

**REPORT OF THE  
ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE  
OF THE  
ARKANSAS LEGISLATIVE COUNCIL**

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**December 15, 2017**

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**Co-Chairs:**

**The Administrative Rules and Regulations Subcommittee met on Tuesday, December 12, 2017 at 1:00 p.m. in Room A, MAC.**

- 1. The Subcommittee adopted the attached Report of the Senate and House Interim Committees on Public Health regarding the following rule that was referred by the full Legislative Council to the committees on November 17, 2017:**

**STATE BOARD OF PHARMACY (John Kirtley)**

- a. Regulation 7 – Drug Products/Prescriptions**

**This rule will be on hold while the Health Services Subcommittee studies the issue.**

- 2. The Subcommittee reviewed and filed the quarterly reports for the quarters ending June 30, 2017 and September 30, 2017 issued pursuant to Sections 14 and 15 of Act 1258 of 2015 concerning administrative directives and administrative memoranda by the Department of Correction and the Arkansas Parole Board.**

- 3. The Subcommittee reviewed and approved the following rules that were deferred from the November 14, 2017 Administrative Rules and Regulations Subcommittee meeting:**

**ALCOHOLIC BEVERAGE CONTROL (Mary Robin Casteel)**

- a. Section 1.27 – Application for Transfer of Location of Premises**

**DEPARTMENT OF LABOR, BOARD OF ELECTRICAL EXAMINERS  
(Denise Oxley)**

- a. **Rule 010.13-008 - The National Electrical Code**

- 4. **The following rule was also deferred from the November 14, 2017 meeting; however, the agency requested that the rule be withdrawn:**

**ALCOHOLIC BEVERAGE CONTROL (Mary Robin Casteel)**

- a. **Section 1.34 – Continuation of Permit Conditioned Upon Operation of Originally Proposed Business**

- 5. **The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF CAREER EDUCATION (Dr. Charisse Childers and Trena Miles)**

- a. **Adult Education Program Policies Update**

**ARKANSAS ETHICS COMMISSION (Graham Sloan)**

- a. **Rules on Prohibition of Gifts from Lobbyists to Certain Public Officials under Ark. Const. Art. 19, § 30**
- b. **Rules on Political Committees**
- c. **Rules on Local-Option Ballot Question Committees**
- d. **Rules on Independent Expenditures**
- e. **Rules on Gifts**
- f. **Rules on Conflicts**
- g. **Rules on Campaign Finance and Disclosure**
- h. **Rules on Ballot and Legislative Question Committees**
- i. **Rules on Practice and Procedure**

**ARKANSAS DEVELOPMENT FINANCE AUTHORITY (Ron Arrington and J. Benjamin Van Kleef)**

- a. Guidelines for Reserving Volume Cap for Multi-Family Housing Bonds**

**STATE BOARD OF FINANCE (Paul Louthian, T. J. Fowler, and Autumn Sanson)**

- a. Money Management Trust Policy and Procedures Manual**
- b. Investment Policy**

**DEPARTMENT OF FINANCE AND ADMINISTRATION, INTERGOVERNMENTAL SERVICES (Doris Smith and Autumn Hemphill)**

- a. Arkansas Domestic Violence Shelter Grants**

**DEPARTMENT OF HEALTH (Robert Brech)**

- a. Administration of Vital Records**

**DEPARTMENT OF HIGHER EDUCATION (Maria Markham)**

- a. Arkansas Governor's Scholars Program**

**DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS (Stephen Giese and Yolanda Geary)**

- a. SNAP 17-5 Policy 11570.1 and 12460**

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Tami Harlan)**

- a. State Plan #2017-008 and Episodes of Care #1-17**

**STATE BOARD OF NURSING (Fred Knight)**

- a. Chapter One-General Provisions; Chapter Two-Licensure: RN, LPN, and LPTN; Chapter Four-Advanced Practice Registered Nurse; Chapter Six-Standards for Nursing Education Programs; Chapter Seven-Rules of Procedure; Chapter Ten-Alternative to Discipline**

**STATE PLANT BOARD, PESTICIDE DIVISION (Susie Nichols)**

- a. Pesticide Enforcement and Response Regulation Civil Penalties**

**ARKANSAS TEACHER RETIREMENT SYSTEM (Rod Graves, Rett Hatcher, and Laura Gilson)**

- a. **Rule 6-2 Reciprocity**
  - b. **Rule 9-2 Age and Service (Voluntary Retirement)**
  - c. **Rule 9-4 Disability Retirement**
  - d. **Rule 9-8 Error Corrections and Collection of Overpayments**
  - e. **Rule 9-9 Retirement Application**
  - f. **Rule 10-3 Teacher Deferred Retirement Option Plan (T-DROP)**
  - g. **Rule 11-1 Survivor Benefits**
  - h. **Rule 13-1 Administration Adjudications: Staff Determinations and Appeals**
6. **The Subcommittee deferred the following rule for final consideration and recommended that the State Plant Board reconsider its current rule and revise the rule using (1) scientific-based evidence; (2) making a dividing line to create north and south zones; and (3) ambient temperature and humidity applicable to temperature inversion during night-time hours:**

**STATE PLANT BOARD, PESTICIDE DIVISION (Susie Nichols)**

- a. **Dicamba Use and Application**
7. **The following rule was held for consideration by the full Legislative Council:**

**ARKANSAS STATE POLICE (Col. William J. Bryant, and Mary Claire McLaurin)**

- a. **Arkansas Concealed Handgun Carry License Rules**

**Respectfully submitted,**

**Senator David Sanders, Co-Chair**

**Representative Kim Hammer, Co-Chair**

**REPORT OF THE**  
**Senate and House Committees on Public Health, Welfare and Labor**  
**to the**  
**Administrative Rules and Regulations Subcommittee**  
**December 12, 2017**

Senator David Sanders, Co-Chair

Representative Kim Hammer, Co-Chair

Co-Chairs:

The Arkansas Legislative Council referred a rule from The Arkansas State Board of Pharmacy, regarding drug substitution and limits of dispensing for Schedule II narcotics, to the Senate and House Committees on Public Health, Welfare and Labor for a recommendation.

The House and Senate Interim Committees on Public Health, Welfare & Labor held a hearing on December 4, 2017, to consider a recommendation on this rule proposed by the Arkansas State Board of Pharmacy. Another hearing was scheduled for December 7, 2017, but was cancelled since the Arkansas State Board of Pharmacy gave notice that the rule to be considered was being held due to additional study of the rule by the Health Services Subcommittee.

Respectfully Submitted,

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Senator Cecile Bledsoe, Senate Chair

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Representative Jeff Wardlaw, House Chair