

1 State of Arkansas *As Engrossed: H3/13/15 S3/26/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

HOUSE BILL 1562

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5 By: Representative D. Meeks

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For An Act To Be Entitled

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AN ACT TO AMEND VARIOUS SECTIONS OF THE LAW REGARDING
9 MESSAGE THERAPISTS; AND FOR OTHER PURPOSES.

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11

12

Subtitle

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TO AMEND VARIOUS SECTIONS OF THE LAW
14 REGARDING MESSAGE THERAPISTS.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 *SECTION 1. Arkansas Code § 17-86-102(10), concerning the definition of*
20 *sexual misconduct, is amended to read as follows:*

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(10) "Sexual misconduct" includes:

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(A) A range of behavior used to obtain sexual

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gratification against another's will, at the expense of another, without the
24 *client's knowledge, engaging in sexual activity for profit, or a combination*
25 *of any of these activities; ~~and~~*

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(B) Massage of the genitalia, anus, and, except under

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specific circumstances, the breast; and

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(C) Sexual activity with consent of a client or at the

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request of a client; and

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31 *SECTION 2. Arkansas Code § 17-86-103, is amended to read as follows:*
32 *17-86-103. Penalties.*

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(a) Any person who ~~shall violate~~ violates any of the provisions of

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this chapter shall be found guilty of a misdemeanor and upon conviction shall
35 *be punished by imprisonment in the county jail for not more than six (6)*

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months or by a fine not exceeding one thousand five hundred dollars (\$1,500),



1 or by both fine and imprisonment, at the discretion of the court.

2 (b) It shall be the duty of the prosecuting attorney in the county
3 where the violation occurs, upon request by the ~~Arkansas State Board of~~
4 ~~Massage Therapy Department of Health~~, to initiate proper legal proceedings in
5 a court of competent jurisdiction to enforce the provisions of this chapter.

6 (c) Any person found guilty of violations of this chapter may be
7 subject to emergency suspension or revocation of licensure dependent upon the
8 findings.

9 ~~(e)(d)~~ The courts of this state ~~having general equity jurisdiction~~ are
10 vested with jurisdiction and power to enjoin the unlawful practice of massage
11 therapy and related techniques in a proceeding by the ~~board~~ department or by
12 any citizen of this state in the county in which the alleged unlawful
13 practice occurred ~~or~~ , the county in which the defendant resides, or in
14 Pulaski County. The issuance of an injunction shall not relieve a person from
15 criminal prosecution for violation of the provisions of this chapter, but the
16 remedy of injunction shall be in addition to liability to criminal
17 prosecution.

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19 SECTION 3. Arkansas Code § 17-86-203(e)(1), concerning the powers and
20 duties of the Arkansas State Board of Massage Therapy, is amended to read as
21 follows:

22 (e)(1) For purposes of this section, an applicant is not eligible to
23 receive or hold a license issued by the ~~Arkansas State Board of Massage~~
24 ~~Therapy Department of Health~~ if the applicant has pleaded guilty or nolo
25 contendere to or been found guilty of a felony or Class A misdemeanor or any
26 offense involving fraud, theft, ~~or~~ dishonesty, sexual misconduct, sexual
27 solicitation, lewd behavior, child abuse or molestation, statutory rape,
28 sexual assault, human trafficking, or other violent crimes.

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30 SECTION 4. Arkansas Code § 17-86-308(a)(2), concerning reciprocity of
31 massage therapists, is amended to read as follows:

32 (2)(A) If the applicant's transcript or a copy of the
33 applicant's transcript is not obtainable from the original school, the
34 applicant shall submit a statement to explain why it may not be obtained.

35 (B) Other documentation of credentials may be submitted
36 and accepted for licensure at the discretion of the ~~board~~ department.

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2 SECTION 5. Arkansas Code Title 17, Chapter 86, Subchapter 3, is
3 amended to add additional section to read as follows:

4 17-86-314. Active military duty licensure.

5 (a) If a licensee fails to renew timely his or her license because the
6 licensee is or was on active duty with the United States Armed Forces, the
7 licensee may renew the license by:

8 (1) Requesting renewal of the license before or after the
9 expiration by:

10 (A) The licensee;

11 (B) The licensee's spouse; or

12 (C)(i) The licensee's power of authority.

13 (ii) A copy of the power of authority documentation
14 shall be filed with the renewal form if the power of authority requests the
15 renewal;

16 (2) Completing the appropriate renewal form, including the
17 current address and telephone number for the individual requesting the
18 renewal; and

19 (3) Filing with the renewal form a copy of the official orders
20 or other official military documentation showing that the licensee is or was
21 on active duty.

22 (b) A licensee renewing under this section shall pay the applicable
23 renewal fee under § 17-86-309 but shall not pay a late renewal fee.

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25 /s/D. Meeks

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28 **APPROVED: 04/06/2015**