

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Thurman**

# A Bill

**ACT 1048 OF 1993**  
**HOUSE BILL 1989**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 4, CHAPTER 94,  
9 SUBCHAPTER 1 PERTAINING TO HEALTH SPA SERVICES, PROVIDING  
10 THAT CONTRACTS IN VIOLATION SHALL CONSTITUTE A DECEPTIVE  
11 TRADE PRACTICE ACT AS DEFINED BY ARKANSAS CODE ANNOTATED §  
12 4-88-101 ET SEQ.; AND FOR OTHER PURPOSES."

## Subtitle

14 "TO PROVIDE THAT HEALTH SPA SERVICES CONTRACTS IN  
15 VIOLATION OF LAW SHALL CONSTITUTE A DECEPTIVE TRADE  
16 PRACTICE."  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code Annotated § 4-94-105(a) and (b) are hereby  
23 amended to read as follows:

24 "4-94-105. (a) Any contract for health spa services which does not  
25 comply with the applicable provisions of this chapter shall be voidable at the  
26 option of the buyer.

27 (b) (1) Any contract for health spa services entered into in reliance  
28 upon any willful and false, fraudulent, or misleading information,  
29 representation, notice, or advertisement of the seller shall be void and  
30 unenforceable.

31 (2) Any attempted enforcement of a health spa services contract in  
32 violation of this chapter shall constitute an unfair or deceptive act or  
33 practice as defined by the Deceptive Trade Practices Act, A.C.A. §4-88-101 et  
34 seq. All remedies, penalties, and authority granted to the Attorney General  
35 under the Deceptive Trade Practices Act shall be available to the Attorney  
36 General for the enforcement of this Act."

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SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: 4/12/93

