

Chapter I, Article III – Entrance Examination

**Section 1 -**

Entrance examination shall be given by members of the Board, or any duly qualified individual or committee, designated by the Board.

**Section 2 -**

Such examination may be oral or written, or both, and shall consist of the subjects designated in Section 5 of Act 94 of the Acts of Arkansas of 1941 as amended by Act 102 of 1957, Act 710 of 1979, Act 875 of 1985, Act 397 of 1991, Act 101 of 1987, and Acts 176/186 of 1997 and other subjects designated by the Board.

**Section 3 –**

Upon successful completion of the entrance examination an applicant must submit an application for initial licensure and fifty (\$50) dollar fee.

The Board shall waive the initial licensure fee if the applicant:

1. Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;
2. Was approved for unemployment within the last twelve (12) months; or
3. Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

**Section 4 –**

**RECEIVED**

MAY 04 2022

BUREAU OF  
LEGISLATIVE RESEARCH

The Board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit.”

**Chapter I-Article IV. ~~Reciprocity~~, Licensure by Endorsement, Military Personnel****A. ~~Reciprocity~~****~~Section 1—~~**

~~An application for licensure by reciprocity pursuant to Subchapter 3 of Section 17-90-302 of Act 397 of 1991, shall be filed with the Secretary of the Board and shall set forth the name, address, date of birth, and the place or places where the applicant has engaged in the practice of optometry for the three (3) years immediately preceding the application. This application shall contain the names of at least three persons not related to the applicant with whom the applicant has been associated in the last five years. Such application shall also state whether or not the applicant has ever been convicted of a crime, or has ever had his license to practice optometry in other states revoked or suspended.~~

**~~Section 2—~~**

~~Such application shall also set forth the educational and professional qualifications of the applicant.~~

**~~Section 3—~~**

~~The application shall contain a statement by the applicant that he is willing to abide by the laws of this State and the rules and regulations of this Board, and such application shall be subscribed by the applicant and sworn to by him before an officer qualified to administer oaths by the laws of this State.~~

**~~Section 4—~~**

~~The application shall be accompanied with a fee of \$400.00. It shall be understood by the applicant that the application fee is to cover the cost of investigation and examination felt necessary by the Board.~~

**B. A. Licensure by Endorsement****Section 1 --**

Any person from another state desiring to engage in the practice of optometry in this state may be issued a licensure by endorsement at the sole discretion of the State Board of Optometry upon satisfactory proof that he or she:

1. Is qualified under this chapter;
2. Has been issued a certificate or license to practice optometry by a state, territory, the District of Columbia, or Canada having standards of proficiency at least equal to the standards of Arkansas;
3. Has engaged in the lawful practice of optometry for a period of three years of the past four years in the other state, territory, the District of Columbia, or Canada and has complied with the requirements of the Arkansas licensure law at the time of application; and
4. Has passed an Arkansas jurisprudence examination as approved by the Board.

**Section 2 --**

The applicant shall pay a fee to the State Board of Optometry of \$400.00 (equal to the fee of a new applicant) to cover the administrative costs of the application process.

**Section 3 --**

An application for licensure by endorsement shall be accompanied by:

1. The fee described in Section 2;
2. Certification from all states or territories in which the applicant has practiced;
3. A certificate of good standing from each authority which issued the license, setting forth the applicant's ~~moral reputation and character~~, history with the authority, professional ability, continuing education compliance, and other information or data as the State Board of Optometry may deem necessary or expedient;
4. A copy of the therapeutic license held by the applicant and current photo;
5. A copy of the cardiopulmonary resuscitation certification held by the applicant;
6. Transcripts from all colleges or universities attended by the applicant; and an accredited school or college of optometry;
7. Proof of completion of all parts of the National Board of Examiners in Optometry examination

required at the time of graduation for initial licensure sent directly to the State Board of Optometry;

8. Information on past medical malpractice claims and any disciplinary actions;

9. Application to the Identification Bureau of the Department for Arkansas State Police for a state and national criminal background check, to be conducted by the Federal Bureau of Investigation with the \$38.50 fee for processing; and

10. Appear in person before the State Board of Optometry for an interview.

#### **Section 4 --**

Upon furnishing satisfactory proof of fitness, the State Board of Optometry in its discretion may issue a license to practice optometry to the applicant without further cost except as otherwise provided in the Rules and Regulations for the renewal of licenses.

#### **CB. Licensure for Active Military Uniformed Service Members**

##### **1. Definitions:**

a. As used in this section, “~~returning military veteran~~ uniformed service veteran” means a former member of the United States ~~Armed Forces~~ Uniformed Services ~~who was discharged from active duty~~ under circumstances other than dishonorable.

##### **2. Licensure:**

a. Pursuant to ~~Act 248 of 2017~~ Ark. Code Ann. §17-4-101 et seq., the Arkansas State Board of Optometry shall allow the following individuals to secure employment with a temporary automatic license, certificate, or permit while completing the application process for full licensure or certification or permitting if the individual is the holder in good standing of a ~~substantially equivalent~~ license, certificate, or permit with a similar scope of practice issued by another state:

(1) ~~An active-duty military~~ A uniformed service member stationed in the State of Arkansas;

~~(2) A returning military veteran applying within one (1) year of his or her discharge from active duty~~ A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of: ~~a person under subdivisions (b)(1) and (2) of this section.~~

(a) A person under a (1) or (2) above;

(b) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(c) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

b. The Arkansas State Board of Optometry shall expedite the process and procedures for full licensure, certification, or permitting for the following individuals:

(1) ~~An active duty military~~ A uniformed service member stationed in the State of Arkansas;

~~(2) A returning military veteran applying within one (1) year of his or her discharge from active duty~~ A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of: ~~a person under subdivisions (c)(1) and (2) of this section.~~

(a) A person under a (1) or (2) above;

(b) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(c) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

c. When considering an application for full licensure, certification, or permitting for ~~an active duty military~~ a uniformed service member stationed in the State of Arkansas or ~~a returning military~~

~~veteran applying within one (1) year of his or her discharge from active duty~~ a uniformed service veteran who resides in or establishes residency in the State of Arkansas, the Arkansas State Board of Optometry:

(1) Shall consider whether or not the applicant's military training and experience in the area of licensure, certification, or permitting is substantially similar to experience or education required for licensure, certification, or permitting; and

(2) Shall accept the applicant's military training and experience in the area of licensure, certification, or permitting in lieu of experience or education required for licensure, certification, or permitting if the state board or commission determines the military training and experience is a satisfactory substitute for the experience or education required for licensure, certification, or permitting.

d. A license required to enable the holder to lawfully engage in a profession, trade, or employment in this state held by ~~an active-duty military~~ a uniformed service member deployed outside the State of Arkansas or his or her spouse shall not expire until one hundred eighty (180) days following the ~~active-duty military~~ uniformed service member's or spouse's return from ~~active~~ deployment.

e.(1) The Arkansas State Board of Optometry shall allow a full or partial exemption from continuing education required as part of licensure, certification, or permitting for a profession, trade, or employment in this state for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.~~the following individuals:~~

~~(A) An active duty military service member deployed outside of the State of Arkansas;~~

~~(B) A returning military veteran within one (1) year of his or her discharge from active duty; or~~

~~(C) The spouse of a person under subdivisions (f)(1) and (2) of this section.~~

(2) If the Arkansas State Board of Optometry allows a full or partial exemption from continuing education required under subdivision (~~fe~~)(1) of this section, the Board may require evidence of completion of continuing education before issuing the individual a subsequent license, certificate, or permit or authorizing the renewal of a license, certificate, or permit.



**Chapter I Article VIII. Continuing Education****Section 1 –**

Beginning on the first day of January, 1996, in addition to the payment of the license renewal fee, each optometrist registered under the provisions of Act 94 of 1941, as amended by Act 102 of 1957, Act 710 of 1979, Act 101 of 1987, Act 3907 of 1991, and Acts 176/186 of 1997 of the Acts of the General Assembly of the State of Arkansas applying for the renewal of his license, shall furnish to the Arkansas State Board of Optometry satisfactory evidence that he obtained no less than twelve (12) clock hours of post-graduate education in a course, or courses, previously designated or approved by the Board, in the year just preceding such application for the renewal of his or her license. All out of state C.E. must be COPE (Council on Optometric Practitioner Education) approved. The State Board will continue to review in-state courses and courses offered by accredited schools and colleges of optometry, schools of medicine, and pharmacy. Of the twelve (12) clock hours required for license renewal, credit for four (4) clock hours may be obtained through approved correspondence or Internet courses. The Secretary of the Arkansas State Board of Optometry shall mail by first class United States mail a written notice to this effect to each person holding a license to practice optometry within the state of Arkansas at least thirty (30) days prior to the first day of January in each year, directed to the last-known address of such licensee. In the event that any licensee shall fail to obtain twelve (12) clock hours of post-graduate education previously designated or approved by the Board, this is declared to be unprofessional conduct by the Arkansas State Board of Optometry and shall be cause for revocation, or suspension of license to practice optometry in this state and/or fines; or to refuse to issue a renewal of any license at any time.

Provided, however, the Arkansas State Board of Optometry may reinstate such licensee to practice optometry in this State any time, or issue a renewal license to any licensee at any time upon the presentation of satisfactory evidence of completion of the post-graduate study required for license renewal and upon the payment of all fees due.

Provided, further, that any optometrist, who because of illness or other unavoidable circumstances, is unable to comply herewith, may make application to the State Board stating the circumstances as to why he or she is unable to so comply, and the Board, at its discretion, may relieve the applicant from so complying for such time and under such circumstances as the Board deems proper.

If any licensee desires to be considered by the Board as retired and not practicing optometry, then the licensee may renew his or her license without complying with the continuing education requirements.

One clock hour of continuing education requirements of the required 12 clock hours per year must be in the subject matter of Arkansas Jurisprudence, to include the study of the Arkansas Statutes and Regulations of the Board governing the practice of optometry. Said jurisprudence course must be pre-approved by the Board in order to meet the one hour requirement of continuing education. Any licensee completing the jurisprudence course online must provide the Board with the thirty-five (\$35) dollar course fee.

Optometrists serving in the U.S. Armed Forces or Public Health Service assigned to duties outside the boundaries of the United States will be classified as “hardship” and excluded from the continued education requirements. The Board shall waive the annual renewal fee for all registered optometrists if the registered optometrist:

- a. holds a license to practice optometry in the State of Arkansas; and
- b. is ~~an active duty~~ a uniformed service member of the military

**Chapter IX Article I. Pre-Licensure Criminal Background Check**

A. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

B. The individual must obtain the pre-licensure criminal background check petition form from the Board.

C. The Board will respond with a decision in writing to a completed petition within a reasonable time.

D. The Board's response will state the reason(s) for the decision.

E. All decisions of the Board in response to the petition will be determined by the information provided by the individual.

F. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.

G. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

Waiver Request

A. If an individual has been convicted of an offense listed in A.C.A. § 17-23-102(a) or (e), ~~except those permanently disqualifying offenses found in subsection (e)~~, the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:

1. An affected applicant for a license; or

2. An individual holding a license subject to revocation.

B. The Board may grant a waiver upon consideration of the following, without limitation:

1. The age at which the offense was committed;
2. The circumstances surrounding the offense;
3. The length of time since the offense was committed;
4. Subsequent work history since the offense was committed;
5. Employment references since the offense was committed;
6. Character references since the offense was committed;
7. Relevance of the offense to the occupational license; and
8. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

C. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

D. The Board will respond with a decision in writing and will state the reasons for the decision.

E. An appeal of a determination under this section will be subject to the Administrative Procedures Act § 25-15-201 *et seq.*

State of Arkansas                      *As Engrossed: S1/19/21 S1/26/21*  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 78

By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo  
By: Representatives Lynch, Cozart, Brown, Evans

## For An Act To Be Entitled

AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL  
LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND  
SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC  
OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED  
SERVICES MEMBERS, RETURNING UNIFORMED SERVICES  
VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;  
AND FOR OTHER PURPOSES.

## Subtitle

TO ESTABLISH ARKANSAS OCCUPATIONAL  
LICENSING OF UNIFORMED SERVICE MEMBERS,  
VETERANS, AND SPOUSES ACT OF 2021; AND TO  
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 17-1-106 is repealed.

~~17-1-106. Automatic licensure for active duty service members,  
returning military veterans, and spouses—Definitions.~~

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

~~(1) “Automatic licensure” means the granting of occupational  
licensure without an individual’s having met occupational licensure  
requirements provided under this title or by the rules of the occupational  
licensing entity;~~

~~(2) “Occupational licensing entity” means an office, board,  
commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~  
2 ~~authorize an individual to engage in a particular occupation or profession;~~

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

7 ~~(4) "Returning military veteran" means a former member of the~~  
8 ~~United States Armed Forces who was discharged from active duty under~~  
9 ~~circumstances other than dishonorable.~~

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~  
11 ~~licensure to engage in an occupation or profession to an individual who is~~  
12 ~~the holder in good standing of a substantially equivalent occupational~~  
13 ~~license issued by another state, territory, or district of the United States~~  
14 ~~and is:~~

15 ~~(A) An active duty military service member stationed in~~  
16 ~~the State of Arkansas;~~

17 ~~(B) A returning military veteran applying for licensure~~  
18 ~~within one (1) year of his or her discharge from active duty; or~~

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~  
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~  
22 ~~to provide automatic licensure if the proposed rules are not approved as~~  
23 ~~required under subdivision (d)(2) of this section.~~

24 ~~(c) An occupational licensing entity may submit proposed rules~~  
25 ~~recommending an expedited process and procedure for occupational licensure~~  
26 ~~instead of automatic licensure as provided under subsection (b) of this~~  
27 ~~section to the Administrative Rules Subcommittee of the Legislative Council.~~

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~  
29 ~~shall:~~

30 ~~(1) Review the proposed rules of an occupational licensing~~  
31 ~~entity as submitted for public comment and at least thirty (30) days before~~  
32 ~~the public comment period ends under the Arkansas Administrative Procedure~~  
33 ~~Act, § 25-15-201 et seq.; and~~

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~  
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

~~procedure provide the least restrictive means of accomplishing occupational licensure; and~~

~~(B) Any other criteria the Administrative Rules Subcommittee of the Legislative Council determines necessary to achieve the objectives of this section.~~

~~(c) The Administrative Rules Subcommittee of the Legislative Council may:~~

~~(1) Establish a subcommittee to assist in the duties assigned under this section;~~

~~(2) Assign information filed with the Administrative Rules Subcommittee of the Legislative Council under this section to one (1) or more subcommittees of the Legislative Council, including without limitation a subcommittee created under subdivision (c)(1) of this section; or~~

~~(3) Delegate its duties under this section to one (1) or more subcommittees of the Legislative Council, subject to final review and approval of the Administrative Rules Subcommittee of the Legislative Council.~~

~~(f) An occupational licensing entity shall:~~

~~(1) Submit proposed rules authorized under subsection (c) of this section to the Administrative Rules Subcommittee of the Legislative Council for review and approval before the proposed rules are promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and~~

~~(2) Provide to the House Committee on Aging, Children and Youth, Legislative and Military Affairs an annual report stating the number of automatic licenses and expedited occupational licenses granted under this section to:~~

~~(A) Active duty military service members stationed in the State of Arkansas;~~

~~(B) Returning military veterans applying within one (1) year of their discharge from active duty; or~~

~~(C) The spouse of a person under subdivisions (f)(2)(A) and (f)(2)(B) of this section.~~

SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an additional chapter to read as follows:

Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021

1  
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas  
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses  
5 Act of 2021".  
6

7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing  
10 employment barriers faced by uniformed service members, uniformed service  
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully  
13 address eight (8) or more of the ten (10) issues affecting uniformed service  
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues  
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of  
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of  
19 uniformed service members move across state lines as opposed to one and one-  
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of  
22 occupational licensure and to eliminate barriers impeding employment of  
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting  
25 of automatic occupational licensure or expedited occupational licensure to  
26 active-duty service members, recently separated veterans, and their spouses  
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and  
29 elevate the occupational licensure process for uniformed service members,  
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational  
32 licensure barriers that impede the launch and sustainability of civilian  
33 occupational careers and employment faced by uniformed service members,  
34 uniformed service veterans, and their spouses due to frequent uniformed  
35 service assignment by:

36 (1) Providing:



1 (A) Automatic occupational licensure or expedited  
2 occupational licensure to current license holders to expedite their entry  
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial  
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational  
7 licensing entities to ensure removal of occupational licensure barriers faced  
8 by uniformed service members, uniformed service veterans, and their spouses;  
9 and

10 (D) Guidance to assure effective rulemaking and clear  
11 license application instructions to uniformed service members, uniformed  
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,  
14 experience, and credentials of uniformed service members and uniformed  
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education  
17 required for occupational licensure renewal when a uniformed service member  
18 is deployed.

19  
20 17-4-103. Definitions.

21 As used in this chapter:

22 (1) "Automatic occupational licensure" means the granting of  
23 occupational licensure without an individual's having met occupational  
24 licensure requirements provided under this title or by the rules of the  
25 relevant occupational licensing entity;

26 (2) "Occupational licensing entity" means an office, board,  
27 commission, department, council, bureau, or other agency of state government  
28 having authority to license, certify, register, permit, or otherwise  
29 authorize an individual to engage in a particular occupation or profession,  
30 not including occupations or professions within the judicial branch of  
31 government or occupations or professions subject to the superintending  
32 control of the Supreme Court;

33 (3) "Occupational licensure" means a license, certificate,  
34 registration, permit, or other form of authorization required by law or rule  
35 that is required for an individual to engage in a particular occupation or  
36 profession;

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United  
3 States Air Force, United States Army, United States Coast Guard, United  
4 States Marine Corps, United States Navy, United States Space Force, or  
5 National Guard;

6 (B) An active component member of the National Oceanic and  
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United  
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the  
11 United States uniformed services discharged under conditions other than  
12 dishonorable.

13  
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of  
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes  
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this  
22 section;

23 (B) A uniformed service member who is assigned a tour of  
24 duty that excludes the uniformed service member's spouse from accompanying  
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs  
27 to his or her injuries or illness in the line of duty if the spouse  
28 establishes residency in the state.

29  
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational  
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with  
35 similar scope of practice issued by another state, territory, or district of  
36 the United States.

1  
2 17-4-106. Expedited occupational licensure.

3 (a)(1) An occupational licensing entity may submit proposed rules  
4 recommending an expedited process for the attainment of occupational  
5 licensure instead of automatic occupational licensure as provided under § 17-  
6 4-105 to the Administrative Rules Subcommittee of the Legislative Council.

7 (2) The proposed rules described in subdivision (a)(1) of this  
8 section shall include temporary or provisional occupational licensure  
9 provisions with a term of ninety (90) days or more.

10 (3) The occupational licensing entity shall provide automatic  
11 occupational licensure if the proposed expedited occupational licensure rules  
12 are not approved as required by § 17-4-109.

13 (b)(1) An occupational licensing entity shall expedite the process for  
14 initial occupational licensure for an individual who is listed in § 17-4-104.

15 (2) An occupational licensing entity shall provide the applicant  
16 under subdivision (b)(1) of this section with a temporary or provisional  
17 license upon receipt of required documentation or the successful completion  
18 of any examination required by the relevant occupational licensing entity to  
19 enable the applicant to secure employment in his or her occupation or  
20 profession.

21  
22 17-4-107. Acceptance of uniformed service education, training,  
23 experience, or service-issued credential.

24 An occupational licensing entity shall accept relevant and applicable  
25 uniformed service education, training, or service-issued credential toward  
26 occupational licensure qualifications or requirements when considering an  
27 application for initial licensure of an individual who is:

28 (1) A uniformed service member; or

29 (2) A uniformed service veteran who makes an application within  
30 one (1) year of his or her discharge from uniformed service.

31  
32 17-4-108. Extension of license expiration and continuing education  
33 requirements.

34 (a) An occupational licensing entity shall extend the expiration date  
35 of an occupational licensure for a deployed uniformed service member or his  
36 or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial  
3 exemption from a continuing education requirement that is required as a  
4 component of occupational licensure for an individual who is listed in  
5 subsection (a) of this section until one hundred eighty (180) days following  
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial  
8 exemption from continuing education requirements may require evidence of  
9 completion of continuing education before granting a subsequent occupational  
10 licensure or authorizing the renewal of an occupational licensure.

11  
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council  
14 shall:

15 (1) Review the proposed rules of an occupational licensing  
16 entity as submitted for public comment at least thirty (30) days before the  
17 public comment period ends under the Arkansas Administrative Procedure Act, §  
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based  
20 on:

21 (A) A determination of whether the expedited process  
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules  
24 Subcommittee of the Legislative Council determines necessary to achieve the  
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council  
27 may:

28 (1) Establish a further subcommittee to assist in the duties  
29 assigned to the Administrative Rules Subcommittee of the Legislative Council  
30 under this section;

31 (2) Assign information filed with the Administrative Rules  
32 Subcommittee of the Legislative Council under this section to one (1) or more  
33 subcommittees of the Legislative Council, including without limitation a  
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee  
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final  
2 review and approval of the Administrative Rules Subcommittee of the  
3 Legislative Council.

4  
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the  
8 Administrative Rules Subcommittee of the Legislative Council for review and  
9 approval before the proposed rules are promulgated under the Arkansas  
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §  
12 17-4-109, provide automatic occupational licensure to an individual listed in  
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's  
15 website a link entitled "Military Member Licensure" that directly leads to  
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,  
18 Legislative and Military Affairs an annual report stating the number of  
19 individuals granted automatic occupational licensure and expedited  
20 occupational licensure under this chapter.

21  
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
23 General Assembly of the State of Arkansas that current laws and  
24 administrative rules regarding the issuance of occupational licenses,  
25 certificates, and permits are barriers and create a hardship for uniformed  
26 service members, uniformed service veterans, and their spouses; that  
27 additional expedited processes, automatic licensure, and extended expiration  
28 dates of occupational licenses, certificates, and permits is needed to ensure  
29 that uniformed service members, uniformed service veterans, and their spouses  
30 may practice their chosen occupation or profession in the State of Arkansas;  
31 and that this act is immediately necessary to remove barriers and hardships  
32 in obtaining occupational licenses, certificates, and permits for uniformed  
33 service members, uniformed service veterans, and their spouses. Therefore, an  
34 emergency is declared to exist, and this act being immediately necessary for  
35 the preservation of the public peace, health, and safety shall become  
36 effective on:

1           (1) The date of its approval by the Governor;

2           (2) If the bill is neither approved nor vetoed by the Governor,  
3 the expiration of the period of time during which the Governor may veto the  
4 bill; or

5           (3) If the bill is vetoed by the Governor and the veto is  
6 overridden, the date the last house overrides the veto.

7  
8  
9                               */s/Hill*

10  
11  
12                               **APPROVED: 2/23/21**  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

State of Arkansas

As Engrossed: S3/10/21

93rd General Assembly

# A Bill

Regular Session, 2021

SENATE BILL 153

By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flipppo, T. Garner, K. Hammer, Hester, B. Johnson, D. Sullivan, C. Tucker, D. Wallace*

By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum, Underwood, Wardlaw*

## For An Act To Be Entitled

AN ACT TO CREATE THE WORKFORCE EXPANSION ACT OF 2021;  
AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE WORKFORCE EXPANSION ACT OF  
2021.

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

SECTION 1. Arkansas Code Title 4, Chapter 25, Subchapter 1, is amended  
to add an additional section to read as follows:

### 4-25-110. Fee waiver for certain individuals.

(a) Notwithstanding any law to the contrary, the initial filing fees, permit fees, and licensing fees associated with the formation of a business in this state shall be waived for applicants who meet the requirements in the Workforce Expansion Act of 2021, § 17-4-101 et seq.

### (b) Appropriate state entities shall:

#### (1) Publish notice of the fee waiver on:

(A) The website maintained by the appropriate state entity; and

(B) Any relevant forms that an applicant is required to complete; and

#### (2) Promulgate any necessary rules to implement this section.



1 SECTION 2. Arkansas Code Title 17, is amended to add an additional  
2 chapter to read as follows:

3 Chapter 4 – Workforce Expansion Act of 2021

4  
5 17-4-101. Title.

6 This chapter shall be known and may be cited as the "Workforce  
7 Expansion Act of 2021".

8  
9 17-4-102. Legislative findings – Purpose.

10 (a) The General Assembly finds that:

11 (1) Entrepreneurs and workers must pay various fees in order to  
12 work in a government-regulated profession or occupation or to start a small  
13 business in Arkansas;

14 (2) Families trying to break the cycle of government dependency  
15 should not have to pay the state to earn a living; and

16 (3) Arkansas should waive initial fees associated with  
17 occupational and professional regulations and the formation of a business for  
18 low-income individuals.

19 (b) It is the purpose of this chapter to increase access to  
20 professional and occupational licenses that would otherwise be cost  
21 prohibitive for certain individuals.

22  
23 17-4-103. Definitions.

24 As used in this chapter:

25 (1) "License" means a license, certificate, registration,  
26 permit, or other form of authorization required by law or rule that is  
27 required for an individual to engage in a particular occupation or  
28 profession; and

29 (2)(A) "Licensing entity" means an office, board, commission,  
30 department, council, bureau, or other agency of state government having  
31 authority to license, certify, register, permit, or otherwise authorize an  
32 individual to engage in a particular occupation or profession.

33 (B) "Licensing entity" does not include a political  
34 subdivision of the state or any other local or regional governmental entity,  
35 including without limitation a city of the first class, a city of the second  
36 class, an incorporated town, or a county.



1 17-4-104. Fee waiver.

2 (a) Notwithstanding any law to the contrary, a licensing entity shall  
3 not require an initial fee for individuals who are seeking to receive a  
4 license in this state if the applicant:

5 (1) Is receiving assistance through the Arkansas Medicaid  
6 Program, the Supplemental Nutrition Assistance Program, the Special  
7 Supplemental Nutrition Program for Women, Infants, and Children, the  
8 Temporary Assistance for Needy Families Program, or the Lifeline Assistance  
9 Program;

10 (2) Was approved for unemployment within the last twelve (12)  
11 months; or

12 (3) Has an income that does not exceed two hundred percent  
13 (200%) of the federal poverty income guidelines.

14 (b) The waiver of the initial fee does not include fees for:

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

18 (c) The Department of Human Services and the Division of Workforce  
19 Services shall collaborate with a licensing entity concerning verification of  
20 eligibility for public benefits for applicants, which may include obtaining a  
21 signed consent form from the applicant.

22  
23 17-4-105. Licensing entity duties.

24 A licensing entity shall:

25 (1) Publish notice of the fee waiver on:

26 (A) The website maintained by the licensing entity; and

27 (B) Any relevant forms that an applicant is required to  
28 complete; and

29 (2) Promulgate any necessary rules to implement this chapter.  
30

31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,  
33 2022.  
34

35 /s/Gilmore

36 APPROVED: 4/15/21

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1735

By: Representative Penzo  
By: Senator Hester

## For An Act To Be Entitled

AN ACT TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL  
LICENSURE FOR CERTAIN INDIVIDUALS; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL  
LICENSURE FOR CERTAIN INDIVIDUALS.

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

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

17-1-109. Licensing of certain individuals – Definitions.

(a) As used in this section:

(1) "Occupational or professional license" means a license, certificate, registration, permit, or other form of authorization required by law or rule for an individual to engage in a particular occupation or profession; and

(2) "Occupational or professional licensing entity" means an office, board, commission, department, council, bureau, or other agency of state government having authority to license, certify, register, permit, or otherwise authorize an individual to engage in a particular occupation or profession.

(b) An occupational or professional licensing entity shall grant an occupational or professional license under this section to an individual who fulfills the requirements to practice an occupation or profession in this



1 state and is a person who holds a Federal Form I-766 United States  
2 Citizenship and Immigration Services-issued Employment Authorization  
3 Document, known popularly as a "work permit".

4 (c) This section is a state law within the meaning of subsection (d)  
5 of 8 U.S.C. § 1621, as existing on January 1, 2021.

6  
7 SECTION 2. DO NOT CODIFY. Rules implementing this act.

8 (a) All occupational or professional licensing entities shall  
9 promulgate rules necessary to implement this act.

10 (b)(1) When adopting the initial rules to implement this act, the  
11 final rule shall be filed with the Secretary of State for adoption under §  
12 25-15-204(f):

13 (A) On or before January 1, 2022; or

14 (B) If approval under § 10-3-309 has not occurred by  
15 January 1, 2022, as soon as practicable after approval under § 10-3-309.

16 (2) An occupational or professional licensing entity shall file  
17 the proposed rule with the Legislative Council under § 10-3-309(c)  
18 sufficiently in advance of January 1, 2022, so that the Legislative Council  
19 may consider the rule for approval before January 1, 2022.

20  
21  
22 APPROVED: 4/19/21  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1796

By: Representative Cozart  
By: Senator Hill

## For An Act To Be Entitled

AN ACT TO AMEND OCCUPATIONAL CRIMINAL BACKGROUND  
CHECKS; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND OCCUPATIONAL CRIMINAL  
BACKGROUND CHECKS.

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

SECTION 1. Arkansas Code § 17-3-102(b)(1), concerning licensing  
restrictions based on criminal records, is amended to read as follows:

(b)(1) If an individual has been convicted of a crime listed in  
subsection (a) or subsection (e) of this section, a licensing entity may  
waive disqualification or revocation of a license based on the conviction if  
a request for a waiver is made by:

(A) An affected applicant for a license; or

(B) The individual holding a license subject to  
revocation.

SECTION 2. Arkansas Code § 17-3-102(e), concerning licensing  
restrictions based on criminal records, is amended to read as follows:

(e) Due to the serious nature of the offenses, the following shall  
result in ~~permanent~~ disqualification for licensure, regardless of the date of  
conviction or the date on which probation or incarceration ends unless a  
waiver is granted under subsection (b) of this section:

(1) Capital murder as prohibited in § 5-10-101;



- 1           (2) Murder in the first degree as prohibited in § 5-10-102 and  
2 murder in the second degree as prohibited in § 5-10-103;  
3           (3) Kidnapping as prohibited in § 5-11-102;  
4           (4) Aggravated assault upon a law enforcement officer or an  
5 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y  
6 felony;  
7           (5) Rape as prohibited in § 5-14-103;  
8           (6) Sexual extortion as prohibited in § 5-14-113;  
9           (7) Sexual assault in the first degree as prohibited in § 5-14-  
10 124 and sexual assault in the second degree as prohibited in § 5-14-125;  
11           (8) Incest as prohibited in § 5-26-202;  
12           (9) Endangering the welfare of an incompetent person in the  
13 first degree as prohibited in § 5-27-201;  
14           (10) Endangering the welfare of a minor in the first degree as  
15 prohibited in § 5-27-205;  
16           (11) Adult abuse that constitutes a felony as prohibited in § 5-  
17 28-103; and  
18           (12) Arson as prohibited in § 5-38-301.  
19

20           SECTION 3. Arkansas Code § 17-3-102(g), concerning licensing  
21 restrictions based on criminal records, is amended to read as follows:

22           (g) The ~~permanent~~ disqualification for an offense listed in subsection  
23 (a) or subsection (e) of this section does not apply to an individual who  
24 holds a valid license on July 24, 2019.  
25  
26

27                                   **APPROVED: 4/19/21**  
28  
29  
30  
31  
32  
33  
34  
35  
36

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

# A Bill

HOUSE BILL 1937

By: Representative Gonzales

## For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING  
ADMINISTRATIVE FEES AND PENALTIES; TO AMEND THE LAW  
CONCERNING REVIEW OF AGENCY RULES BY THE LEGISLATIVE  
COUNCIL; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND ARKANSAS LAW CONCERNING  
ADMINISTRATIVE FEES AND PENALTIES; AND TO  
AMEND THE LAW CONCERNING REVIEW OF AGENCY  
RULES BY THE LEGISLATIVE COUNCIL.

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

SECTION 1. Arkansas Code § 10-3-309(f), concerning review and approval  
of state agency rules, is amended to add an additional subdivision read as  
follows:

(4) A committee or subcommittee under this section considering a  
rule containing a fee or penalty submitted in accordance with § 25-15-105 is  
not required to state the grounds under subdivision (f)(1) of this section  
when not approving a rule containing a fee or penalty, and may choose not to  
approve a rule containing a fee or penalty submitted under § 25-15-105 for  
any reason.

SECTION 2. Arkansas Code § 25-15-105 is amended to read as follows:  
25-15-105. Administrative fees and penalties.

(a) As used in this section, "agency" means the same as defined at §  
25-15-202.



(b)(1) An agency shall not assess a fee or penalty without specific statutory authority to:

(A) Assess a certain type and amount of fee or penalty; or

(B) Impose a fee or penalty in general.

~~(2)(A) A fee or penalty established in the rules of an agency before the effective date of this section that does not comply with subdivision (b)(1) of this section may remain in effect until July 1, 2013, but shall not be increased above the amount established by the agency for that fee or penalty as of the effective date of this section~~ An agency assessing or imposing a fee or penalty shall promulgate the fee or penalty by rule.

(B) An agency is not required to promulgate a fee or penalty by rule if the specific amount of the fee or penalty is set by statute; and

(C) A rule assessing or imposing a fee or penalty shall be submitted to Legislative Council for review and approval before a fee or penalty may be assessed or imposed by the agency.

(c) Subsection (b) of this section does not affect an agency's authority to deny, suspend, and revoke licenses within its regulatory authority.

APPROVED: 5/3/21