



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, Second Regular Session*

**AMENDED**  
FACT SHEET FOR H.B. 2438

massage therapists; fingerprinting; website information

Purpose

Requires, beginning January 1, 2023, a massage therapist license applicant to possess a valid fingerprint clearance card for initial licensure, license renewal, a temporary license or license reinstatement.

Background

The Board of Massage Therapy (Board) is established to regulate the practice of massage therapy and must: 1) evaluate the qualifications of licensure applicants; 2) designate at least one national examination that it requires applicants to pass; 3) establish requirements for the education of licensees and applicants; 4) adopt ethical and professional conduct rules; 5) issue licenses to persons that meet the licensure requirements; 6) maintain a current list of all licensees; and 7) provide access to a list of official actions taken by the Board and a list of licensees with outlined information. The Board may require a criminal background check, including the fingerprinting of every applicant for licensure, to assist the Board in determining whether grounds exist to deny a license (A.R.S. §§ [32-4203](#) and [32-4259](#)).

An applicant for a massage therapist license must: 1) be at least 18 years of age, a U.S. citizen or legal resident and of good moral character; 2) receive either a high school diploma or a similar document or certificate; 3) pay the established fees; 4) within five years preceding the application date, not have been convicted of a class 1, 2 or 3 felony, a misdemeanor involving prostitution or solicitation or other similar offense involving moral turpitude or a class 4, 5 or 6 felony offense involving moral turpitude that has a reasonable relationship to the massage therapy practice; 5) within the past five years, not have voluntarily surrendered a license or had a license revoked; 6) not be currently under investigation, suspension or restriction by a political subdivision of Arizona or a regulatory agency in another U.S. jurisdiction; and 7) submit a full set of fingerprints to the Board of Fingerprinting for the purpose of obtaining a state and federal criminal records check ([A.R.S. § 32-4222](#)).

The Fingerprinting Division is established in the Department of Public Safety and must conduct fingerprint background checks for persons and applicants who are seeking licenses that require fingerprint background checks. In order to receive a fingerprint clearance card, a person must: 1) complete an application; 2) submit a full set of fingerprints to the Fingerprinting Division; 3) pay associated fees; 4) be at least 18 years old; and 5) not have committed outlined crimes, including various crimes involving children, manslaughter, assault, fraud, murder and various drug related crimes (A.R.S. §§ [41-1758.01](#); [41-1758.02](#); [41-1758.03](#); and [41-1758.07](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a massage therapist license applicant, beginning January 1, 2023, to possess a valid fingerprint clearance card for initial licensure, license renewal, a temporary license or license reinstatement.
2. Removes the requirement that a massage therapist license applicant must not have been convicted, within five years preceding the date of the application for initial licensure, of:
  - a) a class 1, 2 or 3 felony; or
  - b) a class 4, 5 or 6 felony offense involving moral turpitude that has a reasonable relationship to the practice of massage therapy.
3. Allows the Board to require a criminal background check, including the fingerprinting of every initial licensure applicant, to assist the Board in determining whether grounds exist to deny a license rather than any licensure application.
4. Limits the requirement to submit a full set of fingerprints to the Board for the purposes of a criminal background check to an initial massage therapist licensure applicant, rather than any licensure application.
5. Exempts the Board from statutory rulemaking requirements for one year for purposes of adopting and administering fingerprint requirements for massage therapists.
6. Makes technical and conforming changes.
7. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Removes the requirement that the Board provide actions taken against licensees and a list of each place that employs a massage therapist on its website.

House Action

JUD            2/2/22      DP    9-0-0-1  
3<sup>rd</sup> Read      2/21/22            43-15-2

Senate Action

HHS            3/23/22      DPA   5-1-2

Prepared by Senate Research

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MM/MC/sr