

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

As Engrossed: H1/18/23

A Bill

HOUSE BILL 1109

5 By: Representative Ladyman
6 By: Senators D. Wallace, *Irvin*
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 */s/Ladyman*
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36