

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1171

5 By: Representative Patterson
6 By: Senator B. Sample
7

For An Act To Be Entitled

9 AN ACT REPEAL THE ARKANSAS MOLD INVESTIGATOR
10 LICENSING ACT; AND FOR OTHER PURPOSES.
11

Subtitle

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13 AN ACT REPEAL THE ARKANSAS MOLD
14 INVESTIGATOR LICENSING ACT.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Title 17, Chapter 54, the Arkansas Mold
21 Investigator Licensing Act, is repealed:

22 ~~17-54-101. Title.~~

23 ~~This chapter shall be known and may be cited as the "Arkansas Mold~~
24 ~~Investigator Licensing Act".~~

25
26 ~~17-54-102. Definitions.~~

27 ~~As used in this chapter:~~

28 ~~(1) "Board" means the State Plant Board;~~

29 ~~(2) "Mold" means any fungus, including spores, hyphae, and~~
30 ~~mycellial fragments; and~~

31 ~~(3)(A)(i) "Mold investigator" means a person who for a fee~~
32 ~~performs the service of examining residential or commercial buildings to~~
33 ~~confirm or refute the presence of a proliferative source of mold in a~~
34 ~~residential or commercial building.~~

35 ~~(ii) "Mold investigator" does not include an~~
36 ~~employee of an insurance company or an adjuster when the employee or adjuster~~



1 ~~is adjusting a claim under an insurance policy.~~

2 ~~(B) A service performed under subdivision (3)(A)(i) of~~
3 ~~this section may be offered as a singular service or combined with any other~~
4 ~~services.~~

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6 ~~17-54-103. Mold investigation — Penalty.~~

7 ~~(a)(1) After January 1, 2010, a person shall not collect a fee for~~
8 ~~performing services as a mold investigator in the state of Arkansas nor hold~~
9 ~~himself or herself out as a mold investigator without being licensed to~~
10 ~~perform a mold investigation by the State Plant Board.~~

11 ~~(2) The board may impose a fine not to exceed one thousand~~
12 ~~dollars (\$1,000) per incident for a violation of this section.~~

13 ~~(b)(1) A person licensed under this chapter shall satisfactorily~~
14 ~~demonstrate one (1) or more of the following qualification criteria:~~

15 ~~(A) Certification as a Certified Industrial Hygienist by~~
16 ~~the American Board of Industrial Hygiene;~~

17 ~~(B) Certification as a Certified Microbial Consultant by~~
18 ~~the American Indoor Air Quality Council or a Certified Indoor Environmental~~
19 ~~Consultant; or~~

20 ~~(C) Successful completion of at least twenty (20) hours of~~
21 ~~college-level microbiology.~~

22 ~~(2) A person licensed under this chapter shall not confirm or~~
23 ~~refute the presence of mold in a residential or commercial building without~~
24 ~~having first:~~

25 ~~(A) Performed an onsite investigation of the premises~~
26 ~~conducted under the best practices set forth in the guidelines established by~~
27 ~~the American Conference of Governmental Industrial Hygienists and the~~
28 ~~American Industrial Hygiene Association, as they existed on January 1, 2009;~~
29 ~~or~~

30 ~~(B) If air samples or bulk samples of any kind are taken~~
31 ~~from a residence or commercial building for culture or appropriate~~
32 ~~examination by a commercial laboratory, the analysis shall be performed by a~~
33 ~~laboratory accredited by and actively participating in the American~~
34 ~~Industrial Hygiene Association's Environmental Microbiology Laboratory~~
35 ~~Accreditation Program.~~

36 ~~(3) A written copy of an analysis from the laboratory under this~~

1 ~~chapter shall be provided to the person or entity that has retained the~~
2 ~~services of the mold investigator.~~

3 ~~(c) A licensed mold investigator shall not interpret the results of a~~
4 ~~laboratory analysis or make recommendations based on the laboratory analysis~~
5 ~~unless the licensed mold investigator has at least one (1) of the credentials~~
6 ~~listed in subdivision (b)(1) of this section.~~

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8 ~~17-54-104. Mold investigator licensure.~~

9 ~~(a) The State Plant Board shall administer and enforce the licensure~~
10 ~~of mold investigators in this state.~~

11 ~~(b) The board shall adopt rules necessary to implement this chapter,~~
12 ~~including without limitation:~~

13 ~~(1) Initial registration and annual renewal procedures for~~
14 ~~licensure of mold inspectors;~~

15 ~~(2) Collection of an annual license fee not to exceed one~~
16 ~~hundred fifty dollars (\$150) per person;~~

17 ~~(3) Collection of fines under § 17-54-103;~~

18 ~~(4) Establishment of standards of practice and a code of ethics~~
19 ~~for mold inspectors; and~~

20 ~~(5) Enforcement of procedures in accordance with the Arkansas~~
21 ~~Administrative Procedure Act, § 25-15-201 et seq., for the suspension and~~
22 ~~revocation of mold inspector licenses and for appeals of suspension and~~
23 ~~revocation actions.~~

24 ~~(c) Funds received by the board under this chapter shall be deposited~~
25 ~~into the State Treasury to the credit of the State Plant Board Operations and~~
26 ~~Facilities Construction Fund and shall be utilized for the general operations~~
27 ~~of the board.~~

28 ~~(d) This chapter does not apply to employees of the state performing~~
29 ~~work within the scope of their official duties.~~

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32 **APPROVED: 3/21/2011**