

As Engrossed: 2/26/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Mitchell**

A BILL ACT 990 OF 1991
HOUSE BILL 1359

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. §20-7-101 AND ARK. CODE
9 ANN. §14-262-101 TO PROVIDE THAT CIVIL PENALTIES MAY BE
10 LEVIED BY THE STATE BOARD OF HEALTH; TO AMEND ARK. CODE
11 ANN. §20-7-109 TO PROVIDE THAT THE STATE BOARD OF HEALTH
12 HAS THE POWER TO PROPERLY CONTROL CHEMICAL EXPOSURES THAT
13 MAY RESULT IN ADVERSE HEALTH EFFECTS TO THE PUBLIC; TO
14 AMEND ARK. CODE ANN. §20-7-114 TO PROVIDE THAT THE STATE
15 BOARD OF HEALTH MAY ESTABLISH FEES TO BE CHARGED FOR
16 PERFORMING ANALYSES OF VARIOUS TYPES OF SAMPLES SUBMITTED
17 TO THE PUBLIC HEALTH LABORATORY FOR EXAMINATION; AND FOR
18 OTHER PURPOSES."

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

21
22 SECTION 1. Ark. Code Ann. §20-7-101 is hereby amended to read as
23 follows:

24 "20-7-101. Violation of act, rules, etc. - Penalty.

25 (a) Every firm, person, or corporation violating any of the provisions
26 of this chapter, or any of the orders, rules, or regulations made and
27 promulgated in pursuance hereof, shall be deemed guilty of a misdemeanor and
28 upon conviction thereof shall be punished by a fine of not less than one
29 hundred dollars (\$100) nor more than five hundred dollars (\$500) or by
30 imprisonment not exceeding one (1) month, or both. Each day of violation shall
31 constitute a separate offense.

32 (b)(1) Every firm, person, or corporation who violates any of the rules
33 or regulations issued promulgated by the board, or who violates any condition
34 of a license, permit, certificate or any other type of registration issued by
35 the State Board of Health may be assessed a civil penalty by the board. The
36 penalty shall not exceed one thousand dollars (\$1,000) for each violation.

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1 Each day of a continuing violation may be deemed a separate violation for
2 purposes of penalty assessments. However, no civil penalty may be assessed
3 until the person charged with the violation has been given the opportunity for
4 a hearing on the violation.

5 (2) All fines collected under this subsection shall be deposited
6 in the State Treasury and credited to the Public Health Fund to be used to
7 defray the costs of administering this section.

8 (3) Subject to such rules and regulations as may be implemented
9 by the Chief Fiscal Officer of the State, the disbursing officer for the
10 Department of Health is authorized to transfer all unexpended funds relative
11 to fines collected under this subsection, as certified by the Chief Fiscal
12 Officer of the State, to be carried forward and made available for
13 expenditures for the same purpose for any following fiscal year."

14

15 SECTION 2. Ark. Code Ann. §14-262-101 is hereby amended to read as
16 follows:

17 "14-262-101. Penalty.

18 (a) Every firm, person, or corporation violating any of the provisions
19 of this chapter, or any of the orders, rules, or regulations made and
20 promulgated in pursuance hereof, shall be deemed guilty of a misdemeanor and
21 upon conviction thereof shall be punished by a fine of not less than one
22 hundred dollars (\$100) nor more than five hundred dollars (\$500) or by
23 imprisonment not exceeding one (1) month, or both. Each day of violation shall
24 constitute a separate offense.

25 (b)(1) Every firm, person, or corporation who violates any of the rules
26 or regulations issued promulgated by the board, or who violates any condition
27 of a license, permit, certificate or any other type of registration issued by
28 the State Board of Health may be assessed a civil penalty by the board. The
29 penalty shall not exceed one thousand dollars (\$1,000) for each violation.
30 Each day of a continuing violation may be deemed a separate violation for
31 purposes of penalty assessments. However, no civil penalty may be assessed
32 until the person charged with the violation has been given the opportunity for
33 a hearing on the violation.

34 (2) All fines collected under this subsection shall be deposited
35 in the State Treasury and credited to the Public Health Fund to be used to

1 defray the costs of administering this section.

2 (3) Subject to such rules and regulations as may be implemented
3 by the Chief Fiscal Officer of the State, the disbursing officer for the
4 Department of Health is authorized to transfer all unexpended funds relative
5 to fines collected under this subsection, as certified by the Chief Fiscal
6 Officer of the State, to be carried forward and made available for
7 expenditures for the same purpose for any following fiscal year."

8

9 SECTION 3. Ark. Code Ann. §20-7-109(a) is hereby amended to read as
10 follows:

11 "(a) Power is conferred on the State Board of Health to make all
12 necessary and reasonable rules and regulations of a general nature for the
13 protection of the public health and safety; for the general amelioration of
14 the sanitary and hygienic conditions within the state; for the suppression and
15 prevention of infectious, contagious, and communicable diseases; for the
16 proper enforcement of quarantine, isolation, and control of such diseases; and
17 for the proper control of chemical exposures that may result in adverse health
18 effects to the public."

19

20 SECTION 4. Ark. Code Ann. §20-7-114(a) and (b) are hereby amended to
21 read as follows:

22 "(a) The State Board of Health shall establish, equip, and maintain a
23 public health laboratory, which shall be used for making analyses of foods and
24 drugs, for the purpose of enforcing pure food and drug laws, for making
25 analyses of the environment for the purpose of investigating cases or
26 suspected cases of human exposure, and for making investigations of cases and
27 suspected cases of malaria, diphtheria, typhoid fever, tuberculosis, epidemic
28 cerebro-spinal meningitis, glanders, hookworm disease, rabies, and other
29 infectious, contagious, communicable, and debilitating diseases. The public
30 health laboratory shall be established and maintained at the Department of
31 Health under the direct supervision of the Director of the Department of
32 Health or his authorized representatives.

33 (b)(1) The Department of Health may establish fees to be charged for
34 performing analyses of various types of samples submitted to the public health
35 laboratory for examination. The amount of fees established by the board shall

