

*As Engrossed: 3/11/93*

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Pollan**

# A Bill

**HOUSE BILL 1285**

## For An Act To Be Entitled

8 "AN ACT TO REGULATE DOOR-TO-DOOR SALES OF FUNDRAISING  
9 MERCHANDISE BY PUBLIC SCHOOL STUDENTS IN KINDERGARTEN  
10 THROUGH SIXTH GRADE; AND FOR OTHER PURPOSES."

## Subtitle

13 "AN ACT TO REGULATE DOOR-TO-DOOR SALES OF FUNDRAISING  
14 MERCHANDISE BY PUBLIC SCHOOL STUDENTS IN KINDERGARTEN  
15 THROUGH SIXTH GRADE."

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

19 SECTION 1. LEGISLATIVE FINDINGS AND DECLARATIONS. The General Assembly  
20 hereby finds that the door-to-door selling of fundraising merchandise by  
21 elementary school children should be conducted with adult supervision.  
22 Accordingly, it is the intent of the General Assembly by this act to further  
23 insure the well-being of public school students throughout the state of  
24 Arkansas.

26 SECTION 2. As used in this act, unless the context otherwise requires:

27 (1) "Elementary School Student" means a child in kindergarten through  
28 sixth grade.

29 (2) "Adult" means a person age sixteen (16) years or older and approved  
30 by the parent.

31 (3) "Door-To-Door Sales" means the selling of merchandise outside of  
32 the child\_s home and off school grounds.

33 (4) "Parent" means a parent or legal guardian.

34 (5) "School" means a school or school-sponsored organization such as a  
35 PTA or booster club.

1           (6) "Fundraising Companies" means businesses, including mail order  
2 companies, that assist schools in raising funds in return for a share of all  
3 money taken in.

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5           SECTION 3. (a) School(s) must provide written notification of the  
6 following to parents of all elementary school students who participate in  
7 fundraising programs:

8                   (1) Student participation in fundraising programs is voluntary;

9                   (2) Students who do not participate will not forfeit any school  
10 privileges;

11                  (3) Students may not participate in fundraising programs without  
12 written parental permission returned to school authorities;

13                  (4) An elementary school student who sells fundraising  
14 merchandise door-to-door must be accompanied by a parent or an adult; and

15                  (5) Unless the school provides supervision, parents must accept  
16 responsibility for appropriate adult supervision.

17           (b) A one (1) page form for parental notification and permission shall  
18 be developed by the State Department of Education *in cooperation with school*  
19 *administrators and the Arkansas Congress of Parents and Teachers Association.*

20           (c) Fundraising companies shall incorporate a safety instructional  
21 component as part of all fundraising programs used by schools. A fundraising  
22 company shall have discretion in selecting the method(s) used to communicate  
23 safety.

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25           SECTION 4. (a) A school which utilizes and coordinates fundraising  
26 programs shall certify to the district school superintendent each year that  
27 the requirements in Section 3 have been met.

28           (b) Each school district shall certify to the State Department of  
29 Education, no later than June 15 of each year, a list of district schools and  
30 fundraising companies in violation of this act.

31           (c) The State Department of Education shall certify to the Arkansas  
32 House and Senate Education Committees, no later than August 15 of each year, a  
33 list of district schools and fundraising companies in violation of this act.

34           (d) A one (1) page form for certification shall be developed by the  
35 State Department of Education in cooperation with *school administrators and*

1 the Arkansas Congress of Parents and Teachers Association.

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3 SECTION 5. (a) Failure by a district school to comply with the  
4 provisions of this act shall result in a ban on all fundraising activities by  
5 the school for one (1) school year.

6 (b) Failure by a fundraising company to comply with *the provisions of*  
7 *this act* shall result in a ban on conducting fundraising programs with the  
8 participating school(s) for one (1) school year.

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

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

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

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*/s/Carolyn Pollan*

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