

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1109

5 By: Representative Ladyman  
6 By: Senator D. Wallace  
7

## For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE STATE BOARD OF EXAMINERS OF  
10 ALCOHOLISM AND DRUG ABUSE COUNSELORS TO REQUIRE  
11 CRIMINAL BACKGROUND CHECKS FOR APPLICANTS FOR  
12 LICENSURE; AND FOR OTHER PURPOSES.  
13  
14

## Subtitle

15 TO AUTHORIZE THE STATE BOARD OF EXAMINERS  
16 OF ALCOHOLISM AND DRUG ABUSE COUNSELORS  
17 TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR  
18 APPLICANTS FOR LICENSURE.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 17-27-408(a), concerning the licensure  
25 requirements for licensed alcoholism and drug abuse counselors, is amended to  
26 add an additional subdivision to read as follows:

27 (11) Has applied for a criminal background check and has not  
28 been found guilty of, or pleaded guilty or nolo contendere to, any of the  
29 offenses listed in §17-3-102.  
30

31 SECTION 2. Arkansas Code § 17-27-409(a), concerning the licensure  
32 requirements for licensed associate alcoholism and drug abuse counselors, is  
33 amended to add an additional subdivision to read as follows:

34 (12) Has applied for a criminal background check and has not  
35 been found guilty of, or pleaded guilty or nolo contendere to, any of the  
36 offenses listed in §17-3-102.



1  
2 SECTION 3. Arkansas Code § 17-27-410(a), concerning the certification  
3 requirements for certified alcoholism and drug abuse technicians, is amended  
4 to add an additional subdivision to read as follows:

5 (11) Has applied for a criminal background check and has not  
6 been found guilty of, or pleaded guilty or nolo contendere to, any of the  
7 offenses listed in §17-3-102.

8  
9 SECTION 4. Arkansas Code Title 17, Chapter 27, Subchapter 4, is  
10 amended to add additional section to read as follows:

11 17-27-417. Criminal background checks.

12 (a) The State Board of Examiners of Alcoholism and Drug Abuse  
13 Counselors may require each applicant for license renewal and each first-time  
14 applicant for a license issued by the board to apply to the Identification  
15 Bureau of the Division of Arkansas State Police for a state and national  
16 criminal background check, to be conducted by the Identification Bureau of  
17 the Division of Arkansas State Police and the Federal Bureau of  
18 Investigation.

19 (b) The criminal background check shall conform to the applicable  
20 federal standards and shall include the taking of fingerprints.

21 (c) The applicant shall sign a release of information to the board and  
22 shall be responsible for the payment of any fee associated with the criminal  
23 background check.

24 (d) Upon completion of the criminal background check, the  
25 Identification Bureau of the Division of Arkansas State Police shall forward  
26 to the board all releasable information obtained concerning the applicant.

27 (e) The board may issue a six-month nonrenewable letter of provisional  
28 eligibility for licensure to a first-time applicant pending the results of  
29 the criminal background check.

30 (f) The board shall follow the licensing restrictions based on  
31 criminal records under § 17-3-102.

32 (g)(1) Any information received by the board from the Identification  
33 Bureau of the Division of Arkansas State Police under this section shall not  
34 be available for examination except by:

35 (A) An affected applicant for licensure, or his or her  
36 authorized representative; or

1                   (B) A person whose license is subject to revocation, or  
2 his or her authorized representative.

3                   (2) A record, file, or document shall not be removed from the  
4 custody of the Identification Bureau of the Division of Arkansas State  
5 Police.

6                   (h) Any information made available to the affected applicant for  
7 licensure or the person whose license is subject to revocation shall be  
8 information pertaining to that person only.

9                   (i) Rights of privilege and confidentiality established under this  
10 section shall not extend to any document created for purposes other than for  
11 the background check under subsection (a) of this section.

12                   (j) The board shall adopt the necessary rules to fully implement the  
13 provisions of this section.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36