

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

# A Bill

**HOUSE BILL 1359**

## For An Act To Be Entitled

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

19

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

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

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

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

32 (b)(1) Every firm, person, or corporation who violates any of the rules  
33 or regulations issued promulgated by the board, or who violates any condition  
34 of a license, permit, certificate or any other type of registration issued by  
35 the State Board of Health may be assessed a civil penalty by the board. The

1 penalty shall not exceed one thousand dollars (\$1,000) for each violation.  
2 Each day of a continuing violation may be deemed a separate violation for  
3 purposes of penalty assessments. However, no civil penalty may be assessed  
4 until the person charged with the violation has been given the opportunity for  
5 a hearing on the violation.

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

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

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

18 "14-262-101. Penalty.

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

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

35 (2) All fines collected under this subsection shall be deposited

1 in the State Treasury and credited to the Public Health Fund to be used to  
2 defray the costs of administering this section.

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

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

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

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

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

34           (b)(1) The Department of Health may establish fees to be charged for  
35 performing analyses of various types of samples submitted to the public health

1 laboratory for examination. The amount of fees established by the board shall  
2 not exceed the actual cost of performing the test.

3 (2) All fees levied and collected under this subsection are  
4 declared to be special revenues and shall be deposited in the State Treasury,  
5 there to be credited to the Public Health Fund."

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7 *SECTION 5. All rules and regulations promulgated pursuant to this act*  
8 *shall be reviewed by the Joint Interim Committee on Public Health, Welfare and*  
9 *Labor or an appropriate subcommittee thereof.*

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11 *SECTION 6. All provisions of this act of a general and permanent nature*  
12 *are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code*  
13 *Revision Commission shall incorporate the same in the Code.*

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15 *SECTION 7. If any provision of this act or the application thereof to*  
16 *any person or circumstance is held invalid, such invalidity shall not affect*  
17 *other provisions or applications of the act which can be given effect without*  
18 *the invalid provision or application, and to this end the provisions of this*  
19 *act are declared to be severable.*

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21 *SECTION 8. All laws and parts of laws in conflict with this act are*  
22 *hereby repealed.*

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25 */s/Larry Mitchell*  
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