

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

# A Bill

SENATE BILL 175

5 By: Senator J. Cooper  
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## For An Act To Be Entitled

8 AN ACT TO REQUIRE DISCRETION IN REVIEWING CERTAIN  
9 FACTORS BEFORE DISQUALIFYING AN APPLICANT FOR  
10 OCCUPATIONAL LICENSURE; TO REQUIRE CRIMINAL  
11 BACKGROUND CHECKS FOR APPLICANTS TO OCCUPATIONAL  
12 PROGRAMS, TRAINING, AND SCHOOLS; AND FOR OTHER  
13 PURPOSES.  
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## Subtitle

16 TO REQUIRE DISCRETION IN REVIEWING  
17 CERTAIN FACTORS BEFORE DISQUALIFYING AN  
18 APPLICANT FOR OCCUPATIONAL LICENSURE; AND  
19 TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR  
20 APPLICANTS TO OCCUPATIONAL PROGRAMS,  
21 TRAINING, AND SCHOOLS.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

28 (a) The General Assembly finds that:

29 (1) Arkansas is taking a leading role in the nationwide pursuit  
30 of reforms to the system of occupational licensing;

31 (2) Arkansas became one (1) of eleven (11) states chosen to  
32 participate in the Occupational Licensing Policy Learning Consortium, an  
33 initiative funded by a grant from the United States Department of Labor and  
34 supported in partnership with the National Conference of State Legislatures,  
35 the Council of State Governments, and the National Governors Association;

36 (3) Governor Asa Hutchinson appointed seventeen (17) individuals



1 to the Red Tape Reduction Working Group to review and address occupational  
2 licensing regulations that create unnecessary barriers to labor market entry;  
3 and

4 (4) The Red Tape Reduction Working Group issued a final report  
5 to the Governor in the fall of 2018 with five (5) recommendations for  
6 substantive legislative reform, which are to:

7 (A) Establish an expedited procedure for occupational  
8 licensing entities to collectively submit administrative rules that are  
9 responsive to new legislation;

10 (B) Extend Acts 2017, No. 781, to allow repeal of  
11 subsections of rules;

12 (C) Establish provisions to allow certain agencies to  
13 consider occupational relevance with regard to criminal background issues;

14 (D) Authorize occupational licensing entities to identify  
15 types of individuals or entities that may be issued temporary or provisional  
16 licenses; and

17 (E) Establish a systematic process for review of:

18 (i) New occupational licensure and occupational  
19 licensing entities; and

20 (ii) Existing occupational licensure and  
21 occupational licensing entities.

22 (b) It is the intent of the General Assembly to establish provisions  
23 to allow certain agencies to consider occupational relevance with regard to  
24 criminal background issues.

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26 SECTION 2. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended  
27 to add additional sections to read as follows:

28 17-1-108. Occupational relevance regarding criminal background checks.

29 (a) As used in this section:

30 (1) "Occupational licensing entity" means an office, board,  
31 commission, department, council, bureau, or other agency of state government  
32 having authority to license, certify, register, permit, or otherwise  
33 authorize an individual to engage in a particular occupation or profession;  
34 and

35 (2) "Occupational licensure" means a license, certificate,  
36 registration, permit, or other form of authorization required by law or a

1 rule that is required for an individual to engage in a particular occupation  
2 or profession.

3 (b)(1) An occupational licensing entity may waive disqualification or  
4 revocation of an occupational licensure for an offense listed within the  
5 licensing requirements of the Arkansas Code when a person has pleaded guilty  
6 or nolo contendere to or has been found guilty of any listed offense upon the  
7 request of:

8 (A) An affected applicant for licensure; or

9 (B) The person holding a license subject to revocation.

10 (2) A basis upon which a waiver may be granted includes without  
11 limitation:

12 (A) The age at which the offense was committed;

13 (B) The circumstances surrounding the offense;

14 (C) The length of time since the offense was committed;

15 (D) Subsequent work history since the offense was committed;

16 (E) Employment references since the offense was committed;

17 (F) Character references since the offense was committed;

18 (G) Relevance of the offense to the occupational licensure; and

19 (H) Other evidence demonstrating that licensure of the applicant  
20 does not pose a threat to the health or safety of the public.

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22 17-1-109. Pre-licensure criminal background checks.

23 (a) An occupational education program, training, or school shall  
24 establish criteria by which the passage of the criminal background check is  
25 determined based upon the occupational criteria for licensure.

26 (b) Upon application to an occupational education program, training,  
27 or school, the applicant shall undergo a state and federal criminal  
28 background check.

29 (c) The applicant shall be responsible for payment for a state and  
30 federal criminal background check.

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