

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1440

5 By: Representative Bentley
6 By: Senator D. Wallace
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE MASSAGE THERAPY ACT; TO ESTABLISH
10 REGISTRATION FOR MASSAGE THERAPY ESTABLISHMENTS; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO AMEND THE MASSAGE THERAPY ACT; AND TO
16 ESTABLISH REGISTRATION FOR MASSAGE
17 THERAPY ESTABLISHMENTS.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 17-86-102 is amended to read as follows:
22 17-86-102. Definitions.

23 As used in this chapter:

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

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

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

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

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

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

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



1 previously obtained the massage therapist license under prior state law.

2 (C) A massage therapist may:

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

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

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

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

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

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

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

23 (iii) Therapeutic application of hot or cold packs;

24 (iv) Hydrotherapy techniques;

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

27 (vi) Electrotherapy;

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

32 (viii) Cupping therapy;

33 ~~(4)(5)~~ “Massage therapy apprentice” means a person who is
34 enrolled in a massage therapy apprenticeship program;

35 ~~(5)(6)~~ “Massage therapy apprenticeship program” means a program
36 that meets the federal guidelines set out in 29 C.F.R. Part 29, as existing

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

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

6 (A) A massage therapy clinic;

7 (B) A massage therapy spa; or

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

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

15 ~~(7)(9)~~ "Massage therapy clinic" means a clinic, place, premises,
16 building, or part of a building in which a branch or any combination of
17 branches of massage therapy or the occupation of a massage therapist is
18 practiced;

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

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

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

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

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

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

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

3 (C) Massage therapy instructors may:

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

6 (ii) Instruct any of the procedures in subdivision
7 ~~(3)~~ (4) of this section; and

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

10 ~~(8)~~(11) “Massage therapy learning permit” means a permit issued
11 by the ~~Department of Health~~ department before enrollment in a massage therapy
12 apprenticeship program or in a massage therapy school that is valid for no
13 longer than six (6) months after completion of the apprenticeship or
14 graduation from the massage therapy school;

15 ~~(9)~~(12) “Massage therapy school” means a registered and licensed
16 facility that meets and follows the required educational standards as
17 established by § 17-86-306 and all pertinent rules established by the State
18 Board of Health;

19 ~~(10)~~(13) “Massage therapy spa” means a site or premises, or
20 portion of a site or premises, in which a massage therapist practices
21 massage;

22 ~~(11)~~(14) “Massage therapy student” means a person who is
23 enrolled in a licensed massage therapy school or postsecondary massage
24 therapy school;

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

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

32 (ii) Either:

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

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

1 therapist; and

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

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

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

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

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

17 (B) "Master massage therapist" includes a person who has
18 previously obtained the master massage therapist license under a prior state
19 law.

20 (C) Master massage therapists may:

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

23 (ii) Instruct any of the procedures in subdivision
24 ~~(3)~~ (4) of this section; and

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

28 ~~(13)~~ (16) "Postsecondary massage therapy school" means a massage
29 therapy school that:

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

32 (B) Has an enrollment in which no more than fifty percent
33 (50%) of its students do not have a high school diploma or the recognized
34 equivalent of a high school diploma;

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

1 holding a massage therapy establishment registration; and

2 ~~(14)~~(18) "Sexual misconduct" includes:

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

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

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

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

13

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

15 17-86-104. Criminal background checks.

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

26

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

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

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

1 (2) The department and its agents and employees shall not
2 request or be granted permission to enter a room of a massage therapy ~~elinie,~~
3 ~~spa, or school~~ establishment or massage therapy school in which a client is
4 receiving treatment from a licensee under this chapter.
5

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

9 (e) For purposes of this section, the board shall follow the licensing
10 and registration restrictions based on criminal records under § 17-3-102.
11

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

15 (a)(1) The Department of Health shall maintain a record book and
16 computer file in which will be entered the names and addresses of all persons
17 and entities to whom licenses or registrations have been granted under this
18 chapter, the license or registration number, and the dates of granting such
19 licenses, registrations, and renewals thereof, and other matters of record.
20

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

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

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

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

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

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

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

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

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

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

20
21 SECTION 7. Arkansas Code § 17-86-301(c)(1) and (2), concerning
22 registration and licensures required under the Massage Therapy Act, are
23 amended to read as follows:

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

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

30
31 SECTION 8. Arkansas Code § 17-86-302(a), concerning sanitary
32 requirements for massage therapy schools and massage therapy establishments,
33 is amended to read as follows:

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

1 (1) A sink for hand washing with hot and cold running water and
2 soap must be accessible;

3 (2) A restroom must be accessible;

4 (3) A towel or sheet that has been used by one (1) client may
5 not be used on another person unless the towel or sheet has been relaundered;

6 (4) Anyone who has any infectious, contagious, or communicable
7 disease which may be spread by airborne, droplet, contact, or indirect
8 methods and who is in contact with the public must not practice until all
9 risk of disease transmission is cleared. Any employee with such a disease
10 must be immediately relieved from duty until all risk of disease transmission
11 is cleared;

12 (5) A school or clinic must be equipped with a massage table or
13 tables or a massage chair or chairs or equipped with such standard equipment
14 dictated by the practice engaged in as defined in § 17-86-102; and

15 (6) A clinic or school must comply with all requirements of the
16 Department of Health, city ordinances, and state laws.

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

19 17-86-307. Massage therapy ~~elinic and spa~~ establishment.

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

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

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

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

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

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

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

1 State, if applicable; and

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

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

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

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

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

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

22
 23 SECTION 10. Arkansas Code §§ 17-86-310 and 17-86-311 are amended to
 24 read as follows:

25 17-86-310. Display of license or registration.

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

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

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

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

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

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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 unlicensed massage therapists, unlicensed massage therapy students, or unlicensed massage therapy apprentices to perform massage therapy techniques in his or her 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

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

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

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

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

16 (B) The minimum penalty imposed by the committee in lieu
17 of revocation or suspension of a license, certificate, or other permit shall
18 be twenty-five dollars (\$25.00) and the maximum penalty one thousand dollars
19 (\$1,000) per infraction.

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

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

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

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

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

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

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

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

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

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

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

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

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