

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

A Bill

SENATE BILL 365

5 By: Senator Rapert
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 17 OF
10 THE ARKANSAS CODE CONCERNING PROFESSIONS,
11 OCCUPATIONS, AND BUSINESSES; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 17
16 OF THE ARKANSAS CODE CONCERNING
17 PROFESSIONS, OCCUPATIONS, AND BUSINESSES.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 17-12-103(4), concerning the definition of
23 "board" regarding accountants, is repealed to conform to the Arkansas Code
24 style.

25 ~~(4) "Board" means the Arkansas State Board of Public Accountancy~~
26 ~~created by § 17-12-201;~~
27

28 SECTION 2. Arkansas Code § 17-17-103(2), concerning the definition of
29 "board" regarding auctioneers, is repealed to conform to the Arkansas Code
30 style.

31 ~~(2) "Board" means the Auctioneer's Licensing Board;~~
32

33 SECTION 3. Arkansas Code § 17-19-101(2), concerning the definition of
34 "board" regarding bail bondsmen, is repealed to conform to the Arkansas Code
35 style.

36 ~~(2) "Board" means the Professional Bail Bond Company and~~



1 ~~Professional Bail Bondsman Licensing Board,~~

2
3 SECTION 4. Arkansas Code § 17-20-409(b), concerning fees regarding
4 barber schools and postsecondary barber schools, is amended for grammatical
5 purposes to read as follows:

6 (b) Other fees applicable to barber schools or colleges are:

7 (1) Teacher, manager, ~~or~~ instructor examination \$80.00

8 (2) Teacher, manager, ~~or~~ instructor license 40.00

9 (3) Restoration of a teacher, manager, ~~or~~ instructor license . .
10 48.00

11
12 SECTION 5. Arkansas Code § 17-20-424(a), concerning the inspection of
13 student work, is amended to add language for clarification to read as
14 follows:

15 (a) Each barber college shall require that a patron ~~shall~~ not be
16 released from a chair after being served by a student until all the work
17 performed by the student has been thoroughly inspected and approved by a
18 teacher manager instructor.

19
20 SECTION 6. Arkansas Code § 17-21-101(3), concerning the definition of
21 "director" regarding beauty pageants, is repealed to conform to the Arkansas
22 Code style.

23 ~~(3) "Director" means the Director of the Department of Finance~~
24 ~~and Administration;~~

25
26 SECTION 7. Arkansas Code § 17-22-101(4), concerning the definition of
27 "commission" regarding combative sports, is repealed to conform to the
28 Arkansas Code style.

29 ~~(4) "Commission" means the State Athletic Commission as provided~~
30 ~~in § 17-22-201;~~

31
32 SECTION 8. Arkansas Code § 17-22-204(a)(2), concerning the authority
33 of the State Athletic Commission, is amended to add language for
34 clarification to read as follows:

35 (2) A combative sports match ~~and~~ or exhibition declared to be
36 amateur and self-regulated shall be governed by the commission unless

1 sanctioned by:

2 (A) A federally recognized sanctioning body approved in
3 writing by the commission; and

4 (B) A national oversight body with 26 U.S.C. § 501(c)(3)
5 status under the Internal Revenue Code of 1986 operating in at least six (6)
6 states approved in writing by the commission.

7
8 SECTION 9. Arkansas Code § 17-24-102(b), concerning exemptions
9 regarding collection agencies, is amended to correct a discrepancy in terms
10 to read as follows:

11 (b) Nothing in § 17-24-301, § 17-24-309, § 17-24-401, or this ~~chapter~~
12 subchapter with respect to licensure by the State Board of Collection
13 Agencies or limitations of fees for collection services shall include or be
14 applicable to attorneys at law licensed to practice in the State of Arkansas
15 who are engaged in rendering legal services for clients in the collection of
16 accounts, debts, or claims, nor shall § 17-24-301, § 17-24-309, § 17-24-401,
17 or this ~~chapter~~ subchapter amend or repeal in any way the exemptions set out
18 in subsection (a) of this section.

19
20 SECTION 10. Arkansas Code § 17-24-105 is amended to clarify language
21 to read as follows:

22 17-24-105. Remedies.

23 When any person, partnership, corporation, or association engages in
24 the business activities of a collection agency without a valid license issued
25 ~~pursuant to~~ under this chapter or has had the license revoked, suspended, or
26 refused, in accordance with the provisions of this ~~subchapter~~ chapter, the
27 State Board of Collection ~~Agencies shall have the right to~~ Agencies may
28 petition the circuit court in the jurisdiction in which the collection
29 activity has occurred and, upon affidavit, secure a writ of injunction,
30 without bond, restraining and prohibiting the person, partnership,
31 corporation, or association from operating the collection agency.

32
33 SECTION 11. Arkansas Code § 17-24-305(b)(4), concerning fees and
34 disposition of fees regarding collection agencies, is amended to clarify the
35 language to read as follows:

36 (4) Funds remaining after the distributions listed in

1 subdivisions (b)(3)(A)-(F) of this section shall be deposited into a bank
2 authorized to do business within this state and placed into the ~~State Board~~
3 ~~of Collection Agencies account in a bank authorized to do business in this~~
4 ~~state~~ account of the board.

5
6 SECTION 12. Arkansas Code § 17-25-101(a)(2), concerning the definition
7 of "contractor" regarding the licensure of contractors, is amended to correct
8 a discrepancy in terms to read as follows:

9 (2) However, when a person or an entity acts as a contractor in
10 the construction, erection, alteration, demolition, or repair of his or her
11 own or its own property, such action shall not result in the person's or
12 entity's being required to obtain a license, but the person or entity shall
13 comply with all other provisions of this ~~subchapter~~ chapter.

14
15 SECTION 13. Arkansas Code § 17-25-502(1), concerning the definition of
16 "committee" regarding residential contractors, is repealed to conform to the
17 Arkansas Code style.

18 ~~(1) "Committee" means the Residential Contractors Committee~~
19 ~~created by this subchapter;~~

20
21 SECTION 14. Arkansas Code § 17-25-502(4), concerning the definition of
22 "single family residence" regarding residential contractors, is amended for
23 clarification to read as follows:

24 (4) "Single family residence" means any project consisting of at
25 least one (1) but not more than four (4) units of new construction for
26 residential occupancy.

27
28 SECTION 15. Arkansas Code § 17-26-306(2), concerning the prerequisites
29 for examination for an electrologist license, is amended for clarification to
30 read as follows:

31 (2) Has completed the twelfth grade ~~or~~ at an accredited senior
32 high school in the public schools of this state or its equivalent; and

33
34 SECTION 16. Arkansas Code § 17-26-319(g)(2), concerning the fee for a
35 lifetime license of cosmetology and related occupations, is amended to
36 correct a discrepancy in a name to read as follows:

1 (2) The fee for a lifetime license shall be established by rule
2 of the ~~board~~ department.

3
4 SECTION 17. Arkansas Code § 17-27-102(1), concerning the definition of
5 "board" regarding counselors, is repealed to conform to the Arkansas Code
6 style.

7 ~~(1) "Board" means the Arkansas Board of Examiners in Counseling;~~

8
9 SECTION 18. Arkansas Code § 17-27-401(1), concerning the definition of
10 "board" regarding alcoholism and drug abuse counselors, is repealed to
11 conform to the Arkansas Code style.

12 ~~(1) "Board" means the State Board of Examiners of Alcoholism and~~
13 ~~Drug Abuse Counselors created by this subchapter;~~

14
15 SECTION 19. Arkansas Code § 17-27-403 is amended to conform to the
16 Arkansas Code style to read as follows:

17 17-27-403. Exemptions.

18 (a)~~(1) Nothing contained in this subchapter shall be~~ This subchapter
19 is not applicable to employees of the Department of Education or local boards
20 of education who meet the certification as established or which may be
21 established by the State Board of Education.

22 ~~(2)(b) Nothing in this subchapter shall be construed to limit~~
23 This subchapter does not:

24 (1) Limit or restrict the regulation of the title, setting of
25 standards, qualifications, training, or experience of those who seek to
26 engage in the practice of alcoholism and drug abuse counseling and who have
27 been or will be certified by the ~~board~~ State Board of Examiners of Alcoholism
28 and Drug Abuse Counselors for the position for which they have been
29 employed+;

30 ~~(b)(2) Nothing contained in this subchapter shall require~~ Require
31 persons employed by the State of Arkansas, the director or administrative
32 head of a social service agency or division of a city or county, or
33 applicants for such employment to be licensed+;

34 ~~(c)(3) Nothing contained in this subchapter shall be construed to~~
35 ~~limit~~ Limit the activities and services of a student or intern seeking to
36 fulfill the educational requirements in order to qualify for a license under

1 this subchapter or acts of other recognized health or behavioral sciences
2 professions;

3 ~~(d)(4) Nothing contained in this subchapter shall prohibit~~ Prohibit
4 individuals not licensed under the provisions of this subchapter who work in
5 self-help groups or programs or not-for-profit organizations from providing
6 services in those groups, programs, or organizations or agencies;

7 ~~(e)(5) Nothing contained in this subchapter shall be construed to~~
8 ~~prevent~~ Prevent qualified members of other recognized health or behavioral
9 science professions from performing work within the standards and ethics of
10 their respective professions;

11 ~~(f)(6) Nothing in this subchapter shall be construed to prevent~~
12 Prevent persons licensed under other health or behavioral science boards from
13 the practice of alcoholism and drug abuse counseling so long as those persons
14 maintain current licensure in their respective fields;

15 ~~(g)(7) Nothing contained in this subchapter shall be construed to~~
16 ~~prevent~~ Prevent members of the clergy or Christian Science practitioners from
17 performing work within the standards and any code of ethics of their
18 respective professions as long as they do not hold themselves out to the
19 public as being licensed alcoholism and drug abuse counselors; or

20 ~~(h)(8) Nothing contained in this subchapter shall be construed to~~
21 ~~restrict~~ Restrict the licensure of programs under §§ 20-64-901 – 20-64-909.

22
23 SECTION 20. Arkansas Code § 17-30-303(g)(1), concerning authorization
24 certificates regarding engineers, is amended to clarify language to read as
25 follows:

26 (g)(1) The Secretary of State shall not issue a certificate of
27 incorporation to an applicant or a registration as a foreign firm to a firm
28 that includes among the objectives for which it is established any of the
29 words “engineer”, “engineering”, or any modification or derivation thereof
30 unless the board ~~of licensure for this profession~~ has issued for the
31 applicant a certificate of authorization or a letter indicating the
32 eligibility of the applicant to receive such a certificate.

33
34 SECTION 21. Arkansas Code § 17-40-308(c), concerning insurance
35 prerequisites for licenses or credentials of private investigators and
36 private security agencies, is amended to clarify language to read as follows:

1 (c)(1) All Class E licensees shall maintain in force at all times
 2 while licensed a public liability insurance policy, with minimum limits of
 3 liability of three hundred thousand dollars (\$300,000).

4 (2) All alarm systems ~~businesses~~ companies that issue
 5 Underwriters Laboratories certificates for local mercantile, central station,
 6 or police connected alarms shall maintain in force at all times a public
 7 liability insurance policy in an amount of at least three hundred thousand
 8 dollars (\$300,000).

9 (3) Proof of public liability insurance shall be provided to the
 10 director at the time of application or renewal or upon request.

11 (4) This section does not pertain to alarm systems ~~businesses~~
 12 companies that do not sell, install, or service alarm systems.

13
 14 SECTION 22. Arkansas Code § 17-40-314(c), concerning managers relating
 15 to private investigators and private security agencies, is amended to add an
 16 additional type of business to read as follows:

17 (c) It is unlawful for an individual to make application to the
 18 director as manager or to serve as manager of an investigations company,
 19 security services contractor, private business, or alarm systems company
 20 unless the individual intends to maintain a supervisory position on a daily
 21 basis for the investigations company, security services contractor, private
 22 business, or alarm systems company.

23
 24 SECTION 23. Arkansas Code § 17-42-203(h), concerning the powers and
 25 duties of the Arkansas Real Estate Commission, is amended to clarify language
 26 to read as follows:

27 (h)(1) The commission ~~is authorized to~~ may establish reasonable
 28 procedures that shall be used by ~~real estate~~ licensees participating in
 29 ~~conducting~~ real estate auctions.

30 (2) For the protection of the public, ~~real estate~~ licensees who
 31 ~~manage and conduct~~ participate in real estate auctions also shall be required
 32 to be licensed by the Auctioneer’s Licensing Board.

33 (3) Notwithstanding subdivision (h)(2) of this section, the
 34 commission shall have sole jurisdiction over ~~real estate~~ licensees and their
 35 actions when ~~managing or conducting~~ participating in real estate auctions.

1 SECTION 24. Arkansas Code § 17-42-303(b)(1), concerning education and
2 experience requirements relating to real estate licensure, is amended to use
3 the defined terms appropriately to read as follows:

4 (b)(1) The commission shall establish the experience requirement for
5 licensure for an applicant for a broker’s license subject to the condition of
6 serving an active, bona fide apprenticeship by holding a valid ~~real-estate~~
7 salesperson’s license issued by the commission or by holding a valid ~~real~~
8 ~~estate~~ salesperson’s license or broker’s license issued by the appropriate
9 licensing agency of another state for a period of not less than twenty-four
10 (24) months within the previous forty-eight-month period immediately
11 preceding the date of application.

12
13 SECTION 25. Arkansas Code § 17-42-510(a)(6), concerning education fees
14 relating to real estate licensure, is amended to clarify language to read as
15 follows:

16 (6) An administrator license renewal fee not to exceed one
17 hundred dollars (\$100);

18
19 SECTION 26. Arkansas Code § 17-43-201(a)(3), concerning the creation
20 and membership of the Arkansas State Board of Sanitarians, is amended to
21 clarify language and conform to the Arkansas Code style to read as follows:

22 (3)(A) One (1) member shall not be actively engaged in the
23 business of sanitation or retired as a sanitarian and shall represent
24 consumers.

25 (B) This member shall be appointed from the state at
26 large, subject to confirmation by the Senate.

27 (C) He or she shall be a full voting member but shall not
28 participate in the grading of examinations.

29
30 SECTION 27. Arkansas Code § 17-44-102(f)(2), concerning required
31 records for scrap metal dealers, is amended to clarify language to read as
32 follows:

33 (2)(A) The operator of the electronic database under this
34 section shall send a report that ~~shall include~~ includes a list of all scrap
35 metal recyclers in the county that have accessed or that have access to the
36 database but have not filed a daily electronic record of scrap metal

1 purchases as required by this section to:

2 (i) ~~To the~~ The county sheriff every seven (7) days;
3 and

4 (ii) ~~To any~~ Any law enforcement agency that requests
5 periodic copies of the report more frequently than every seven (7) days.

6 (B)(i) A scrap metal recycler who fails to file a daily
7 electronic record of scrap metal purchases as required by this section shall
8 be subject to the civil penalty provided for under § 17-44-106(a) for the
9 first offense.

10 (ii) A second violation of the daily reporting
11 requirement of this section is a Class A misdemeanor.

12 (iii) A third or subsequent violation is a Class D
13 felony.

14 ~~(C) The report by the operator of the electronic database~~
15 ~~shall include a list of all scrap metal recyclers in the county that have~~
16 ~~accessed or that have access to the database but have not filed a daily~~
17 ~~electronic record of scrap metal purchases as required by this section.~~
18

19 SECTION 28. Arkansas Code § 17-45-105 is amended for grammatical
20 purposes to read as follows:

21 17-45-105. Disposition of fees.

22 All fees levied and collected under the provisions of this chapter are
23 declared to be special revenues and shall be deposited into the State
24 Treasury and credited to the ~~General Account~~ general account of the Public
25 Health Fund or any successor fund, fund account, or account.
26

27 SECTION 29. Arkansas Code § 17-49-202(1), concerning the definition of
28 "department" regarding licensure of transient merchants, is repealed to
29 conform to the Arkansas Code style.

30 ~~(1) "Department" means the Department of Finance and~~
31 ~~Administration;~~
32

33 SECTION 30. Arkansas Code § 17-49-203(b), concerning the procedure for
34 exemption from licensure of transient merchants, is amended to clarify
35 language to read as follows:

36 (b) The Department of Finance and Administration or its ~~duly~~

1 authorized agents, or any highway patrol officer, sheriff, or other peace
 2 officer, for the purpose of the enforcement of this subchapter, ~~shall have~~
 3 ~~authority to~~ may administer oaths and take acknowledgments of the oaths.

4
 5 SECTION 31. Arkansas Code § 17-50-103(4), concerning the definition of
 6 "commission" regarding the licensure of water well constructors, is repealed
 7 to conform to the Arkansas Code style.

8 ~~(4) "Commission" means the Commission on Water Well Construction~~
 9 ~~as created by § 17-50-201;~~

10
 11 SECTION 32. Arkansas Code § 17-50-108(b)-(d), concerning exemptions
 12 and limitations for water well contractors, are amended to clarify language
 13 to read as follows:

14 (b)(1) ~~Nothing in this~~ This chapter or any rule, ~~regulation,~~ or order
 15 ~~pursuant to it shall~~ issued under this chapter does not prevent a person who
 16 has not obtained a license ~~pursuant to~~ under § 17-50-304 from constructing,
 17 altering, or repairing a water well or installing or repairing a pump or
 18 pumping equipment for use by him or her on his or her own land.

19 (2) This chapter ~~shall~~ does not apply to any person owning,
 20 operating, and maintaining on May 27, 1969, any ~~such~~ water well unless it
 21 constitutes a public health hazard.

22 (c)(1)(A) ~~No~~ A water well in existence on May 27, 1969, ~~shall be~~ is
 23 not required to conform to the provisions of § 17-50-205 or any rules ~~or~~
 24 ~~regulations~~ adopted ~~pursuant thereto~~ under § 17-50-205.

25 (B) However, any water well abandoned or repaired,
 26 including any water well deemed to have been abandoned, as defined in this
 27 chapter, shall be brought into compliance with the requirements of this
 28 chapter and applicable rules ~~or regulations~~ with respect to abandonment of
 29 water wells.

30 (2) Any water well supplying water which is determined by the
 31 commission to be a health hazard must comply with the provisions of this
 32 chapter and applicable rules ~~and regulations~~ within a reasonable time after
 33 notification of the determination has been given.

34 (d) This chapter ~~shall~~ does not apply to any distribution of water
 35 beyond the point of discharge from any storage or pressure tank, or beyond
 36 the point of discharge from the pump if no tank is employed, nor to any water

1 well, pump, or other equipment used temporarily for dewatering purposes.

2
3 SECTION 33. Arkansas Code § 17-50-403(1), concerning the definition of
4 "commission" under the Arkansas Water Well Rig Confiscation Act, is repealed
5 to conform to the Arkansas Code style.

6 ~~(1) "Commission" means the Commission on Water Well~~
7 ~~Construction, which was created for administration and enforcement of the~~
8 ~~Arkansas Water Well Construction Act, § 17-50-101 et seq.;~~

9
10 SECTION 34. Arkansas Code § 17-51-101(1) and (2), concerning the
11 definitions of "board" and "committee" regarding waterworks operators, are
12 repealed to conform to the Arkansas Code style.

13 ~~(1) "Board" means the State Board of Health;~~

14 ~~(2) "Committee" means the Drinking Water Advisory and Operator~~
15 ~~Licensing Committee;~~

16
17 SECTION 35. Arkansas Code § 17-51-101(4), concerning the definition of
18 "department" regarding waterworks operators, is repealed to conform to the
19 Arkansas Code style.

20 ~~(4) "Department" means the Department of Health;~~

21
22 SECTION 36. Arkansas Code § 17-52-303(2), concerning the definition of
23 "board" regarding the Arkansas Home Inspectors Registration Act, is repealed
24 to conform to the Arkansas Code style.

25 ~~(2) "Board" means the Arkansas Home Inspector Registration Board~~
26 ~~as established in this subchapter;~~

27
28 SECTION 37. Arkansas Code § 17-80-101(a), concerning the filing and
29 compilation of licensing information, is amended to clarify language to read
30 as follows:

31 (a)(1) ~~It is the duty of the secretaries~~ The Executive Director of the
32 Arkansas State Medical Board and the Executive Director of the Arkansas State
33 Board of Chiropractic Examiners ~~to~~ shall file with the Secretary of State
34 within one (1) week of the issuance of a license:

- 35 (A) The name of the person licensed;
36 (B) The date of license;

1 (C) The last known post office address of the person
2 licensed; and

3 (D) Whether the license was granted:

4 (i) On examination before the ~~board~~ Arkansas State
5 Medical Board or the Arkansas State Board of Chiropractic Examiners;

6 (ii) By reciprocity and, if so, the name of the
7 state which issued the license; or

8 (iii) On a diploma and, if so, the name of the
9 school or medical college which issued the diploma.

10 (2) This information shall be verified by the affidavits of the
11 ~~secretaries of the respective boards~~ Executive Director of the Arkansas State
12 Medical Board or the Executive Director of the Arkansas State Board of
13 Chiropractic Examiners.

14
15 SECTION 38. Arkansas Code § 17-86-311(a)(7), concerning the
16 disciplinary actions and penalties of massage therapists, is amended to
17 clarify language to read as follows:

18 (7) Failure to comply with the Department of Health’s Massage
19 Therapy Code of Ethics or any valid ~~regulation~~ rule or order of the ~~committee~~
20 department;

21
22 SECTION 39. Arkansas Code § 17-87-603 is amended to clarify language
23 to read as follows:

24 17-87-603. Definition.

25 As used in this subchapter, the term “head of the ~~nurse~~ state licensing
26 board” means the Executive Director of the Arkansas State Board of Nursing.

27
28 SECTION 40. Arkansas Code § 17-88-102(1)-(3), concerning the
29 definitions of "association", "board", and "committee" relating to
30 occupational therapists, are repealed to conform to the Arkansas Code style.

31 ~~(1) “Association” means the Arkansas Occupational Therapy~~
32 ~~Association;~~

33 ~~(2) “Board” means the Arkansas State Medical Board;~~

34 ~~(3) “Committee” means the Arkansas State Occupational Therapy~~
35 ~~Examining Committee;~~

36

1 SECTION 41. Arkansas Code § 17-89-102(2), concerning the definition of
2 "board" relating to ophthalmic dispensing, is repealed to conform to the
3 Arkansas Code style.

4 ~~(2) "Board" means the Arkansas Board of Dispensing Opticians;~~

6 SECTION 42. Arkansas Code § 17-90-503(1), concerning the definition of
7 "board" relating to the Impaired Optometrist Treatment program, is repealed
8 to conform to the Arkansas Code style.

9 ~~(1) "Board" means the State Board of Optometry with reference to~~
10 ~~optometrists;~~

12 SECTION 43. Arkansas Code § 17-92-101(1), concerning the definition of
13 "board" relating to pharmacists and pharmacies, is repealed to conform to the
14 Arkansas Code style.

15 ~~(1) "Board" means the Arkansas State Board of Pharmacy;~~

17 SECTION 44. Arkansas Code § 17-92-602(1), concerning the definition of
18 "board" under the Hospital Pharmacies Act, is repealed to conform to the
19 Arkansas Code style.

20 ~~(1) "Board" means the Arkansas State Board of Pharmacy;~~

22 SECTION 45. Arkansas Code § 17-92-701(1), concerning the definition of
23 "board" in the program for pharmacists impaired by chemical dependency, is
24 repealed to conform to the Arkansas Code style.

25 ~~(1) "Board" means the Arkansas State Board of Pharmacy;~~

27 SECTION 46. Arkansas Code § 17-92-701(3), concerning the definition of
28 "committee" in the program for pharmacists impaired by chemical dependency,
29 is repealed to conform to the Arkansas Code style.

30 ~~(3) "Committee" means a committee appointed by the board to~~
31 ~~formulate and administer the impaired pharmacists program;~~

33 SECTION 47. Arkansas Code § 17-93-402(5), concerning the definition of
34 "board" relating to athletic trainers, is repealed to conform to the Arkansas
35 Code style.

36 ~~(5) "Board" means the Arkansas State Board of Athletic Training;~~

1
2 SECTION 48. Arkansas Code § 17-95-107(b)(2), concerning the definition
3 of "board" regarding credentialing organizations, is repealed to conform to
4 the Arkansas Code style.

5 ~~(2) "Board" means the Arkansas State Medical Board;~~

6
7 SECTION 49. Arkansas Code § 17-95-202(2), concerning the definition of
8 "board" under the Arkansas Medical Practices Act, is repealed to conform to
9 the Arkansas Code style.

10 ~~(2) "Board" means the Arkansas State Medical Board;~~

11
12 SECTION 50. Arkansas Code § 17-95-301(c), concerning the creation and
13 membership of the Arkansas State Medical Board, is amended to remove an
14 obsolete provision to read as follows:

15 (c)(1) The term of each member shall expire on December 31 of the year
16 designated, and a successor appointee shall be named by the Governor on or
17 before the expiration date of the term so expiring.

18 (2)~~(A)~~ ~~No~~ A member may not serve on the board for more than two
19 (2) full terms or more than thirteen (13) years.

20 ~~(B) However, this subdivision (c)(2) shall not cut short a~~
21 ~~term for which a member is serving on August 12, 2005.~~

22
23 SECTION 51. Arkansas Code § 17-95-703(1), concerning the definition of
24 "board" regarding treatment of chronic intractable pain, is repealed to
25 conform to the Arkansas Code style.

26 ~~(1) "Board" means the Arkansas State Medical Board;~~

27
28 SECTION 52. Arkansas Code § 17-95-909 is amended to correct a
29 reference and to conform to the Arkansas Code style to read as follows:

30 17-95-909. Exclusions of limitations of employment.

31 This ~~chapter shall not be construed to~~ subchapter does not limit the
32 employment arrangement of a graduate registered physician licensed under this
33 subchapter.

34
35 SECTION 53. Arkansas Code § 17-96-101(1), concerning the definition of
36 "board" relating to podiatric medicine, is repealed to conform to the

1 Arkansas Code style.

2 ~~(1) "Board" means the Arkansas Board of Podiatric Medicine;~~

3

4 SECTION 54. Arkansas Code § 17-98-103(2), concerning the definition of
5 "board" relating to the registration of disease intervention specialists, is
6 repealed to conform to the Arkansas Code style.

7 ~~(2) "Board" means the State Board of Disease Intervention~~
8 ~~Specialists created by this chapter;~~

9

10 SECTION 55. Arkansas Code § 17-99-102(1) and (2), concerning the
11 definitions of "board" and "committee" relating to respiratory care
12 practitioners, are repealed to conform to the Arkansas Code style.

13 ~~(1) "Board" means the Arkansas State Medical Board;~~

14 ~~(2) "Committee" means the Arkansas State Respiratory Care~~
15 ~~Examining Committee;~~

16

17 SECTION 56. Arkansas Code § 17-100-107 is amended to clarify language
18 to read as follows:

19 17-100-107. Injunction against unlawful practice.

20 When any person not licensed by the Board of Examiners in Speech-
21 Language Pathology and Audiology, or any licensee, ~~shall engage~~ engages in
22 the practice of speech-language pathology or audiology as ~~herein~~ defined in §
23 17-100-103 in violation of this chapter or the rules ~~and regulations~~ of the
24 board, the board ~~shall have the authority to~~ may go into the Pulaski County
25 Circuit Court or the circuit court of the county in which the person resides
26 and, upon affidavit, secure a writ of injunction, without bond, restraining
27 and prohibiting the person from the practice of speech-language pathology or
28 audiology in violation of this chapter.

29

30 SECTION 57. Arkansas Code § 17-101-102(3), concerning the definition
31 of "board" regarding veterinarians and animal technicians, is repealed to
32 conform to the Arkansas Code style.

33 ~~(3) "Board" means the Veterinary Medical Examining Board;~~

34

35 SECTION 58. Arkansas Code § 17-102-206 is amended to clarify language
36 to read as follows:

1 17-102-206. Board duties and powers.

2 (a)(1)(A) The Arkansas State Board of Acupuncture and Related
3 Techniques ~~is empowered to~~ may incur whatever expenses ~~it~~ the Arkansas State
4 Board of Acupuncture and Related Techniques may deem necessary or expedient
5 in performing ~~its~~ the functions of the Arkansas State Board of Acupuncture
6 and Related Techniques.

7 (B) ~~It~~ The Arkansas State Board of Acupuncture and Related
8 Techniques may employ or engage whatever personnel, legal counsel,
9 independent contractors, or assistants ~~it~~ the Arkansas State Board of
10 Acupuncture and Related Techniques may deem necessary or expedient ~~therefor~~
11 in performing the functions of the Arkansas State Board of Acupuncture and
12 Related Techniques and fix their compensation.

13 (C) However, ~~no~~ an employee of the Arkansas State Board of
14 Acupuncture and Related Techniques shall not have any financial interest in
15 the occupation of acupuncture and related techniques.

16 (2) All of the disbursements provided for in this section shall
17 be out of the fees and fines collected by the Arkansas State Board of
18 Acupuncture and Related Techniques.

19 (b) The Arkansas State Board of Acupuncture and Related Techniques is
20 authorized to:

21 (1) Make suitable bylaws for carrying out ~~its~~ the duties of the
22 Arkansas State Board of Acupuncture and Related Techniques under the
23 provisions of this chapter;

24 (2) Sue and be sued;

25 (3) Have an official seal that shall bear the words "Arkansas
26 State Board of Acupuncture and Related Techniques";

27 (4)(A) Provide a secretary's certificate.

28 (B) The certificate of the Secretary of the Arkansas State
29 Board of Acupuncture and Related Techniques under seal shall be accepted in
30 the courts of the state as the best evidence as to the minutes of the
31 Arkansas State Board of Acupuncture and Related Techniques and shall likewise
32 be accepted in the courts of the state as the best evidence as to the
33 licensure or nonlicensure of any person under the requirements of this
34 chapter;

35 (5)(A) Adopt, publish, and, from time to time, revise ~~such~~ rules
36 ~~and regulations not inconsistent~~ consistent with the law as may be necessary

1 to enable ~~it~~ the Arkansas State Board of Acupuncture and Related Techniques
2 to carry into effect the provisions of this chapter.

3 (B) Within thirty (30) days after the effective date of
4 this act, the Arkansas State Board of Acupuncture and Related Techniques
5 shall promulgate new rules to replace the following existing rules: Title I,
6 Title II, Title III, Title IV, Title V, and Title VI.

7 (C) All proposed rules after the effective date of this
8 act shall be approved in writing by the Arkansas State Medical Board under
9 the Arkansas Administrative Procedure Act, § 25-15-201 et seq., but before
10 submission to the Administrative Rules and Regulations Subcommittee of the
11 Legislative Council;

12 (6) Keep a record of all ~~its~~ proceedings, receipts, and
13 disbursements of the Arkansas State Board of Acupuncture and Related
14 Techniques;

15 (7) Adopt standards for applicants wishing to take the licensing
16 examination and conduct examinations or contract with persons or entities to
17 conduct examinations of applicants;

18 (8)(A) Grant, deny, renew, suspend, or revoke licenses to
19 practice acupuncture and related techniques for any cause stated in this
20 chapter.

21 (B) Except as otherwise provided by this chapter, the
22 Arkansas State Board of Acupuncture and Related Techniques shall have
23 exclusive jurisdiction to determine who shall be permitted to practice
24 acupuncture and related techniques in the State of Arkansas; and

25 (9) Conduct disciplinary proceedings under this chapter.

26 (c)(1) In the performance of ~~its~~ the duties of the Arkansas State
27 Board of Acupuncture and Related Techniques, the Arkansas State Board of
28 Acupuncture and Related Techniques ~~is empowered to~~ may administer oaths and
29 take testimony on any matters within the Arkansas State Board of Acupuncture
30 and Related Techniques' jurisdiction and issue subpoenas and thereby compel
31 the attendance of persons before ~~it~~ the Arkansas State Board of Acupuncture
32 and Related Techniques for the purpose of examining any facts or conditions
33 properly pending before the Arkansas State Board of Acupuncture and Related
34 Techniques for ~~its~~ action of the Arkansas State Board of Acupuncture and
35 Related Techniques.

36 (2) All subpoenas issued by the Arkansas State Board of

1 Acupuncture and Related Techniques shall be served in the manner prescribed
2 by law for the service of subpoenas issuing from the courts, and all persons
3 so served shall obey the subpoenas or be subject to the penalties provided by
4 law for the disobedience of subpoenas issuing from the courts.

5
6 SECTION 59. Arkansas Code § 17-104-102(1), concerning the definition
7 of "board" under the Perfusionist Licensure Act, is repealed to conform to
8 the Arkansas Code style.

9 ~~(1) "Board" means the State Board of Health;~~

10
11 SECTION 60. Arkansas Code § 17-104-102(2), concerning the definition
12 of "department" under the Perfusionist Licensure Act, is repealed to conform
13 to the Arkansas Code style.

14 ~~(2) "Department" means the Department of Health;~~

15
16 SECTION 61. Arkansas Code § 17-105-101(1), concerning the definition
17 of "board" regarding physician assistants, is repealed to conform to the
18 Arkansas Code style.

19 ~~(1) "Board" means the Arkansas State Medical Board;~~

20
21 SECTION 62. Arkansas Code § 17-106-103(1) and (2), concerning the
22 definitions of "board" and "committee" regarding consumer-patient radiation
23 health and safety, are repealed to conform to the Arkansas Code style.

24 ~~(1) "Board" means the State Board of Health;~~

25 ~~(2) "Committee" means the Medical Ionizing Radiation Licensure~~
26 ~~Committee;~~

27
28 SECTION 63. Arkansas Code § 17-106-103(4), concerning the definition
29 of "department" regarding consumer-patient radiation health and safety, is
30 repealed to conform to the Arkansas Code style.

31 ~~(4) "Department" means the Department of Health;~~

32
33 SECTION 64. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

34 It is the intent of the General Assembly that:

35 (1) The enactment and adoption of this act shall not expressly
36 or impliedly repeal an act passed during the regular session of the Ninety-

1 Second General Assembly;

2 (2) To the extent that a conflict exists between an act of the
3 regular session of the Ninety-Second General Assembly and this act:

4 (A) The act of the regular session of the Ninety-Second
5 General Assembly shall be treated as a subsequent act passed by the General
6 Assembly for the purposes of:

7 (i) Giving the act of the regular session of the
8 Ninety-Second General Assembly its full force and effect; and

9 (ii) Amending or repealing the appropriate parts of
10 the Arkansas Code of 1987; and

11 (B) Section 1-2-107 shall not apply; and

12 (3) This act shall make only technical, not substantive, changes
13 to the Arkansas Code of 1987.

14
15
16 **APPROVED: 3/8/19**
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