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**STATE PLANT BOARD RULES ON RECIPROCAL,
TEMPORARY, AND PROVISIONAL LICENSURE**

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I. GENERAL PROVISIONS

- A. **Governing Law.** These rules are promulgated pursuant to Act 1011 of 2019, Ark Code Ann. §17-1-108.
- B. **Conflict of Rules.** These rules shall supersede any State Plant Board rules governing reciprocal, temporary, and provisional licensing of the occupational licenses enumerated herein.
- C. **Incorporation of Definitions.** These rules hereby incorporate by reference the definitions of each rule governing the licenses addressed herein unless the context clearly indicates otherwise.

II. AGRICULTURAL CONSULTANTS

Reciprocity

- A. **Required Qualifications.** An applicant applying for reciprocal licensure in agriculture consultancy shall meet the following requirements:
 - 1. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - a. A license from another jurisdiction is substantially similar to an Arkansas agricultural consultant license if the other jurisdiction's licensure qualifications require:
 - i. A bachelor's degree in board-approved crop related field; or
 - ii. Has seven (7) years of continuous experience working for a licensed agricultural consultant.
 - b. The applicant shall hold his or her occupational licensure in good standing;
 - c. The applicant shall not have had a license revoked for:
 - i. An act of bad faith; or
 - ii. A violation of law, rule, or ethics;
 - d. The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and
 - 2. The applicant shall be sufficiently competent in the field of agricultural consultancy.
- B. **Required documentation.** An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
 - 1. As evidence that the applicant's license from another United States jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - a. Evidence of current and active licensure in that United State jurisdiction. The Department may verify this information online if the jurisdiction at issue provides

primary source verification on its website or by telephone to the other jurisdiction's licensing board; and

b. Evidence that the other United States jurisdiction's licensure requirements match those listed in A.1.a.i and ii. The Department may verify this information online or by telephone to the other jurisdiction's licensing board.

2. To demonstrate that the applicant meets the requirement in A.1.b. through d., the applicant shall provide the Department with:

a. The names of all United States jurisdictions in which the applicant is currently licensed or has been previously licensed;

b. Letters of good standing or other information from each United States jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.c. and does not hold a license on suspended or probationary status as described in A.1.d. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.

3. As evidence that the applicant is sufficiently competent in the field of agricultural consultancy, an applicant shall pass a written examination administered by the Board or Certified Crop Advisors.

Temporary and Provisional License

C. The Department shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under B.1.a. and b.

D. The temporary and provisional license shall be effective for ninety (90) days, unless the Department determines that the applicant does not meet the requirements in A.1. and A.2., in which case the temporary and provisional license shall be immediately revoked.

E. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

License for person from a jurisdiction that does not license occupation.

F. Required Qualifications. An applicant from a United States jurisdiction that does not license agricultural consultants shall meet the following requirements:

1. The applicant shall be sufficiently competent in the agricultural consultancy; and

2. Possess a bachelor's degree in a board-approved crop related field.
- G. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant is sufficiently competent in the field of agricultural consultancy, an applicant shall pass a written examination administered by the Board or Certified Crop Advisors.
 2. Provide official transcripts of a bachelor's degree in a board-approved crop related field.

III. CATFISH PROCESSORS

Reciprocity

- A. Required Qualifications. An applicant applying for reciprocal licensure as a catfish processor shall meet the following requirements:
1. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - a. The applicant shall hold his or her occupational licensure in good standing;
 - b. The applicant shall not have had a license revoked for:
 - i. An act of bad faith; or
 - ii. A violation of law, rule, or ethics;
 - c. The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
 2. The applicant shall be sufficiently competent in catfish processing; and
 3. Satisfy the bonding and financial reporting requirements listed in Sections III and IV of the State Plant Board Regulations on Catfish Processors.
- B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in another United States jurisdiction. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other United States jurisdiction's licensing board; and
 2. To demonstrate that the applicant meets the requirement in A.1.a. through c., the applicant shall provide the Department with:

- a. The names of all United States jurisdictions in which the applicant is currently licensed or has been previously licensed;
- b. Letters of good standing or other information from each United States jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.b. and does not hold a license on suspended or probationary status as described in A.1.c. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other United States jurisdiction's licensing board.

- 3. The applicant shall submit the bonding and financial reporting documentation required in Sections III and IV of the State Plant Board Regulations on Catfish Processors.

Temporary and Provisional License

- C. The Department shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under B.1 and B.3.
- D. The temporary and provisional license shall be effective for ninety (90) days, unless the Department determines that the applicant does not meet the requirements in Reciprocity sections A.1 through A.3, in which case the temporary and provisional license shall be immediately revoked.
- E. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

License for person from a jurisdiction that does not license occupation.

- F. Required Qualifications. An applicant from a United States jurisdiction that does not license catfish processors shall meet the following requirements:
 - 1. The applicant shall be sufficiently competent in the catfish processing; and
 - 2. The applicant shall meet the bonding and financial reporting requirements listed in Sections III and IV of the State Plant Board Regulations on Catfish Processors.
- G. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the bonding and financial reporting documentation required in Section III and IV of the State Plant Board Regulations on Catfish Processors.

IV. COMMERCIAL APPLICATORS (INDIVIDUALS)

Reciprocity

- A. Required Qualifications. An applicant applying for reciprocal licensure as a commercial applicator as defined in Ark. Code Ann. § 20-20-203(5) shall meet the following requirements:
1. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - a. A commercial applicator license from another United States jurisdiction is substantially similar to an Arkansas commercial applicator license if the other jurisdiction's licensure is issued pursuant to a certification plan approved by the Environmental Protection Agency under 40 CFR § 171.301 et seq.
 - b. The applicant shall hold his or her occupational licensure in good standing;
 - c. The applicant shall not have had a license revoked for:
 - i. An act of bad faith; or
 - ii. A violation of law, rule, or ethics;
 - d. The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
 2. The applicant shall be sufficiently competent in the commercial applicator occupation as defined in Ark. Code Ann. § 20-20-203(5);
 3. The applicant shall be employed by a licensed commercial applicator firm.
- B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - a. Evidence of current and active licensure in that jurisdiction. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board; and
 - b. Evidence that the other jurisdiction's licensure requirements match those listed in A.1.a. The Department may verify this information online or by telephone to the other jurisdiction's licensing board.
 2. To demonstrate that the applicant meets the requirement in A.1.b. through d., the applicant shall provide the Department with:

- a. The names of all jurisdictions in which the applicant is currently licensed or has been previously licensed;
 - b. Letters of good standing or other information from each jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.c. and does not hold a license on suspended or probationary status as described in A.1.d. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.
- 3. As evidence that the applicant is sufficiently competent in the application of restricted use pesticides, an applicant shall pass a licensure exam approved by the Department for each licensing category in which the applicant seeks reciprocity.
 - 4. The applicant shall provide proof of employment with a licensed commercial applicator firm.

Temporary and Provisional License

- C. The Department shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under B.1 and B.4.
- D. The temporary and provisional license shall be effective for ninety (90) days, unless the Department determines that the applicant does not meet the requirements in Reciprocity sections A.1. through A.3, in which case the temporary and provisional license shall be immediately revoked.
- E. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

License for person from a jurisdiction that does not license occupation.

- F. Required Qualifications. An applicant from a state that does not license commercial applicators shall meet the following requirements:
 - 1. The applicant shall be sufficiently competent in the commercial applicator occupation as defined in Ark. Code Ann. § 20-20-203(5);
 - 1. The applicant shall be employed by a licensed commercial applicator firm.
- G. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

1. As evidence that the applicant is sufficiently competent in the application of restricted use pesticides, an applicant shall pass a licensure exam approved by the Department for each licensing category in which the applicant seeks reciprocity.
2. The applicant shall provide proof of employment with a licensed commercial applicator firm.

V. PEST CONTROL COMMERCIAL APPLICATOR LICENSE (LICENSED OPERATOR)

Reciprocity

- A. Required Qualifications. An applicant applying for reciprocal licensure as a licensed operator as defined in Ark. Code Ann. § 17-37-102(5) shall meet the following requirements:
1. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - a. A commercial applicator license from another United States jurisdiction is substantially similar to an Arkansas commercial pest control operator license if the other jurisdiction's licensure is issued pursuant to a certification plan approved by the Environmental Protection Agency under 40 CFR § 171.301 et seq.
 - b. The applicant shall hold his or her occupational licensure in good standing;
 - c. The applicant shall not have had a license revoked for:
 - i. An act of bad faith; or
 - ii. A violation of law, rule, or ethics;
 - d. The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
 2. The applicant shall be sufficiently competent in the commercial applicator occupation as defined in Ark. Code Ann. § 20-20-203(5); and
 3. The applicant shall be employed by a licensed commercial applicator firm.
- B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - a. Evidence of current and active licensure in that jurisdiction. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board; and

- b. Evidence that the other jurisdiction's licensure requirements match those listed in A.1.a. The Department may verify this information online or by telephone to the other jurisdiction's licensing board.
- 2. To demonstrate that the applicant meets the requirement in A.1.b. through d., the applicant shall provide the Department with:
 - a. The names of all jurisdictions in which the applicant is currently licensed or has been previously licensed;
 - b. Letters of good standing or other information from each jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.c. and does not hold a license on suspended or probationary status as described in A.1.d. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.
- 3. As evidence that the applicant is sufficiently competent in the application of restricted use pesticides, an applicant shall pass a licensure exam approved by the Department for each licensing category in which the applicant seeks reciprocity.
- 4. The applicant shall provide proof of employment with a licensed commercial applicator firm.

Temporary and Provisional License

- C. The Department shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under B.1 and B.4.
- D. The temporary and provisional license shall be effective for 90 days, unless the Department determines that the applicant does not meet the requirements in Reciprocity sections A.1. through A.4, in which case the temporary and provisional license shall be immediately revoked.
- E. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

License for person from a jurisdiction that does not license occupation.

- F. Required Qualifications. An applicant from a state that does not license commercial applicators shall meet the following requirements:

1. The applicant shall be sufficiently competent in the commercial applicator occupation as defined in Ark. Code Ann. § 20-20-203(5);
 2. The applicant shall be employed by a licensed commercial applicator firm.
- G. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant is sufficiently competent in the application of restricted use pesticides, an applicant shall pass a licensure exam approved by the Department for each licensing category in which the applicant seeks licensure.
 2. The applicant shall provide proof of employment with a licensed commercial applicator firm.

VI. PEST CONTROL AGENTS

Reciprocity

- A. Required Qualifications. An applicant applying for reciprocal licensure as a pest control agent shall meet the following requirements:
1. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - a. The applicant shall hold his or her occupational licensure in good standing;
 - b. The applicant shall not have had a license revoked for:
 - i. An act of bad faith; or
 - ii. A violation of law, rule, or ethics;
 - c. The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and
 2. The applicant shall be sufficiently competent as a pest control agent as defined in Ark. Code Ann. § 17-37-102(1); and
 3. The applicant shall be employed by a licensed commercial applicator firm or individual.
- B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in another United States jurisdiction for the categories in which the applicant seeks reciprocity. The Department may verify this information online if the jurisdiction at issue

provides primary source verification on its website or by telephone to the other jurisdiction's licensing board; and

2. To demonstrate that the applicant meets the requirement in A.1.a. through c., the applicant shall provide the Department with:
 - a. The names of all United States jurisdictions in which the applicant is currently licensed or has been previously licensed;
 - b. Letters of good standing or other information from each United States jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.b. and does not hold a license on suspended or probationary status as described in A.1.c. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other United States jurisdiction's licensing board.
3. As evidence that the applicant is sufficiently competent as an agent, an applicant shall pass a licensure exam approved by the Department for each licensing category in which the applicant seeks reciprocity.
4. The applicant shall provide proof of employment with a licensed commercial applicator firm.

VII. GRAIN DEALERS

Reciprocity

- A. Required Qualifications. An applicant applying for reciprocal licensure as a grain dealer shall meet the following requirements:
 1. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - a. The applicant shall hold his or her occupational licensure in good standing;
 - b. The applicant shall not have had a license revoked for:
 - i. An act of bad faith; or
 - ii. A violation of law, rule, or ethics;
 - c. The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
 2. The applicant shall be sufficiently competent in grain dealership; and

3. Satisfy the bonding and financial reporting requirements listed in Section III of the State Plant Board Regulations on Grain Dealers.
- B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in another United States jurisdiction. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board; and
 2. To demonstrate that the applicant meets the requirement in A.1.a. through c., the applicant shall provide the Department with:
 - a. The names of all United States jurisdictions in which the applicant is currently licensed or has been previously licensed;
 - b. Letters of good standing or other information from each United States jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.b. and does not hold a license on suspended or probationary status as described in A.1.c. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other United States jurisdiction's licensing board.
 3. The applicant shall submit the bonding and financial reporting documentation required in Section III of the State Plant Board Regulations on Grain Dealers.

Temporary and Provisional License

- C. The Department shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under B.1 and B.3.
- D. The temporary and provisional license shall be effective for ninety (90) days, unless the Department determines that the applicant does not meet the requirements in Reciprocity sections A.1. through A.3, in which case the temporary and provisional license shall be immediately revoked.
- E. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

License for person from a jurisdiction that does not license occupation.

- F. Required Qualifications. An applicant from a United States jurisdiction that does not license grain dealers shall meet the following requirements:
1. The applicant shall be sufficiently competent in the grain dealership; and
 2. The applicant shall meet the bonding and financial reporting requirements listed in Section III of the State Plant Board Regulations on Grain Dealers.
- G. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the bonding and financial reporting documentation required in Section III of the State Plant Board Regulations on Grain Dealers.

VIII. GRAIN WAREHOUSE LICENSE

Reciprocity

- A. Required Qualifications. An applicant applying for reciprocal licensure as a grain warehouse shall meet the following requirements:
1. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - a. The applicant shall hold his or her occupational licensure in good standing;
 - b. The applicant shall not have had a license revoked for:
 - i. An act of bad faith; or
 - ii. A violation of law, rule, or ethics;
 - c. The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
 2. The applicant shall be sufficiently competent in grain warehousing; and
 3. Satisfy the bonding and financial reporting requirements listed in Section III of the State Plant Board Regulations on Public Grain Warehouses in Arkansas and Ark. Code Ann. § 2-7-201 *et seq.*
- B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in another United States jurisdiction. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board; and

2. To demonstrate that the applicant meets the requirement in A.1.a. through c., the applicant shall provide the Department with:
 - a. The names of all United States jurisdictions in which the applicant is currently licensed or has been previously licensed;
 - b. Letters of good standing or other information from each United States jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.b. and does not hold a license on suspended or probationary status as described in A.1.c. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other United States jurisdiction's licensing board.
3. The applicant shall submit the bonding and financial reporting documentation required in Section III of the State Plant Board Regulations on Public Grain Warehouses in Arkansas and Ark. Code Ann. § 2-7-201 *et seq.*

Temporary and Provisional License

- C. The Department shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under B.1 and B.3.
- D. The temporary and provisional license shall be effective for ninety (90) days, unless the Department determines that the applicant does not meet the requirements in Reciprocity sections A.1. through A.3, in which case the temporary and provisional license shall be immediately revoked.
- E. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

License for person from a jurisdiction that does not license occupation.

- F. Required Qualifications. An applicant from a United States jurisdiction that does not license grain warehousemen shall meet the following requirements:
 1. The applicant shall be sufficiently competent in the grain warehousing; and
 2. The applicant shall meet the bonding and financial reporting requirements listed in Section III of the State Plant Board Regulations on Grain Dealers.

- G. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the bonding and financial reporting documentation required in Section III of the State Plant Board Regulations on Public Grain Warehouses in Arkansas and Ark. Code Ann. § 2-7-201 *et seq.*

IX. PESTICIDE DEALERS

Reciprocity

- A. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:
1. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - a. A license from another United States jurisdiction is substantially similar to an Arkansas pesticide dealer license if the other jurisdiction's licensure authorizes the applicant to engage in the sale of restricted-use pesticides.
 - b. The applicant shall hold his or her occupational licensure in good standing;
 - c. The applicant shall not have had a license revoked for:
 - i. An act of bad faith; or
 - ii. A violation of law, rule, or ethics;
 - d. The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
 2. The applicant shall be sufficiently competent in pesticide dealership; and
 3. Has designated a representative with power of attorney within the state of Arkansas.
- B. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
1. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - a. Evidence of current and active licensure in that state. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board; and
 - b. Evidence that the other United States jurisdiction's licensure requirements match those listed in A.1.a. The Department may verify this information online or by telephone to the other jurisdiction's licensing board.

2. To demonstrate that the applicant meets the requirement in A.1.b. through d., the applicant shall provide the Department with:
 - a. The names of all states in which the applicant is currently licensed or has been previously licensed;
 - b. Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in A.1.c. and does not hold a license on suspended or probationary status as described in A.1.d. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.
3. As evidence that the applicant has appointed an in-state representative with power of attorney, the applicant shall submit documentation demonstrating the appointment.

Temporary and Provisional License

- C. The Department shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under B.1.a. and b.
- D. The temporary and provisional license shall be effective for ninety (90) days, unless the Department determines that the applicant does not meet the requirements in Reciprocity sections A.1. through A.3, in which case the temporary and provisional license shall be immediately revoked.
- E. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

License for person from a jurisdiction that does not license occupation.

- F. Required Qualifications. An applicant from a United States jurisdiction that does not license pesticide dealers shall meet the following requirements:
 1. The applicant shall be sufficiently competent in pesticide dealership; and
 2. The applicant has appointed a representative with power of attorney within the state of Arkansas.
- G. Required documentation. An applicant shall submit a fully-executed application, the required fee, and documentation demonstrating that the applicant has appointed a representative with power of attorney within the state of Arkansas.

X. MISCELLANEOUS

Reciprocity

- A. Required Qualifications. An applicant applying for reciprocal licensure as a nurseryman, nurse, dealer, landscape contractor, plant breeder, or lime vendor shall meet the following requirements:
1. The applicant shall hold a substantially similar license in another United States jurisdiction.
 - a. A license from another jurisdiction is substantially similar to an Arkansas license if it authorizes engaging in the same activities as the particular license for which reciprocity is sought;
 - b. The applicant shall hold his or her occupational licensure in good standing;
 - c. The applicant shall not have had a license revoked for:
 - i. An act of bad faith; or
 - ii. A violation of law, rule, or ethics;
 - d. The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and
 2. The applicant shall be sufficiently competent in the field related to the license for which the applicant is seeking reciprocity.
- B. Required documentation. An applicant shall submit a fully-executed application and the required fee for each license in which reciprocity is sought.

Temporary and Provisional License

- C. The Department shall issue a temporary and provisional license immediately upon receipt of the application and required fee.
- D. The temporary and provisional license shall be effective for ninety (90) days, unless the Department determines that the applicant does not meet the requirements in A.1. and A.2., in which case the temporary and provisional license shall be immediately revoked.

License for person from a jurisdiction that does not license occupation.

- E. Required Qualifications. An applicant from a United States jurisdiction that does not license the occupations covered under this section shall meet the following requirements:
1. The applicant shall be sufficiently competent in the occupation for which the applicant is seeking a license; and
 2. An applicant shall submit a fully-executed application and the required fee.

State of Arkansas

As Engrossed: H2/13/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1301

By: Representative Cozart

For An Act To Be Entitled

AN ACT TO CREATE THE RED TAPE REDUCTION EXPEDITED
TEMPORARY AND PROVISIONAL LICENSURE ACT; TO AUTHORIZE
OCCUPATIONAL LICENSING ENTITIES TO GRANT EXPEDITED
TEMPORARY AND PROVISIONAL LICENSING FOR CERTAIN
INDIVIDUALS; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE RED TAPE REDUCTION
EXPEDITED TEMPORARY AND PROVISIONAL
LICENSURE ACT; TO AUTHORIZE OCCUPATIONAL
LICENSING ENTITIES TO GRANT EXPEDITED
TEMPORARY AND PROVISIONAL LICENSING FOR
CERTAIN INDIVIDUALS.

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

SECTION 1. DO NOT CODIFY. Title.

This act shall be known and may be cited as the "Red Tape Reduction
Expedited Temporary and Provisional Licensure Act."

SECTION 2. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit
of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to
participate in the Occupational Licensing Policy Learning Consortium, an
initiative funded by a grant from the United States Department of Labor and



1 supported in partnership with the National Conference of State Legislatures,
2 the Council of State Governments, and the National Governors Association;

3 (3) Governor Asa Hutchinson appointed seventeen (17) individuals
4 to the Red Tape Reduction Working Group to review and address occupational
5 licensing regulations that create unnecessary barriers to labor market entry;
6 and

7 (4) The Red Tape Reduction Working Group issued a final report
8 to the Governor in the fall of 2018 with five (5) recommendations for
9 substantive legislative reform, which are to:

10 (A) Establish an expedited procedure for occupational
11 licensing entities to collectively submit administrative rules that are
12 responsive to new legislation;

13 (B) Extend Acts 2017, No. 781, to allow repeal of
14 subsections of rules;

15 (C) Establish provisions to allow certain agencies to
16 consider occupational relevance with regard to criminal background issues;

17 (D) Authorize occupational licensing entities to identify
18 types of individuals or entities that may be issued temporary or provisional
19 licenses; and

20 (E) Establish a systematic process for review of:

21 (i) New occupational licensure and occupational
22 licensing entities; and

23 (ii) Existing occupational licensure and
24 occupational licensing entities.

25 (b) It is the intent of the General Assembly to authorize occupational
26 licensing entities to identify types of individuals or entities that may be
27 issued temporary or provisional licenses.

28
29 SECTION 3. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
30 to add an additional section to read as follows:

31 17-1-108. Expedited temporary and provisional licensure.

32 (a) As used in this section:

33 (1) "Individual" means a natural person, firm, association,
34 partnership, corporation, or other entity that may hold an occupational
35 licensure;

36 (2) "Occupational licensing entity" means an office, board,

1 commission, department, council, bureau, or other agency of state government
2 having authority to license, certify, register, permit, or otherwise
3 authorize an individual to engage in a particular occupation or profession;
4 and

5 (3) "Occupational licensure" means a license, certificate,
6 registration, permit, or other form of authorization required by law or rule
7 that is required for an individual to engage in a particular occupation or
8 profession.

9 (b) An occupational licensing entity shall by rule adopt the least
10 restrictive requirements for occupational licensure for an individual who:

11 (1) Demonstrates that he or she:

12 (A) Holds an occupational licensure that is substantially
13 similar to practice in the field of his or her occupation or profession in
14 another state, territory, or district of the United States;

15 (B) Holds his or her occupational licensure in good
16 standing;

17 (C) Has not had his or her occupational licensure revoked
18 for:

19 (i) An act of bad faith; or

20 (ii) A violation of law, rule, or ethics;

21 (D) Is not holding a suspended or probationary
22 occupational licensure in any state, territory, or district of the United
23 States; and

24 (E) Is sufficiently competent in his or her field; and

25 (2) Pays any occupational licensure fee required by law or rule.

26 (c)(1)(A) An occupational licensing entity shall comply with the
27 requirements under subsection (b) of this section by adopting the least
28 restrictive rule that allows for reciprocity or licensure by endorsement.

29 (B) The rule adopted under subdivision (c)(1)(A) of this
30 section shall provide the procedure by which an occupational licensing entity
31 shall grant a temporary and provisional occupational licensure for ninety
32 (90) days or longer to an individual under subsection (b) of this section if
33 presented with evidence of a current and active occupational licensure that
34 is substantially similar to practice in the field of his or her occupation or
35 profession in another state, territory, or district of the United States.

36 (2) If a state, territory, or district of the United States does

1 not require occupational licensure for a profession that requires
2 occupational licensure in this state, an occupational licensing entity shall
3 adopt a rule that is least restrictive to permit an individual who is
4 sufficiently competent in his or her field to obtain occupational licensure
5 for that occupation or profession in this state.

6 (3) The occupational licensing entity may require additional
7 state-specific education for an individual with an occupational licensure in
8 another state, territory, or district of the United States that does not
9 offer reciprocity similar to reciprocity under this section to individuals
10 with occupational licensure in this state.

11 (d)(1) Except as provided under subdivision (d)(2) of this section, an
12 occupational licensing entity shall not require an individual who meets the
13 requirements of subsection (b) of this section to participate in the
14 apprenticeship, education, or training required as a prerequisite to
15 occupational licensure of a new professional in the field.

16 (2) The occupational licensing entity may require the individual
17 to participate in continuing education or training if the continuing
18 education or training is required for all professionals in the field to
19 maintain the occupational licensure.

20 (e) If a criminal background check is required of an applicant for an
21 initial occupational licensure or of a person currently holding an
22 occupational licensure, then the occupational licensing entity may require a
23 person seeking his or her occupational licensure under this section to meet
24 the same criminal background check requirements as the applicant for an
25 initial occupational licensure or as the person currently holding an
26 occupational licensure.

27 (f) The occupational licensing entity may require the individual
28 applying for occupational licensure under this section to meet any bonding,
29 financial statement, or insurance requirements that are applicable to all
30 applicants.

31 (g) This section shall not apply to:

32 (1) Reciprocity or license by endorsement provisions under §§
33 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
34 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
35 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

36 (2) The occupational licensing entities that administer the

1 reciprocity provisions under subdivision (g)(1) of this section.

2 (h) An occupational licensing entity may enter into written agreements
3 with similar occupational licensing entities of another state, territory, or
4 district of the United States as necessary to assure for licensees in this
5 state have comparable nonresident licensure opportunities as those
6 opportunities available to nonresidents by occupational licensing entities in
7 this state.

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9 /s/Cozart

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12 **APPROVED: 3/12/19**
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State of Arkansas

As Engrossed: H2/4/19 S4/5/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1255

By: Representative Dotson

By: Senator Hester

For An Act To Be Entitled

AN ACT TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY
SKILLED WORKFORCE IN THE STATE OF ARKANSAS; TO AMEND
THE LAW CONCERNING LICENSING, REGISTRATION, AND
CERTIFICATION FOR CERTAIN PROFESSIONS; TO ESTABLISH A
SYSTEM OF ENDORSEMENT, RECOGNITION, AND RECIPROCITY
FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR
CERTAIN PROFESSIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING LICENSING,
REGISTRATION, AND CERTIFICATION FOR
CERTAIN PROFESSIONS; AND TO ESTABLISH A
SYSTEM OF ENDORSEMENT, RECOGNITION, AND
RECIPROCITY FOR LICENSING.

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

SECTION 1. Arkansas Code § 17-1-107 is amended to read as follows:
17-1-107. Reinstatement of licenses – Definition.

~~(a)(1) It is not the intent of the General Assembly to cause the
licensing entity to engage in simple comparisons of the required hours of
training and other personal qualifications under Arkansas's occupational
licensing statutes with those qualifications required in the state where the
person is credentialed.~~

~~(2) It is the intent of the General Assembly to ensure that a
person may be credentialed to work in Arkansas if he or she generally~~



~~demonstrates the skills and ethics required by state law based on the person's experience and credentials in another state.~~

~~(b)(a)~~ A occupational licensing entity shall by rule adopt reduced requirements for reinstatement of a license, registration, permit, or certification for a person who:

(1) Demonstrates that he or she:

(A) Was previously licensed, registered, permitted, or certified to practice in the field of his or her profession at any time in this state;

(B) Held his or her license, registration, permit, or certification in good standing at the time of licensing, registration, permitting, or certification;

(C) Did not have his or her license, registration, permit, or certification revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics;

(D) Is not holding a suspended or probationary license, registration, permit, or certification in any state; and

(E) Is sufficiently competent in his or her field; and

(2) Pays any reinstatement fee required by law.

~~(e)(b)~~ The occupational licensing entity may require that sufficient competency in a particular field be demonstrated by:

(1) Proficiency testing;

(2) Letters of recommendation; or

(3) Both proficiency testing and letters of recommendation.

~~(d)(1)(c)(1)~~ Except as provided under subdivision ~~(e)(2)(b)~~ of this section, the occupational licensing entity shall not require a person who meets the requirements of subsection (a) of this section to participate in the apprenticeship, education, or training required as a prerequisite to licensing, registration, permitting, or certification of a new professional in the field.

(2) The occupational licensing entity may require the person to participate in continuing education or training if the continuing education or training is required for all professionals in the field to maintain the license, registration, permit, or certification.

~~(e)(d)~~ A person shall not be required to comply with requirements

1 under this section to obtain reinstatement of his or her license,
2 registration, permit, or certification if the person meets the requirements
3 for reciprocity.

4 ~~(f)~~(e) If a criminal background check is required of an applicant for
5 an original license, registration, permit, or certification, or of a person
6 currently holding a license, registration, permit, or certification, then the
7 occupational licensing entity may require a person seeking reinstatement
8 under this section to meet the same criminal background check requirements as
9 the applicant for an original license, registration, permit, or
10 certification, or as the person currently holding a license, registration,
11 permit, or certification.

12 ~~(g)~~(f)(1) As used in this section, "occupational licensing entity"
13 means an agency, office, council, bureau, board, commission, department,
14 committee, or other authority of the government of the State of Arkansas,
15 whether within or subject to review by another agency, ~~except the General~~
16 ~~Assembly, the courts, and the Governor,~~ that has the duty to license,
17 register, permit, certify, or otherwise approve a person to work in a
18 particular field or industry.

19 (2) As used in subdivision (f)(1) of this section "agency"
20 does not include the General Assembly, the courts, or the Governor.

21
22 SECTION 2. Arkansas Code § 17-1-108, as added by Acts 2019, No. 426,
23 is amended to read as follows:

24 17-1-108. Expedited temporary and provisional licensure – Legislative
25 intent.

26 (a)(1) It is the intent of the General Assembly to ensure that an
27 individual may be credentialed to work in Arkansas if he or she generally
28 demonstrates the skills and ethics required by state law based on the
29 individual's experience and credentials in another state.

30 (2) It is not the intent of the General Assembly to cause the
31 licensing entity to engage in simple comparisons of the required hours of
32 training and other personal qualifications under Arkansas's occupational
33 licensing statutes with those qualifications required in the state where the
34 individual is credentialed.

35 ~~(a)~~(b) As used in this section:

36 (1) "Individual" means a natural person, firm, association,

1 partnership, corporation, or other entity that may hold an occupational
2 licensure;

3 (2) "Occupational licensing entity" means an office, board,
4 commission, committee, department, council, bureau, or other agency of state
5 government having authority to license, certify, register, permit, or
6 otherwise authorize an individual to engage in a particular occupation or
7 profession; and

8 (3) "Occupational licensure" means a license, certificate,
9 registration, permit, or other form of authorization required by law or rule
10 that is required for an individual to engage in a particular occupation or
11 profession.

12 ~~(b)~~(c) An occupational licensing entity shall by rule adopt the least
13 restrictive requirements for occupational licensure for an individual who:

14 (1) Demonstrates that he or she:

15 (A) Holds an occupational licensure that is substantially
16 similar to practice in the field of his or her occupation or profession in
17 another state, territory, or district of the United States;

18 (B) Holds his or her occupational licensure in good
19 standing;

20 (C) Has not had his or her occupational licensure revoked
21 for:

22 (i) An act of bad faith; or

23 (ii) A violation of law, rule, or ethics;

24 (D) Is not holding a suspended or probationary
25 occupational licensure in any state, territory, or district of the United
26 States; and

27 (E) Is sufficiently competent in his or her field; and

28 (2) Pays any occupational licensure fee required by law or rule.

29 ~~(e)(1)(A)~~(d)(1)(A) An occupational licensing entity shall comply with
30 the requirements under subsection ~~(b)~~(c) of this section by adopting the
31 least restrictive rule that allows for reciprocity or licensure by
32 endorsement.

33 (B) The rule adopted under subdivision ~~(e)(1)(A)~~(d)(1)(A)
34 of this section shall provide the procedure by which an occupational
35 licensing entity shall grant a temporary and provisional occupational
36 licensure for ninety (90) days or longer to an individual under subsection

1 ~~(b)~~(c) of this section if presented with evidence of a current and active
2 occupational licensure that is substantially similar to practice in the field
3 of his or her occupation or profession in another state, territory, or
4 district of the United States.

5 (2) If a state, territory, or district of the United States does
6 not require occupational licensure for a profession that requires
7 occupational licensure in this state, an occupational licensing entity shall
8 adopt a rule that is least restrictive to permit an individual who is
9 sufficiently competent in his or her field to obtain occupational licensure
10 for that occupation or profession in this state.

11 (3) The occupational licensing entity may require additional
12 state-specific education for an individual with an occupational licensure in
13 another state, territory, or district of the United States that does not
14 offer reciprocity similar to reciprocity under this section to individuals
15 with occupational licensure in this state.

16 ~~(d)~~(1)(e)(1) Except as provided under subdivision ~~(d)~~(1)(e)(2) of this
17 section, an occupational licensing entity shall not require an individual who
18 meets the requirements of subsection ~~(b)~~(c) of this section to participate in
19 the apprenticeship, education, or training required as a prerequisite to
20 occupational licensure of a new professional in the field.

21 (2) The occupational licensing entity may require the individual
22 to participate in continuing education or training if the continuing
23 education or training is required for all professionals in the field to
24 maintain the occupational licensure.

25 ~~(e)~~(f) If a criminal background check is required of an applicant for
26 an initial occupational licensure or of ~~a person~~ an individual currently
27 holding an occupational licensure, then the occupational licensing entity may
28 require ~~a person~~ an individual seeking his or her occupational licensure
29 under this section to meet the same criminal background check requirements as
30 the applicant for an initial occupational licensure or as the ~~person~~
31 individual currently holding an occupational licensure.

32 ~~(f)~~(g) The occupational licensing entity may require the individual
33 applying for occupational licensure under this section to meet any bonding,
34 financial statement, or insurance requirements that are applicable to all
35 applicants.

36 ~~(g)~~(h) This section shall not apply to:

1 (1) Reciprocity or license by endorsement provisions under §§
2 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
3 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
4 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

5 (2) The occupational licensing entities that administer the
6 reciprocity provisions under subdivision ~~(g)(1)~~(h)(1) of this section.

7 ~~(h)(1)~~ An occupational licensing entity may enter into written
8 agreements with similar occupational licensing entities of another state,
9 territory, or district of the United States as necessary to assure ~~for~~ that
10 licensees in this state have comparable nonresident licensure opportunities
11 as those opportunities available to nonresidents by occupational licensing
12 entities in this state.

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15 /s/Dotson
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