificates attesting to their training for trades as diverse as paralegal, automotive technician, dental hygienist, bartender, commercial truck driver, or computer technician. Despite the variety of vocational training programs, they all share a common aim: to provide graduates with training and certification necessary to earn a living in their chosen trade. YTTs, by contrast, serve a broader purpose.

### **Most students who participate in YTTs do not become yoga teachers.<sup>3</sup> The majority of those who do become teachers do not view it as a vocation.**

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<sup>3</sup> According to the 2016 Yoga in America Study, “Only 29% of yoga teachers report yoga is their primary source of income.” Yoga Journal and Yoga Alliance, Yoga in America Study (2016), available at [www.yogaalliance.org/2016YogaInAmericaStudy](http://www.yogaalliance.org/2016YogaInAmericaStudy).



While comprehensive data on the objectives of YTT participants is not yet available, abundant evidence suggests that a majority of students enroll in YTT programs primarily for personal and recreational reasons, rather than as a career path. YTTs offer yoga students a means to deepen their personal practice, an option that wouldn't otherwise be available to thousands of practitioners who are passionate about yoga. Most individuals who complete YTT programs never register with Yoga Alliance Registry as Registered Yoga Teachers ("RYTs"). And of those who do register as RYTs, only a tiny fraction work full-time as yoga instructors. Most individuals who complete YTT programs have other full-time or part-time careers. Of those who do teach yoga classes after completing a YTT program, many do so on only an occasional, casual, or very part-time basis, without viewing it as a reliable or primary source of income. Instead, YTT participants who complete a YTT program often teach yoga chiefly as a way to practice yoga regularly in a group context, without paying another yoga instructor for classes.

Of course, some who complete YTT programs start yoga studios or pursue yoga instruction as a full-time career, but they make up a small minority of those enrolling in YTT programs. For most, yoga represents an avocation, pursued for spiritual, fitness, health, or other personal reasons, not as a means to earn a living.

**Most YTTs do not operate like vocational schools, so government attempts to treat them as such misrepresent their nature and impose unnecessary and inappropriate burdens on them.**

The operations of many YTTs reflect this reality. The programs of many YTTs are irregularly scheduled. Some YTTs are based in yoga studios, but others offer classes in their instructors' homes or have no fixed location. Many YTTs have program components that vary based on student or teacher interest, with modules that students can mix and match. YTTs that register with Yoga Alliance Registry must offer certain core curricular elements in order for students who complete their programs to be eligible to register as RYTs, but registration with Yoga Alliance Registry is voluntary. Government attempts to treat YTTs as vocational schools, therefore, misapprehend the nature of YTTs and result in imposing unnecessary and inappropriate burdens on YTT programs.