

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1433

5 By: Representative Rushing
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For An Act To Be Entitled

8 AN ACT TO AUTHORIZE INDIVIDUALS WITH PRIOR DRUG-
9 RELATED OFFENSES TO WORK WITH INDIVIDUALS RECEIVING
10 SUBSTANCE ABUSE TREATMENT AS PEER SUPPORT SPECIALISTS
11 OR SIMILAR POSITIONS REQUIRING A HISTORY OF RECEIVING
12 BEHAVIORAL HEALTH SERVICES; TO DECLARE AN EMERGENCY;
13 AND FOR OTHER PURPOSES.
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Subtitle

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16 TO AUTHORIZE INDIVIDUALS WITH PRIOR DRUG-
17 RELATED OFFENSES TO WORK WITH INDIVIDUALS
18 RECEIVING SUBSTANCE ABUSE TREATMENT AS
19 PEER SUPPORT SPECIALISTS OR SIMILAR
20 POSITIONS; AND TO DECLARE AN EMERGENCY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 20-38-105, concerning disqualification from
27 employment based on criminal background checks, is amended to add an
28 additional subsection to read as follows:

29 (g) Notwithstanding any other provision of law, a person is not
30 disqualified from employment if:

31 (1) The person is employed as or being considered for employment
32 as a peer support specialist or other similar position requiring that the
33 person has personally received services within the behavioral health system;

34 (2) The person works or is applying to work with individuals
35 receiving substance abuse treatment; and

36 (3) The only offense on the person's criminal background check



1 that would disqualify him or her from employment is a drug-related offense.

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3 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
4 General Assembly of the State of Arkansas that use of the new Peer Support
5 benefit in the Arkansas Medicaid Program is hindered by the inability under
6 current rules to hire individuals who have committed drug-related offenses;
7 that individuals who have served jail time can often have the most success in
8 reaching individuals struggling with substance abuse addiction; that
9 substance abuse is a growing issue for the State of Arkansas; that barriers
10 should be removed to give providers all necessary resources to combat
11 substance abuse; and that this act is immediately necessary to allow the
12 Department of Human Services to make administrative rules at the earliest
13 possible date to ensure the employment of individuals with drug-related
14 offenses in the Peer Support benefit, to help reach individuals struggling
15 with substance abuse addiction, and to combat substance abuse addiction.
16 Therefore, an emergency is declared to exist, and this act being immediately
17 necessary for the preservation of the public peace, health, and safety shall
18 become effective on:

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

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

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