

Florida can require licenses for dietary advice, court rules

July 18 2019, by Candice Choi

Florida can limit who gets to give dietary advice, a federal court ruled.

The ruling came in a lawsuit filed by a health coach who was fined for practicing without a dietary license. Heather Del Castillo had argued Florida's law violated her First Amendment right to free speech, noting dietary advice is ubiquitous online, in books and on TV.

The case underscored the varying state laws on who can charge for personalized dietary advice. Some states do not require licenses, while some protect the use of titles such as "dietitian." Others such as Florida restrict the practice more broadly to licensed professionals.

The inconsistencies stand to cause confusion about the qualifications of people who offer nutrition counseling. Health coaches generally say they can help people achieve their goals and may get certificates from a variety of programs. But anyone can use the title, which doesn't have a consistent meaning.

By contrast, registered dietitians with the Academy of Nutrition and Dietetics have education and training that generally qualify them to meet any state licensing requirements. The academy says it doesn't oppose bloggers and influencers who share dietary views online, but that dietitians have the background to advise people with [medical conditions](#) such as diabetes.

In its ruling Wednesday, the U.S. District Court in Pensacola said the

state law is intended to protect people from incompetent advice, and that the law requires a license specifically to charge for individualized counseling. It said the law does not prevent Del Castillo from giving dietary advice for free, or from giving speeches or writing about nutrition.

The case was taken up by the Institute for Justice, a free-market group that has challenged other occupational licensing laws, such as for tour guides . The court said licensing for [dietary advice](#) is different because clients are given individualized advice, whereas tour guides give everyone the same information.

The Institute for Justice said it planned to appeal.

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