1	State of Arkansas As Engrossed: H3/13/15 S3/26/15	
2	90th General Assembly A B1II	
3	Regular Session, 2015 HOUSE BILI	. 1562
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5	By: Representative D. Meeks	
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7	For An Act To Be Entitled	
8	AN ACT TO AMEND VARIOUS SECTIONS OF THE LAW REGARDING	
9	MASSAGE THERAPISTS; AND FOR OTHER PURPOSES.	
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12	Subtitle	
13	TO AMEND VARIOUS SECTIONS OF THE LAW	
14	REGARDING MASSAGE 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	on of
20	sexual misconduct, is amended to read as follows:	
21	(10) "Sexual misconduct" includes:	
22	(A) A range of behavior used to obtain sexual	
23	gratification against another's will, at the expense of another, without	the
24	client's knowledge, engaging in sexual activity for profit, or a combinat	ion
25	of any of these activities; and	
26	(B) Massage of the genitalia, anus, and, except under	
27	specific circumstances, the breast; and	
28	(C) Sexual activity with consent of a client or at the	<u>!</u>
29	request of a client; and	
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31	SECTION 2. Arkansas Code § 17-86-103, is amended to read as follow	7S:
32	17-86-103. Penalties.	
33	(a) Any person who shall violate <u>violates</u> any of the provisions of	.
34	this chapter shall be found guilty of a misdemeanor and upon conviction s	hall
35	be punished by imprisonment in the county jail for not more than six (6)	
36	months or by a fine not exceeding one thousand five hundred dollars (\$1,5	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 <u>(c) Any person found guilty of violations of this chapter may be</u>
 7 <u>subject to emergency suspension or revocation of licensure dependent upon the</u>
 8 findings.
- 9 (c)(d) The courts of this state having general equity jurisdiction are vested with jurisdiction and power to enjoin the unlawful practice of massage 10 therapy and related techniques in a proceeding by the board <u>department</u> or by 11 12 any citizen of this state in the county in which the alleged unlawful 13 practice occurred of , 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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- SECTION 3. Arkansas Code § 17-86-203(e)(1), concerning the powers and duties of the Arkansas State Board of Massage Therapy, is amended to read as follows:
 - (e)(1) For purposes of this section, an applicant is not eligible to receive or hold a license issued by the Arkansas State Board of Massage

 Therapy Department of Health if the applicant has pleaded guilty or nolo contendere to or been found guilty of a felony or Class A misdemeanor or any offense involving fraud, theft, or dishonesty, sexual misconduct, sexual solicitation, lewd behavior, child abuse or molestation, statutory rape, 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 <u>department</u>.

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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	<u>renewal;</u>
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	<u>on active duty.</u>
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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