

Stricken language would be deleted from and underlined language would be added to present law.
Act 1083 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/13/15 S3/26/15

A Bill

HOUSE BILL 1562

By: Representative D. Meeks

For An Act To Be Entitled

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

Subtitle

TO AMEND VARIOUS SECTIONS OF THE LAW
REGARDING MESSAGE THERAPISTS.

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

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

(10) "Sexual misconduct" includes:

(A) A range of behavior used to obtain sexual gratification against another's will, at the expense of another, without the client's knowledge, engaging in sexual activity for profit, or a combination of any of these activities; ~~and~~

(B) Massage of the genitalia, anus, and, except under specific circumstances, the breast; and

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

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

(a) Any person who ~~shall violate~~ violates any of the provisions of this chapter shall be found guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than six (6) months or by a fine not exceeding one thousand five hundred dollars (\$1,500),



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

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

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

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

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.

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

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

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

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

17-86-314. Active military duty licensure.

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

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

(A) The licensee;

(B) The licensee's spouse; or

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

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

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

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

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

/s/D. Meeks

APPROVED: 04/06/2015