

State of Arkansas  
95th General Assembly  
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As Engrossed: H2/24/25

## A Bill

HOUSE BILL 1440

By: Representative Bentley

By: Senator D. Wallace

### For An Act To Be Entitled

AN ACT TO AMEND THE MASSAGE THERAPY ACT; TO ESTABLISH  
REGISTRATION FOR MASSAGE THERAPY ESTABLISHMENTS; AND  
FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE MASSAGE THERAPY ACT; AND TO  
ESTABLISH REGISTRATION FOR MASSAGE  
THERAPY ESTABLISHMENTS.

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

SECTION 1. Arkansas Code § 17-86-102 is amended to read as follows:  
17-86-102. Definitions.

As used in this chapter:

(1) “Entity” means a corporation, association, limited liability company, general partnership, limited partnership, sole proprietorship or other organization recognized under the laws of the State of Arkansas or any other state;

(2) “Licensee” means an individual licensed under this chapter;

~~(2)(A)~~ (3)(A) “Massage therapist” means a person who has:

(i) Earned a diploma from a State Board of Health accepted school of massage therapy;

(ii) Passed an examination required or accepted by the State Board of Health; and

(iii) Become licensed and registered to practice massage therapy.

(B) “Massage therapist” includes a person who has



previously obtained the massage therapist license under prior state law.

(C) A massage therapist may:

(i) Instruct continuing education programs approved by the Department of Health; and

(ii) Assist in the instruction of the procedures defined in subdivisions ~~(3)(A)-(C)~~ (4)(A)-(C) of this section under the direct supervision of a massage therapy instructor or master massage therapist;

~~(3)(A)~~(4)(A) “Massage therapy” means the treatment of soft tissues, which may include skin, fascia, and muscles and their dysfunctions for therapeutic purposes of establishing and maintaining good physical condition, comfort, and relief of pain.

(B) “Massage therapy” is a healthcare service that includes gliding, kneading, percussion, compression, vibration, friction, nerve strokes, and stretching the tissue.

(C) “Massage therapy” also means to engage in the practice of any of the following procedures:

(i) Massage therapy techniques and procedures, either hands-on or with mechanical devices;

(ii) Therapeutic application and use of oils, herbal or chemical preparations, lubricants, nonprescription creams, lotions, scrubs, powders, and other spa services;

(iii) Therapeutic application of hot or cold packs;

(iv) Hydrotherapy techniques;

(v) Heliotherapy, which may include mechanical devices, heat lamps, and other devices;

(vi) Electrotherapy;

(vii) Any hands-on bodywork techniques and procedures rising to the level of the techniques and procedures intended to be regulated under this chapter and not covered under specific licensing laws of other boards; and

(viii) Cupping therapy;

~~(4)~~(5) “Massage therapy apprentice” means a person who is enrolled in a massage therapy apprenticeship program;

~~(5)~~(6) “Massage therapy apprenticeship program” means a program that meets the federal guidelines set out in 29 C.F.R. Part 29, as existing

on March 1, 2021, and is approved by the United States Office of Apprenticeship;

(7) "Massage therapy establishment" means a location other than a massage therapy school in which massage therapy is performed including without limitation:

(A) A massage therapy clinic;

(B) A massage therapy spa; or

(C) An entity that contracts with or employs a massage therapist to provide massage therapy services at an alternate location, including without limitation a private residence, hotel, or other permanent or temporary dwelling;

(8) "Massage therapy establishment registration" means the mandatory registration with the department that permits the operation of a massage therapy establishment;

~~(6)~~(9) "Massage therapy clinic" means a clinic, place, premises, building, or part of a building in which a branch or any combination of branches of massage therapy or the occupation of a massage therapist is practiced;

~~(7)(A)~~(10)(A) "Massage therapy instructor" means a person who:

(i) Before July 1, 2010, has completed no less than two hundred fifty (250) hours of practical experience as a master massage therapist, which may be gained, in part or in whole, as an assistant to an instructor in a massage school or may be gained, in part or in whole, as a directed instructor in a massage school and has completed no less than two hundred fifty (250) continuing education hours as approved by the department;

(ii) On or after July 1, 2010, has been an active and practicing licensee and registered as a master massage therapist for a period of not less than three (3) years preceding the application for an upgrade to massage therapy instructor;

(iii) On or after July 1, 2010, in addition to the experience under subdivision ~~(7)(A)(i)~~ (10)(A)(i) of this section, has completed no less than two hundred fifty (250) continuing education hours as approved by the department as a licensed master massage therapist; and

(iv) Is determined by the department to be qualified to be licensed and registered to practice massage therapy.

(B) "Massage therapy instructor" includes a person who has

previously obtained the massage therapy instructor license under prior state law.

(C) Massage therapy instructors may:

(i) Instruct continuing education programs approved by the department;

(ii) Instruct any of the procedures in subdivision ~~(3)~~ (4) of this section; and

(iii) Instruct basic curricula in a massage therapy school registered by the department as required by § 17-86-306(e);

~~(8)~~(11) “Massage therapy learning permit” means a permit issued by the ~~Department of Health~~ department before enrollment in a massage therapy apprenticeship program or in a massage therapy school that is valid for no longer than six (6) months after completion of the apprenticeship or graduation from the massage therapy school;

~~(9)~~(12) “Massage therapy school” means a registered and licensed facility that meets and follows the required educational standards as established by § 17-86-306 and all pertinent rules established by the State Board of Health;

~~(10)~~(13) “Massage therapy spa” means a site or premises, or portion of a site or premises, in which a massage therapist practices massage;

~~(11)~~(14) “Massage therapy student” means a person who is enrolled in a licensed massage therapy school or postsecondary massage therapy school;

~~(12)~~(A)~~(15)~~(A) “Master massage therapist” means a person who:

(i) Before July 1, 2010, is a licensed and registered massage therapist who has completed no fewer than two hundred fifty (250) hours of practical experience as a massage therapist, which may be gained in part or in whole as an assistant to an instructor in a massage school and has completed no less than one hundred twenty-five (125) continuing education hours as approved by the department;

(ii) Either:

(a) On or after July 1, 2010, has:

(1) Been an active and practicing licensee and registered as a massage therapist for a period of not less than two (2) years preceding the application for an upgrade to master massage

therapist; and

(2) In addition to the experience under subdivision ~~(12)(A)(i)~~ (15)(A)(i) of this section, completed no less than one hundred twenty-five (125) continuing education hours as approved by the department; or

(b) On or after July 1, 2023, has:

(1) Been an active practicing licensee and registered as a massage therapist for the period of not less than twelve (12) months preceding the application for an upgrade to master massage therapist; and

(2) Completed not less than three hundred (300) hours of advanced coursework in massage therapy as part of an Associate of Applied Science degree of massage therapy from an accredited college or university; and

(iii) Is determined by the department to be qualified to be licensed and registered to practice massage therapy.

(B) “Master massage therapist” includes a person who has previously obtained the master massage therapist license under a prior state law.

(C) Master massage therapists may:

(i) Instruct continuing education programs approved by the department;

(ii) Instruct any of the procedures in subdivision ~~(3)~~ (4) of this section; and

(iii) Instruct, as directed by a massage therapy instructor, basic curricula in a massage therapy school registered by the department as required by § 17-86-306(e);

~~(13)~~(16) “Postsecondary massage therapy school” means a massage therapy school that:

(A) Offers a postsecondary curriculum approved by the State Board of Health; and

(B) Has an enrollment in which no more than fifty percent (50%) of its students do not have a high school diploma or the recognized equivalent of a high school diploma;

(17) “Principal” means each owner, member, shareholder, partner, or other person with a financial interest in an entity applying for or

holding a massage therapy establishment registration; and

~~(14)~~(18) "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;

(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~~

~~(15) "This chapter" means the Massage Therapy Act, § 17-86-101 et seq.~~

SECTION 2. Arkansas Code § 17-86-104 is amended to read as follows:

17-86-104. Criminal background checks.

An applicant applying for enrollment in a massage therapy school, postsecondary massage therapy school, or massage therapy apprenticeship program or applying as a new massage therapy licensee, an individual applying for a new massage therapy school license, a person applying individually or as principal of an entity applying for a massage therapy establishment registration, or a licensee applying for an upgrade issued by the Department of Health shall apply to the Identification Bureau of the Division of Arkansas State Police for a state and federal criminal background check to be conducted by the Identification Bureau of the Division of Arkansas State Police and the Federal Bureau of Investigation.

SECTION 3. Arkansas Code § 17-86-203(b)(1) and (2), concerning the powers and duties of the State Board of Health and the Department of Health relating to the licensure of massage therapists, are amended to read as follows:

(b)(1)(A) The Department of Health shall inspect or cause an inspection of student records at least one (1) time each year for each massage therapy school operated in this state.

(B) The department and its agents and employees may enter and inspect a massage therapy ~~clinic, spa, or school~~ establishment or massage therapy school during operating hours of the business.

(2) The department and its agents and employees shall not request or be granted permission to enter a room of a massage therapy ~~clinic, spa, or school~~ establishment or massage therapy school in which a client is receiving treatment from a licensee under this chapter.

SECTION 4. Arkansas Code § 17-86-203(e), concerning the powers and duties of the State Board of Health and the Department of Health relating to the licensure of massage therapists, is amended to read as follows:

(e) For purposes of this section, the board shall follow the licensing and registration restrictions based on criminal records under § 17-3-102.

SECTION 5. Arkansas Code § 17-86-204(a) and (b), concerning records relating to the licensure of massage therapists, are amended to read as follows:

(a)(1) The Department of Health shall maintain a record book and computer file in which will be entered the names and addresses of all persons and entities to whom licenses or registrations have been granted under this chapter, the license or registration number, and the dates of granting such licenses, registrations, and renewals thereof, and other matters of record.

(2) The department will move to a separate book and file the records of all persons who have died, have let their licenses lapse for three (3) years, whose licenses have been suspended or revoked by the department, or cancelled by the licensee.

(b)(1) The record books and computer files so provided and maintained shall be deemed and considered a book of records and files of records, and they will be kept in a timely manner.

(2) A transcript of any record therein or a license or registration number or date of granting such a license or registration to a person charged with a violation of any of the provisions of this chapter shall be admitted as evidence in any of the courts of this state if certified by the department.

SECTION 6. Arkansas Code § 17-86-301(a)(1)-(5), concerning registration and licensures required under the Massage Therapy Act, is amended to read as follows:

(1) For any person who does not hold a valid massage therapy

license to use the following titles: massage therapist, massage practitioner, myotherapist, massotherapist, massage technologist, masseur, masseuse, therapy technologist, master massage therapist, massage therapy instructor, or any derivation of those titles or to advertise such titles;

(2) For any person who does not hold the applicable massage therapy license issued by the Department of Health to engage professionally for payment, barter, donation, or exchange in the practice or instruction of massage therapy as defined in this chapter;

(3) For any person to operate or conduct any massage therapy elinie establishment or massage therapy school which does not conform to the sanitary rules contained in § 17-86-302, in state law, in local ordinances, or in those rules which may be adopted by the State Board of Health;

(4) To employ any person to practice in a massage therapy establishment or instruct under this chapter who does not hold a valid license issued by the department;

(5) For any person to operate a massage therapy school or ~~elinie~~ massage therapy establishment without its first being registered under the provisions of this chapter as a licensed massage therapy school or ~~registered~~ elinie registered as a massage therapy establishment;

SECTION 7. Arkansas Code § 17-86-301(c)(1) and (2), concerning registration and licensures required under the Massage Therapy Act, are amended to read as follows:

(c)(1) A licensee or registration holder shall notify the department in writing of any change of name, address, phone number, or place of employment.

(2) If a name change is requested, a new license or registration shall be issued in the new name at the next renewal date or immediately for a fee not to exceed twenty dollars (\$20.00) for printing of a new license.

SECTION 8. Arkansas Code § 17-86-302(a), concerning sanitary requirements for massage therapy schools and massage therapy establishments, is amended to read as follows:

(a) It shall be unlawful for any person or school to be licensed or any ~~elinie~~ establishment to be operated under the provisions of this chapter unless the following requirements are met and practiced:

- (1) A sink for hand washing with hot and cold running water and soap must be accessible;
- (2) A restroom must be accessible;
- (3) A towel or sheet that has been used by one (1) client may not be used on another person unless the towel or sheet has been relaundered;
- (4) Anyone who has any infectious, contagious, or communicable disease which may be spread by airborne, droplet, contact, or indirect methods and who is in contact with the public must not practice until all risk of disease transmission is cleared. Any employee with such a disease must be immediately relieved from duty until all risk of disease transmission is cleared;
- (5) A school or clinic must be equipped with a massage table or tables or a massage chair or chairs or equipped with such standard equipment dictated by the practice engaged in as defined in § 17-86-102; and
- (6) A clinic or school must comply with all requirements of the Department of Health, city ordinances, and state laws.

SECTION 9. Arkansas Code § 17-86-307 is amended to read as follows:

17-86-307. Massage therapy ~~clinic and spa~~ establishment.

(a)(1) A person or entity shall not establish, maintain, or operate a massage therapy ~~clinic or massage therapy spa, or both, until the address and telephone number of the office, clinic, or spa have been supplied in writing to the Department of Health~~ establishment unless the person or entity is registered with the Department of Health.

(2) To open a massage therapy establishment, each principal of a massage therapy establishment shall submit to the department the following:

(A) A completed registration application as furnished by the department;

(B)(i) List of all principals, and each principal's massage therapy license number, if applicable;

(ii) If requested by the department, the applicant or massage therapy establishment registration holder shall provide any requested documentation to support each principal's interest in the entity;

(C) List of all licensed massage therapists performing services in the massage therapy establishment;

(D) A certificate of good standing from the Secretary of

State, if applicable; and

(E) A copy of a business license from city or municipality, if applicable.

(3) Each massage therapy establishment registration issued under this chapter shall be valid for two (2) years from the date of issuance.

(4) Any massage therapy establishment registered and in good standing with the department on the effective date of this section shall have ninety (90) days to submit all required documentation to the department as provided in this section.

(5) The massage therapy establishment registration is not transferable.

~~(b) If a massage therapy clinic, massage therapy spa, or both moves to a new location or changes its phone number, the new address or phone number, or both, shall be submitted immediately to the department in writing before operating the clinic or spa, or both, at the new address~~ If any information or documentation provided by the massage therapy establishment under subsection (a) of this section changes after initial registration, the massage therapy establishment shall update the department within ten (10) business days of the change.

(c) The annual inspection fee for each clinic and spa shall not exceed seventy-five dollars (\$75.00).

SECTION 10. Arkansas Code §§ 17-86-310 and 17-86-311 are amended to read as follows:

17-86-310. Display of license or registration.

(a)~~(1)~~ An official massage therapy license shall be conspicuously and publicly displayed in the place where the holder engages in the practice of massage therapy or instruction of massage therapy.

(2) A ~~An official~~ massage therapy school license shall be conspicuously displayed in the massage therapy school.

(3) An official massage therapy establishment registration shall be conspicuously displayed in the massage therapy establishment.

(b) It is unlawful to tamper with or reduce in size an original massage therapy license or registration issued by the Department of Health.

(c) Each license or registration shall provide the correct address of the department.

## 17-86-311. Disciplinary actions and penalties.

(a) The Massage Therapy Technical Advisory Committee may deny, suspend, place on probation, or revoke a license or registration upon any one (1) of the following grounds:

- (1) A felony listed under § 17-3-102 or the offense of prostitution, either in this state or another state;
- (2) Malpractice or gross incompetency;
- (3) The use in advertisements of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims concerning the licensee's professional excellence or abilities;
- (4) Habitual drunkenness or habitual use of any illegal drugs;
- (5) Serving alcoholic beverages at the clinic or school in a room where massage therapy is being performed or in a massage therapy school;
- (6) Unprofessional conduct;
- (7) Failure to comply with the Department of Health's Massage Therapy Code of Ethics or any valid rule or order of the department;
- (8) Invasion of the field of practice of any profession for which a license is required, the diagnosis of ailments, diseases, or injuries of human beings, the performance of osseous adjustments, prescription of medications, or other breaches of the scope of practice of massage therapy;
- (9) Failure of any licensee or registration holder to comply with this chapter; ~~or~~
- (10) Failure to have licensed personnel to perform massage therapy techniques in his or her ~~clinic~~ establishment or school;
- (11) Employing, contracting, or allowing an individual who does not hold a current massage therapy license or massage therapy learning permit to perform massage therapy techniques in the licensee's massage therapy establishment or massage therapy school; or
- (12) Operating an establishment without a massage therapy establishment registration.

(b)(1) The State Board of Health shall establish by rule the penalty system to be imposed under this section.

(2) Whenever the committee finds that the holder of a license, certificate of registration, or other permit issued by the department is guilty of a violation of the rules of the department or the laws of the state

pertaining to any occupation, profession, or business licensed or regulated by the department, the committee may impose a penalty on the licensee, registration holder, or permit holder in lieu of suspension or revocation of license, certificate of registration, or other permit.

(3)(A) Upon imposition of a penalty in lieu of suspension or revocation of license, certificate of registration, or other permit, the committee may require that the licensee or permit holder pay a penalty to the department.

(B) The license, certificate of registration, or permit shall be suspended until the penalty is paid.

(4)(A) The penalty may be imposed in lieu of revocation or suspension of a license, certificate of registration, or other permit only if the committee formally finds that the public health, safety, welfare, and morals would not be impaired and that the payment of the penalty will achieve the desired disciplinary results.

(B) The minimum penalty imposed by the committee in lieu of revocation or suspension of a license, certificate, or other permit shall be twenty-five dollars (\$25.00) and the maximum penalty one thousand dollars (\$1,000) per infraction.

(C) The authority of the committee to impose penalties under this section is not affected by any other civil or criminal proceeding concerning the same violation.

(D) A person penalized by the committee under this chapter may appeal any order of the committee in the manner currently provided by law.

(E) In addition to any other sanctions authorized by this chapter, the committee may impose a civil penalty as provided in this subsection against any unlicensed person, firm, or corporation practicing or offering to practice any actions requiring licensure under this chapter.

(c)(1) The massage therapist-patient relationship is founded on mutual trust. Sexual misconduct is prohibited.

(2) The committee shall revoke the license of a person who engages in the practice of massage of the breasts unless the massage therapist:

(A) Engages in the practice of massage of the breasts for therapeutic and medical purposes including without limitation the reduction

of scar tissue following a surgery on the breast, release of myofascial binding, or improving lymphatic flow; and

(B) Has received at least forty-eight (48) hours of continuing education credits in lymphatic massage, myofascial massage, or oncology massage.

(3) A ~~suspension~~ revocation of a license or registration under subdivisions (c)(1) and (2) of this section shall be for a period of at least three (3) years and any application for reinstatement of a license shall be reviewed for approval by the Massage Therapy Technical Advisory Committee.

(d)(1) Charges may be brought by any person.

(2) Any accusation of any of the offenses enumerated in this section may be filed with the committee. The accusations shall be in writing, signed by the accuser, and verified under oath.

(e) In denying, suspending, or revoking any license or registration, the committee shall afford any party review as provided for in the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and as otherwise provided by the rules of the State Board of Health.

*/s/Bentley*

**APPROVED: 4/16/25**