

**ARKANSAS SENATE**  
92nd General Assembly - Regular Session, 2019  
**Amendment Form**

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**Subtitle of Senate Bill No. 175**

TO REQUIRE DISCRETION IN REVIEWING CERTAIN FACTORS BEFORE DISQUALIFYING AN APPLICANT FOR OCCUPATIONAL LICENSURE; AND TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR APPLICANTS TO OCCUPATIONAL PROGRAMS, TRAINING, AND SCHOOLS.

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**Amendment No. 1 to Senate Bill 175**

Amend Senate Bill No. 175 as originally introduced:

Page 1, delete lines 10 through 13, and substitute the following:  
"OCCUPATIONAL LICENSURE; TO AUTHORIZE CRIMINAL BACKGROUND CHECKS BEFORE APPLYING FOR OCCUPATIONAL LICENSURE; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO REQUIRE DISCRETION IN REVIEWING CERTAIN FACTORS BEFORE DISQUALIFYING AN APPLICANT FOR OCCUPATIONAL LICENSURE; AND TO AUTHORIZE CRIMINAL BACKGROUND CHECKS BEFORE APPLYING FOR OCCUPATIONAL LICENSURE."

AND

Page 2, line 29, delete "section:" and substitute "section and § 17-1-109:"

AND

Page 3, line 3, delete "may waive" and substitute "with the authority to waive"

AND

Page 3, line 6, delete "upon the" and substitute "shall consider the following:"



AND

Page 3, delete lines 7 through 11

AND

Page 3, delete line 20, and substitute the following:

"does not pose a threat to the health or safety of the public.

(2) The grant of a waiver may be considered upon the request of:

(A) An affected applicant for occupational licensure; or

(B) A person holding an occupational license subject to

revocation."

AND

Page 3, delete lines 23 through 30, and substitute the following:

"(a) An occupational licensing entity shall establish criteria that indicate the passage of a criminal background check based upon the criteria for occupational licensure.

(b) Before applying for occupational licensure, an individual may request an informal appearance before the occupational licensing entity to determine whether he or she would pass the criminal background check and if he or she could obtain a waiver under § 17-1-108.

(c)(1) Upon a request for an informal appearance under subsection (b) of this section, an occupational licensing entity may require that the applicant undergo a state and federal criminal background check as required by the occupational licensing entity for all applicants for occupational licensure.

(2) The requestor under subsection (b) of this section shall be responsible for payment for a state and federal criminal background check.

(d)(1) An occupation licensing entity shall promulgate rules necessary to implement this section.

(2)(A) When adopting the initial rules to implement this section, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(i) On or before January 1, 2020; or

(ii) If approval under § 10-3-309 has not occurred by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(B) An occupational licensing entity shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator J. Cooper

JMB/JMB - 01-31-2019 15:20:50

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Secretary