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Arizona Becomes 33rd State to Adopt Massage Regulations

By Editorial Staff

Arizona has become the 33rd state to pass massage therapy legislation. Senate Bill (SB) 1103, sponsored by Sen. Carolyn Allen, et al., was signed on May 12, 2003 by Governor Janet Napolitano, and will be formally introduced into law on July 1, 2004.

Elements of the bill could potentially assist massage therapists who have experienced difficulties practicing massage in multiple jurisdictions.

Currently, individual municipalities have their own massage regulations, some of which contradict one another; this makes it difficult for massage therapists to work in more than one city. The Arizona House of Representatives cites this example: "... a massage/bodywork therapist practicing in Phoenix only needs 500 educational hours, while a therapist practicing in Chandler would need 700 educational hours. The cost of a license also varies depending on the municipality."¹

Statewide licensure will require that all applicants meet the same criteria. Applicants will initially be required to complete a minimum of 500 hours of massage therapy education; pass a board-approved examination; and supply a complete set of fingerprints for state and federal background checks.

Provisional licenses can be issued to applicants who have completed a minimum of 200 hours of massage education and continuously practiced massage for three years; have been "self-supportive" as a massage therapist in Arizona since 1992; and possess a current professional massage therapy license from a municipality.

The bill will create the Board of Massage Therapy, to consist of three massage therapists and two community members, whose duties will include evaluating applicants; designating a national examination; issuing licenses; and regulating the statewide practice of massage therapy.

According to Susan Pomfret, chairperson for the Arizona Coalition for Massage Therapy and Bodywork (ACMTB), licensing legislation has been in the works for some time. "The great majority of massage therapists in Arizona do want statewide licensure," she said.²

Still, the bill has raised a few eyebrows in the massage community. A portion of the bill contains controversial language relative to massage therapists engaging in sexual improprieties: "...grounds for disciplinary action [include] ... engaging in sexual activity with a client ... making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual nature with a client."¹

The bill also specifically defines what constitutes sexual activity or behavior.

The following excerpts are taken from letters *Massage Today* received expressing concern over the bill's language:

"This bill is an insult to all massage therapists and is a setback for the massage profession in this state because of its focus on prostitution. SB 1103 contains a full page of prohibited sexual acts and reads like a cheap sex novel ... I find it hard to believe that this is the best that the AMTA could do."

"The strong sexual content and prostitution language in the bill [is] put there to satisfy local city prosecutors ... there are many massage therapists here who do not want licensure and did not participate with the AMTA 'coalition.' Therapists and school owners who were a part of the AMTA coalition but who did not support the bill were not treated well by the coalition ..."

Pomfret strongly denied that opponents of the bill were mistreated: "All who have attended the ACMTB meetings have been treated respectfully ... I would respectfully disagree with the source that claims otherwise."

Judy Boyer, member of the AMTA-AZ board of directors responsible for legislative affairs, agrees: "... the coalition treated and continues to treat all participants with due respect."⁴

As for the bill's language, Boyer said, "This bill in no way restricts the practice of legitimate massage therapy. It draws a clear line between those who practice professional massage therapy and those who do not. This does not obstruct Arizona massage therapy professionals - it protects them. Indeed, the language is strong ... there can be no doubt that when you hire a massage therapist, you will get a massage, and if you

get something else, you did not hire a massage therapist or someone destined to be a massage therapist for long."

According to Pomfret, many major cities in Arizona wanted to ensure the protection of massage therapists, as well as those seeking legitimate massage. "The city of Phoenix ... [and] ... other major cities in the Valley of the Sun have a strong interest in ensuring that individuals who would engage in prostitution under the guise of massage therapy have no room to do so in Arizona. The concerns of these Arizona cities have been taken seriously in the formulation of SB 1103."

As for complaints about the bill, Pomfret said, "There was no ambiguity about AMTA-AZs intention or the clear invitation for all who would potentially be affected to participate and have their voices heard ... therapists who do not want licensure had an opportunity to be heard in the coalition process; at the sunrise committee hearings; and when the bill was heard in committee in the legislature."

With the passage SB 1103, all but 17 states have some form of regulation. Look for continuing legislative updates in future issues of *Massage Today*.

References

1. SB 1103- massage therapist; licensure; SB 1103 House of Representatives summary as transmitted to Governor. www.azleg.state.az.us.
2. E-mail from Susan Promfret, chairperson, Arizona Coalition for Massage Therapy and Bodywork.
3. E-mail received by the editorial staff, *Massage Today*.
4. E-mail from Judy Boyer, legislative chair, American Massage Therapy Association - Arizona, Board of Directors, legislative affairs.



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