

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1216

5 By: Representative Dotson
6 By: Senator J. Dismang
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE
10 CODIFICATION OF ADMINISTRATIVE RULES; TO REVISE
11 CERTAIN ARKANSAS LAWS CONCERNING ADMINISTRATIVE RULES
12 TO ALLOW FOR THE DEVELOPMENT OF THE CODE OF ARKANSAS
13 RULES; AND FOR OTHER PURPOSES.
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Subtitle

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18 TO REVISE CERTAIN ARKANSAS LAWS
19 APPLICABLE TO ADMINISTRATIVE RULES TO
20 ALLOW FOR THE DEVELOPMENT OF THE CODE OF
21 ARKANSAS RULES.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 1-2-124 is amended to read as follows:

27 1-2-124. Respectful language – Disabilities – Definition.

28 (a)(1) The General Assembly recognizes that language used in reference
29 to individuals with disabilities shapes and reflects society's attitudes
30 toward people with disabilities. Many of the terms currently used demean the
31 humanity and natural condition of having a disability. Certain terms are
32 demeaning and create an invisible barrier to inclusion as equal community
33 members.

34 (2) The General Assembly finds it necessary to clarify preferred
35 language for new and revised laws and administrative rules by requiring the
36 use of terminology that puts the person before the disability.



1 (b)(1) In any bill or resolution, the Bureau of Legislative Research
 2 shall avoid all references to:

- 3 (A) "Disabled";
- 4 (B) "Developmentally disabled";
- 5 (C) "Mentally disabled";
- 6 (D) "Mentally ill";
- 7 (E) "Mentally retarded";
- 8 (F) "Handicapped";
- 9 (G) "Cripple"; and
- 10 (H) "Crippled".

11 (2) The Arkansas Code Revision Commission shall change such
 12 references in any existing statute or resolution as sections including these
 13 references are republished or otherwise amended by law.

14 (3) The Bureau of Legislative Research and the Arkansas Code
 15 Revision Commission shall replace the inappropriate terms in subdivision
 16 (b)(1) of this section with the following terms:

- 17 (A) "Individuals with disabilities";
- 18 (B) "Individuals with developmental disabilities";
- 19 (C) "Individuals with mental illness"; and
- 20 (D) "Individuals with intellectual disabilities".

21 (c)(1) In any administrative rule, a state agency shall avoid the
 22 inappropriate terms in subdivision (b)(1) of this section and shall use the
 23 terms in subdivision (b)(3) of this section.

24 (2) The Bureau of Legislative Research shall:

25 (A) Replace in the Code of Arkansas Rules the
 26 inappropriate terms in subdivision (b)(1) of this section with the terms in
 27 subdivision (b)(3) of this section when:

28 (i) A section of the Code of Arkansas Rules is
 29 created or amended and the state agency did not make the change during the
 30 promulgation process; or

31 (ii) The Bureau of Legislative Research identifies
 32 in a section of the Code of Arkansas Rules an inappropriate term in
 33 subdivision (b)(1) of this section; and

34 (B) Consult with the state agency that promulgated the
 35 section of the Code of Arkansas Rules that contains the inappropriate term in
 36 subdivision (b)(1) of this section when making the change.

1 ~~(2)~~(3) If a state agency identifies a use of an inappropriate
 2 term under subdivision (b)(1) of this section in a rule, the state agency
 3 shall:

4 (A) ~~promulgate~~ Promulgate a revision to the rule to
 5 replace the inappropriate term with a term under subdivision (b)(3) of this
 6 section; and

7 (B) Request the Bureau of Legislative Research to make the
 8 change in the Code of Arkansas Rules under subdivision (c)(2) of this
 9 section.

10 ~~(3)~~(4) As used in this subsection, "state agency" means any
 11 office, board, commission, department, council, bureau, or other agency of
 12 state government having authority by statute enacted by the General Assembly
 13 to promulgate or enforce administrative rules.

14 (d) A statute, resolution, or rule is not invalid because it does not
 15 comply with this section.

16
 17 SECTION 2. Arkansas Code § 25-15-202(9)(B), concerning exceptions to
 18 the definition of "rule" under the Arkansas Administrative Procedure Act, is
 19 amended to read as follows:

20 (B) "Rule" does not mean:

21 (i) A statement that concerns the internal
 22 management of a state agency and that does not affect the private rights or
 23 procedures available to the public;

24 (ii) A declaratory order or ruling issued under §
 25 25-15-206 or other provision of law applicable to the state agency issuing
 26 the declaratory order or ruling;

27 (iii) Intra-agency memoranda; ~~or~~

28 (iv) A medical code within the Arkansas Medicaid
 29 Program that is issued by the Centers for Medicare and Medicaid Services,
 30 including without limitation:

31 (a) Current Procedural Terminology codes;

32 (b) Healthcare Common Procedure Coding System
 33 codes;

34 (c) International Classification of Diseases
 35 codes;

36 (d) National Uniform Billing Committee

1 Official UB-04 Specifications Manual codes; and

2 (e) National Correct Coding Initiative codes;

3 (v) The addition of formatting to one (1) or more
 4 rules, including without limitation one (1) or more sections of the Code of
 5 Arkansas Rules, in order to create a handbook, manual, pamphlet, or other
 6 similar publication for the purpose of packaging or distributing materials
 7 for public use, including without limitation the addition of:

8 (a) A cover or title page;

9 (b) A table of contents; or

10 (c) An index;

11 (vi) A technical correction under § 25-15-218; or

12 (vii)(a) Unless required by law to be promulgated as
 13 a rule, a form developed by an agency to implement or interpret a rule.

14 (b) A form under subdivision

15 (9)(B)(vii)(a) of this section shall not contain language that otherwise
 16 meets the definition of a rule under subdivision (9)(A) of this section
 17 unless:

18 (1) The language is derived from
 19 an existing law or rule; and

20 (2) A citation to the existing law
 21 or rule is included on the form; and

22
 23 SECTION 3. Arkansas Code § 25-15-218 is amended to add an additional
 24 subsection to read as follows:

25 (f)(1) The bureau may make a technical correction to a rule codified
 26 in the Code of Arkansas Rules:

27 (A) Pursuant to the request of an agency; or

28 (B)(i) Upon the bureau's own initiative.

29 (ii)(a) Before making a technical correction under
 30 subdivision (f)(1)(B)(i) of this section, the bureau shall consult with the
 31 agency that promulgated the rule for which the correction is necessary.

32 (b) An agency that objects to a technical
 33 correction made by the bureau under subdivision (f)(1)(B)(i) of this section
 34 may appeal the technical correction in the same manner that an agency may
 35 appeal the form of a codification of a rule under subdivision (a)(1)(C)(ii)
 36 of this section.

