

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

A Bill

HOUSE BILL 1192

5 By: Representative M. Gray
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For An Act To Be Entitled

8 AN ACT TO AMEND THE DIVISION OF WORKFORCE SERVICES
9 LAW; TO AMEND AN EXCLUSION FROM THE DEFINITION OF
10 "EMPLOYMENT" WITHIN THE DIVISION OF WORKFORCE
11 SERVICES LAW; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE DIVISION OF WORKFORCE
15 SERVICES LAW; AND TO AMEND AN EXCLUSION
16 FROM THE DEFINITION OF "EMPLOYMENT"
17 WITHIN THE DIVISION OF WORKFORCE SERVICES
18 LAW.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 11-10-210(f)(21), concerning exclusions
25 from the definition of "employment" in the Division of Workforce Services
26 Law, is repealed.

27 ~~(21)(A) Services performed as personal care services for a~~
28 ~~certified home and community based health services provider licensed under §~~
29 ~~20-10-2301 et seq., unless the provider is a state or local government entity~~
30 ~~or federally recognized Indian tribe as described in 26 U.S.C § 3306(e)(7) or~~
31 ~~a nonprofit organization as described in 26 U.S.C § 3309(a)(1).~~

32 ~~(B) Subdivision (f)(21)(A) of this section is retroactive~~
33 ~~to January 1, 2010;~~
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35 SECTION 2. DO NOT CODIFY. Legislative intent.

36 The General Assembly intends that, on and after the effective date of



1 this act, personal care services performed by an individual for a home- and
2 community-based service provider are no longer excluded from the definition
3 of employment and that an individual performing personal care services for a
4 home- and community-based service provider is an employee of the home- and
5 community-based service provider and not an independent contractor.

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