

Arkansas Department of Health
The Rules Pertaining to Septic Tank Cleaners



Promulgated under the authority of:

Act 71 of 1973 as amended

Ark. Code Ann. § 17-38-101, et seq.

And

Act 96 of 1913

Ark. Code Ann. § 20-7-101, et seq.

Effective Date:

Table of Contents

AUTHORITY	2
SECTION I. DEFINITIONS.....	2
SECTION II. COMPLIANCE.....	3
SECTION III. EQUIPMENT SPECIFICATIONS	3
SECTION IV. DISPOSAL.....	4
SECTION V. LICENSEE RESPONSIBILITIES.	6
SECTION VI. LICENSE REQUIRED	7
SECTION VII. RECIPROCITY AND LICENSURE (A.C.A. § 7-1-108(C),(D)(I)(A)) AND A.C.A. § 17-1-106	8
SECTION VIII. PENALTIES.....	14
SECTION IX. SEVERABILITY.....	14
SECTION X. REPEAL	14

AUTHORITY

The following Rules Pertaining to Septic Tank Cleaning Operations Within the State of Arkansas are duly adopted and promulgated by the Arkansas State Board of Health pursuant to the laws of the State of Arkansas including, Act 71 of 1973 as amended (Ark. Code Ann. § 17-45-101-105) and Act 96 of 1913 (Ark. Code Ann. § 20-7-101, et seq.).

SECTION I. DEFINITIONS

- A. APPROVED. Acceptable to the Department following a determination of compliance with appropriate public health and environmental standards.
- B. AUTHORIZED AGENT. The Environmental Health Specialist assigned to the County ~~Business Unit~~ by the Department.
- C. BOUND RECORD. A tamper resistant book with numbered, non-removable pages with entries made with indelible ink.
- D. THE DEPARTMENT. The Arkansas Department of Health or its authorized agent.
- E. EQUIPMENT. All tanks, devices, tools and implements used in the cleaning or pumping of septic tanks, holding tanks, marine sanitation devices, portable toilets, or other sewage handling facilities
- F. HOLDING TANK. A septic tank, marine sanitation device, portable toilet, or other device used for the temporary storage of untreated human waste.
- G. LAND APPLICATION. A method of septage disposal utilizing either surface spreading, subsurface injection, burial or other process approved by the Department.

- H. LICENSEE. The licensed owner or operator of a business, firm, or corporation engaged in the business of cleaning septic tanks, marine sanitation devices, portable toilets, and or the transporting of septage or sewage.
- I. MARINE SANITATION DEVICE. Any device on board a vessel designed to retain, treat, or discharge human body waste.
- J. PORTABLE TOILET. Any equipment used to receive and retain human waste prior to its delivery to a sewage treatment facility.
- K. PUMPER VEHICLE. Any truck, trailer, boat, tank or combination thereof used to transport septage or sewage.
- L. SCUM. The partially submerged mat of floating solids that forms at the surface of septic tanks or sewage handling facilities.
- M. SEPTAGE. The liquid, scum and sludge from a septic tank or sewage handling facility excluding biosolids from a municipal or publicly owned treatment facility.
- N. SEPTIC TANK CLEANER. Any person, firm, corporation, or association which cleans septic tanks, marine sanitation devices, portable toilets, or transports septage or sewage within the State of Arkansas.
- O. SEWAGE. The contents of holding tanks, marine sanitation devices, portable toilets, or other tanks used for the storage of human waste.
- P. SLUDGE. The accumulation of settled, solid material in the bottom of a septic tank or sewage handling facility.

SECTION II. COMPLIANCE

No person, firm, corporation, partnership, or association shall be engaged in the business of septic tank cleaning or the transportation of septage or sewage for compensation, unless they are in compliance with these rules

SECTION III. EQUIPMENT SPECIFICATIONS

- A. Tanks. The minimum tank size for tank pumper vehicles is 1000 gallons. Portable toilet cleaning vehicles and marine cleaning vessels are exempt from the 1000 minimum size requirement. All tanks used for the transportation of septage or sewage shall be constructed of metal throughout that is welded, water-tight and splash-proof. The firm or owner's name, license number, and the capacity of the tank shall be shown conspicuously on each side of the tank in letters at least 4 inches in height. ~~Some type of~~ A gauge or measuring device shall be provided on each tank to adequately measure the contents of the tank at varying depths. Before the initial licensing, a certified weight slip shall be filed with the Department showing the weight of the empty tank

and ~~also~~ the weight of the tank when full of water. Any changes or modifications to the tank shall require the submission of current weight slips to the Department.

- B. Pumps. Pumps utilized for cleaning septic tanks or sewage treatment facilities shall be adequate to lift the scum, sludge, and liquid contents of the septic tank into the tank pumper vehicle. Pumps shall be so constructed that there is no leakage, spillage or splashing onto the outer surfaces of the tank or equipment. A tight metal hood shall be provided over the pump on all diaphragm or similar types of open pumps.
- C. Valves. A leak proof gate valve with a minimum of 2-1/2 inches in size shall be provided on each tank for the discharge of the contents while being emptied.
- D. Hoses. A discharge hose compatible with the discharge valve shall be provided for each vehicle. This hose shall have sufficient length to discharge into a manhole or near the ground surface when land application is utilized. The hoses used to pump the contents of septic tanks or holding tanks shall be of an adequate length and have the proper fittings to preclude spillage or leakage.
- E. Racks. All racks used for the carrying of equipment on the vehicle shall be made of metal. All parts of the truck and equipment shall be easily cleanable. No pockets shall be permitted where accumulation of septage or sewage may result.
- F. Marine cleaning vessels. Vessels designed and licensed to pump and transport marine wastes shall be equipped with a welded, leak and splash-proof tank constructed of metal or other approved material. All hoses, valves and fittings shall be designed and used in a manner that prevents the leakage or spillage of marine wastes into the environment. Each marine cleaning vessel shall be equipped with or provided with the necessary pumps, hoses, valves, fittings, and other devices necessary to transfer the marine wastes to the land vehicle or facility where the marine wastes will be transported to the receiving sewage treatment plant.
- G. Portable toilet cleaning vehicles. Vehicles used for the cleaning and maintenance of portable toilets shall be equipped with a welded, leak and splash-proof metal tank for the transport of waste to the receiving treatment facility. The vehicle shall also be equipped with separate tanks for wash down solution and disinfectant. Additionally, each portable toilet cleaning vehicle shall be provided with the hoses, brushes, and other equipment necessary to clean, service, and sanitize portable toilets.

SECTION IV. DISPOSAL

- A. The disposal of sewage or septage by any method that violates any state or federal law or rule is strictly prohibited. The wastes from holding tanks, portable toilets, and marine sanitation devices shall not be land applied. These wastes shall be disposed of in a permitted and properly operated sewage treatment facility.
- B. LAND APPLICATION DISPOSAL SITES. The land application of septage at any site not previously inspected, approved, and on file with the department shall be a violation of these rules. To obtain approval for land application of septage, each site shall be inspected by an authorized agent prior to licensing. A notarized statement from the landowner granting permission for the land application of septage shall be obtained for each disposal site. The licensee shall furnish a

legal description, topographical map, and vicinity map for each disposal site. The maps shall reflect pertinent information pertaining to the number of acres, GPS coordinates, the location and distance to property lines, nearby homes, roads, ditches, wells, utilities, gullies, streams and land use (cropland, pastures, etc.) relevant to septage disposal. Every five (5) years the department will assess approved land application sites and obtain soil samples to verify compliance with these rules.

- C. PROPER SEPTAGE DISPOSAL AT LAND APPLICATION SITES. Septage shall be evenly distributed across the site in a manner that prevents surface runoff, ponding, or the accumulation of septage more than one inch in depth. To achieve even distribution, the vehicle applying the septage shall remain in motion and utilize a splash plate or other approved method of dispersal. There shall be no disposal within 1000 feet of any place of habitation; 500 feet of any public road; ~~100~~ 25 feet of any rock outcrops or sink holes; 50 feet of property lines; 100 feet of streams, lakes, ponds, springs, wells or water supplies.

Options for the land application of septage include:

1. The pH of the septage shall be raised to a minimum of twelve (12) or higher by the addition of an alkali such as hydrated lime or quick lime, and without adding more alkali, the septage shall remain at a pH of twelve (12) or higher for not less than thirty (30) minutes prior to being land applied. OR
2. Septage shall be injected below the surface of the soil. When septage is injected below the surface of the soil, no significant amount of septage shall be present on the surface of that soil after one (1) hour. OR
3. Septage shall be evenly spread over the surface of the soil and incorporated into the surface of that soil within six (6) hours of application.

Septage shall not be applied in excess of the below described annual application rates for nitrogen and phosphorus.

1. During any 365-day period, the amount of domestic septage applied to a land application site shall not exceed the annual application rate calculated using the equation $AAR = N \div 0.0026$, where:

AAR = Annual application rate in gallons per acre per 365-day period

N = Amount of nitrogen in pounds per acre per 365-day period needed by the crop or vegetation grown

2. Annual septage land application shall not exceed the phosphorus rates for the crop or vegetation grown and shall not be applied in rates that result in phytotoxicity.

The septage being land applied shall be screened and shall contain no paper, plastic, or other solid material measuring more than one-half inch in any dimension. Grease and/or the contents of grease traps shall not be disposed of at any land application site approved under these rules.

Sites demonstrating a slope of 15% or greater are not suitable for land application. Land application shall be avoided when the soil is saturated, frozen, covered with snow, during rainy weather or when precipitation is in the immediate forecast.

Licensees utilizing land application sites only, for the disposal of septage ~~shall~~ must have available a storage tank sufficient to store the septage collected during periods when climatic conditions preclude land application. These tanks shall be provided with a spill containment berm.

Food crops with harvested parts above the ground surface shall not be harvested for fourteen (14) months after the last application of septage. Food crops with harvested parts that are at or below the ground surface shall not be harvested for thirty-eight (38) months after the last application of septage. At approved application sites, human contact shall be restricted for 30 days after application, and no grazing or harvesting of hay, silage or grain shall commence for 60 days.

For each land application site, the licensee shall maintain a permanent, bound site application record indicating each application of septage, the volume of septage applied, the date it was applied, the crop to which it was applied, a description of the vector and pathogen reduction method used, the method of land application used, and the name of the person applying the septage. These records shall be kept for a minimum of five years and shall be made available to both state and federal regulators on request.

- D. DISPOSAL INTO SEWAGE TREATMENT SYSTEMS. A current contract with each ~~and every~~ sewer improvement district and / or sewage treatment facility where the licensee disposes of sewage and / or septage shall be on file with the Department. The disposal of sewage or septage at a site or facility not on file with the Department is a violation of these rules.
- E. DISPOSAL OF HOLDING TANK, MARINE SANITATION DEVICE, AND PORTABLE TOILET CONTENTS. The contents of holding tanks, marine sanitation devices, and portable toilets is considered untreated sewage and shall not be land-applied under any circumstances. The only acceptable means of disposal for these wastes is into a public sewer system with which the licensee has a contract.

SECTION V. LICENSEE RESPONSIBILITIES.

- A. The licensee shall pass an examination as prescribed by the Department which will reflect the licensee's knowledge in the areas of diseases transmitted by septage and sewage, vector and pathogen reduction, applicable federal and state laws, stream pollution, land application, and permitting requirements.
- B. The licensee shall be responsible for the actions of his employees, partners, associates and co-owners regarding septic tank cleaning and the proper disposal of septage and sewage.
- C. Each licensee shall be responsible for displaying, on each licensed vehicle, a decal issued by the Department at the initial licensing. This decal shall be located on the tank of the pumper vehicle adjacent to the firm or owner's name, license number and tank capacity. When the annual re-licensing requirements are met, renewal decals will be issued by the Department.

- D. The annual license fee is \$25.00. Licenses shall be issued with an effective date of July 1 of each year and will expire one year from the effective date. In addition to the annual license fee, an annual fee of twenty-five dollars (\$25) will be charged for every pumper vehicle above the first vehicle owned by the licensee or the business ~~he represents~~.
- E. Applications for renewal shall include current inspection reports for each pumper vehicle, notarized permission statements from all receiving landowners, and contracts with all sewer improvement districts and treatment facilities where sewage and/ or septage will be disposed. Renewal applications shall be submitted to the Department by July 1 of each year. The renewal request shall include any equipment changes or modifications made to pumper vehicles during the previous license period.
- F. The annual vehicle inspection shall be conducted by the ~~local~~ authorized agent in the county of the licensee's or firm's residence or place of business. Inspection of each pumper vehicle shall be conducted with the tank filled. The required equipment shall be inspected at this time. The owners of pumper vehicles which are located outside of Arkansas shall contact the authorized agent of the nearest or most conveniently located Arkansas county and arrange a time and place for inspection.
- G. The owner or employee of a business licensed under these Rules shall, upon performing any work for which compensation is received, place his name and the number of the license issued to the business on the customer's receipt.
- H. Each pumper vehicle shall maintain and have on board a bound service record listing the operators name, the date and location of each septic tank, treatment plant, holding tank, marine sanitation device, portable toilet, or other sewage handling facility pumped, the vector and pathogen reduction method used, the date and location of disposal. Other methods of record keeping will be considered on a case-by-case basis.

SECTION VI. LICENSE REQUIRED

No person, firm, corporation, partnership, or association shall engage in the business of septic tank cleaning or the transportation of septage, sewage or sludge for compensation without a valid license as provided herein. Proceedings regarding a license shall be conducted pursuant to the Department's rules of administrative procedure. No part of this rule authorizes a licensee or any of his assigns to construct, repair, or modify an individual sewage system without that person first obtaining a valid Septic Tank ~~Installers~~ Cleaner's License. ~~and a valid Individual Sewage Disposal Permit from the Department.~~

- A. Pursuant to Act 725 of 2021, an applicant may receive a waiver of the initial licensure fee, if eligible. Eligible applicants are applicants who:
 - 1) Are receiving assistance through the Arkansas, or current state of residence equivalent, Medicaid Program, the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (SSNP), the Temporary Assistance for Needy Families Program (TEA), or the Lifeline Assistance Program (LAP);

- 2) Were approved for unemployment within the last twelve (12) months; or
- 3) Have an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

B. Applicants shall provide documentation showing their receipt of benefits from the appropriate State Agency.

- 1) For Medicaid, SNAP, SSNP, TEA, or LAP, documentation from the Arkansas Department of Human Services (DHS), or current state of residence equivalent agency;
- 2) For unemployment benefits approval in the last twelve (12) months, the Arkansas Department of Workforce Services, or current state of residence equivalent agency; or
- 3) For proof of income, copies of all United States Internal Revenue Service Forms indicating applicant's total personal income for the most recent tax year e.g., "W2," "1099," etc.

C. Applicants shall attest that the documentation provided under (b) is a true and correct copy and fraudulent or fraudulently obtained documentation shall be grounds for denial or revocation of license.

SECTION VII. RECIPROCITY AND LICENSURE (A.C.A. § 7-1-108(C)(D)(I)(A)) AND A.C.A. § 17-1-106

(a) Required qualifications.

(1) An applicant applying for reciprocal licensure shall meet the following requirements.

(2)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) A license from another state is substantially similar to an Arkansas license if the other state's licensure qualifications require:

(i) The applicant shall hold his or her occupational licensure in good standing;

(ii) The applicant shall not have had a license revoked for:

(a) An act of bad faith; or

(b) A violation of law, rule, or ethics; and

(iii) The applicant shall not hold a suspended or probationary license in a United States jurisdiction.

(3) Required documentation.

(A) An applicant shall submit a fully executed application, the required fee, and the documentation described below.

(B) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas, the applicant shall submit the following information:

(i)(a) Evidence of current and active licensure in that state.

(b) The Department of Health may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other's state's licensing board; and

(ii)(a) Evidence that the other state's licensure requirements match those listed in this subsection.

(b) The department may verify this information online or by telephone to the other's state's licensing group.

(C)(i) To demonstrate that the applicant meets the requirements in this subsection the applicant shall provide the department with:

(a) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(b) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant:

(1) Has not had his or her license revoked for the reasons listed in this subsection; and

(2) Does not hold a license on suspended or probationary status as described in this subsection.

(ii) The department may verify this information:

(a) Online if the jurisdiction at issue provides primary source verification on its website; or

(b) By telephone to the other's state's licensing department.

~~(D) As evidence that the applicant is sufficiently competent in the field of design, installation, or monitoring of onsite wastewater systems, an applicant shall pass the Designated Representative test, Installer test, or the Certified Monitoring Test conducted by the department.~~

(b) Temporary and provisional license.

(1)(A) The department shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under this section.

(B) The temporary and provisional license shall be effective for least ninety (90) days or until the department makes a decision on the application, unless the department determines that the applicant does not meet the requirements in the reciprocity subdivisions in this section in which case the provisional and temporary license shall be immediately revoked.

(2) An applicant may:

(A) Provide the rest of the documentation required above in order to receive a license; or

(B) Only provide the information necessary for the issuance of a temporary and provisional license.

(3) License for person from state that does not license profession, Acts 2019, No. 1011, Arkansas Code § 17-1-108(d)(2).

(4) Required documentation.

(A) An applicant shall submit a fully executed application, the required fee, and the documentation described below.

(B) Passing the required test for Septic Tank Cleaner.

(5) Reciprocity and state-specific education — Acts 2019, No. 1011, Arkansas Code § 17-1-108(d)(3). The department shall require an applicant to take the test if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity provided to out-of-state applicants in Arkansas Code § 17-1-108.

(6) Reciprocity in another state will be considered similar to reciprocity under Arkansas Code § 17-1-108 if the reciprocity provisions in the other state:

(A) Provide the least restrictive path to licensure for Arkansas applicants;

(B) Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain the licensure; and

(C) Do not require Arkansas applicants to take a state-specific education unless required to do so under the same conditions described in Arkansas Code § 17-1-108.

~~Automatic licensure for active-duty service members, returning military veterans, and spouse.~~

~~A.C.A. § 17-1-106~~

~~As used in this subsection "automatic licensure" means granting the occupational licensure without an individual's having met occupational licensure requirements provided under this title or by the rules of the occupational licensing entity.~~

~~As used in this subsection, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.~~

~~The Department shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:~~

~~An active duty military service member stationed in the State of Arkansas;~~

~~A returning military veteran applying for licensure within one (1) year of his or discharge from active duty; or~~

~~The spouse of a person above~~

~~The Department shall grant such automatic licensure upon receipt of all of the below:~~

~~Payment of the initial licensure fee;~~

~~Evidence that the individual holds a substantially equivalent license in another state; and~~

~~Evidence that the applicant is a qualified applicant under above.~~

(c) Prohibiting criminal offenses.

(1) An individual is not eligible to receive or hold a license issued by the department if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Arkansas Code § 17-3-102 by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless:

(A) The conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Arkansas Code § 16-90-1401 et seq.; or

(B) Otherwise sealed, pardoned, or expunged under prior law.

(2) The department may grant a waiver as authorized by Arkansas Code § 17-3-102 in certain circumstances.

(3)(A) The department is not authorized to conduct criminal background checks, but may inquire about criminal convictions upon application or renewal of a license.

(B) Any applicant or licensee who provides false information to the State Board of Health regarding a criminal conviction may be subject to suspension, revocation, or denial of a license.

(d) Prelicensure prohibiting offense determination.

(1) Pursuant to Acts 2019, No. 990, an individual may petition for a prelicensure determination of whether:

(A) The individual's criminal record will disqualify the individual from licensure; and

(B) A waiver may be obtained.

(2) The individual must obtain the prelicensure criminal background check petition form from the department.

(3) The department will respond with a decision in writing to a completed petition within a reasonable time.

(4) The department response will state the reason or reasons for the decision.

(5) All decisions of the department in response to the petition will be determined by the information provided by the individual.

(6) Any decision made by the department in response to a prelicensure criminal background check petition is not subject to appeal.

(7) The department will retain a copy of the petition and response and it will be reviewed during the formal application process.

(8) An individual is not eligible to receive or hold a license issued by the department if that individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Arkansas Code § 17-3-102 by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was:

(A) Lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Arkansas Code § 16-90-1401 et seq.; or

(B) Otherwise sealed, pardoned, or expunged under prior law.

(9) The department may grant a waiver as authorized by Arkansas Code § 17-3-102 in certain circumstances.

(10) The department is not authorized to conduct criminal background checks, but may inquire about criminal convictions upon application or renewal of a license.

(11) Any applicant or licensee that provides false information to the State Board of Health regarding a criminal conviction may be subject to suspension, revocation, or denial of a license.

(e) Uniform Service Members Licensure under Act 135 of 2021

(1)(A) "Automatic licensure" means granting the occupational licensure without an individual having met occupational licensure requirements provided under the Arkansas Code or by other provisions in these Rules.

(B) Uniformed service member" means an active or reserve component member of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, or National Guard; an active component member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or an active or reserve component member of the United States Commissioned Corps of the Public Health Service.

(C) "Uniformed service veteran" means a former member of the United States uniformed services discharged under conditions other than dishonorable.

(2) Applicability

(A) This Rule applies to a:

(i) uniformed service member stationed in the State of Arkansas;

(ii) uniformed service veteran who resides in or establishes residency in the State of Arkansas;

(iii) The spouse of (i) or (ii) including a:

(a) uniformed service member who is assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; or,

(b) uniformed service member who is killed or succumb to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

(3) Automatic Licensure

(A) Automatic Licensure shall be granted to persons listed in section 2 (A) if:

(i) The person is a holder in good standing of occupational licensure with similar scope of practice issued by another state, territory, or district of the United States; and,

(ii) The person pays the licensure fee.

(4) Credit toward initial licensure

(A) Relevant and applicable uniformed service education, training, or service-issued credential shall be accepted toward initial licensure for a uniformed service member or a uniformed service veteran who makes an application within one (1) year of his or her discharge from uniformed service.

(5) Expiration Dates and Continuing Education

(A) A license expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(B) A uniformed service member or spouse shall be exempt from continuing education requirements in Rule for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(C) Any uniformed service member or spouse exercising the exemption shall provide evidence of completion of continuing education evidence of before renewal or grant of a subsequent license.

SECTION VIII. PENALTIES.

Every firm, person, or corporation who violates any of the rules issued or promulgated by the State Board of Health or who violates any condition of a license, permit, certificate, or any other type of registration issued by the board may be assessed a civil penalty by the board. The penalty shall not exceed one thousand dollars (\$1,000) for each violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

SECTION IX. SEVERABILITY.

If any provision of these Rules, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

SECTION X. REPEAL

All Rules and parts of Rules in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules Pertaining to Septic Tank Cleaners were adopted by the Arkansas Board of Health on the _____ day of _____.

José Romero, M.D., FAAP, FIDSA, FPIDS, FAAAS
Arkansas Secretary of Health

1 State of Arkansas As Engrossed: S1/19/21 S1/26/21
2 93rd General Assembly **A Bill**
3 Regular Session, 2021

SENATE BILL 78

4
5 By: Senators Hill, D. Wallace, T. Garner, Irvin, J. Hendren, J. English, Flippo
6 By: Representatives Lynch, Cozart, Brown, Evans

7
8 **For An Act To Be Entitled**

9 AN ACT TO ESTABLISH THE ARKANSAS OCCUPATIONAL
10 LICENSING OF UNIFORMED SERVICE MEMBERS, VETERANS, AND
11 SPOUSES ACT OF 2021; TO MODIFY THE AUTOMATIC
12 OCCUPATIONAL LICENSURE REQUIREMENTS FOR UNIFORMED
13 SERVICES MEMBERS, RETURNING UNIFORMED SERVICES
14 VETERANS, AND THEIR SPOUSES; TO DECLARE AN EMERGENCY;
15 AND FOR OTHER PURPOSES.

16
17
18 **Subtitle**

19 TO ESTABLISH ARKANSAS OCCUPATIONAL
20 LICENSING OF UNIFORMED SERVICE MEMBERS,
21 VETERANS, AND SPOUSES ACT OF 2021; AND TO
22 DECLARE AN EMERGENCY.

23
24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code § 17-1-106 is repealed.

28 ~~17-1-106. Automatic licensure for active duty service members,~~
29 ~~returning military veterans, and spouses—Definitions.~~

30 ~~(a) As used in this section:~~

31 ~~(1) “Automatic licensure” means the granting of occupational~~
32 ~~licensure without an individual’s having met occupational licensure~~
33 ~~requirements provided under this title or by the rules of the occupational~~
34 ~~licensing entity;~~

35 ~~(2) “Occupational licensing entity” means an office, board,~~
36 ~~commission, department, council, bureau, or other agency of state government~~



1 ~~having authority to license, certify, register, permit, or otherwise~~
2 ~~authorize an individual to engage in a particular occupation or profession;~~

3 ~~(3) "Occupational licensure" means a license, certificate,~~
4 ~~registration, permit, or other form of authorization required by law or rule~~
5 ~~that is required for an individual to engage in a particular occupation or~~
6 ~~profession; and~~

7 ~~(4) "Returning military veteran" means a former member of the~~
8 ~~United States Armed Forces who was discharged from active duty under~~
9 ~~circumstances other than dishonorable.~~

10 ~~(b)(1) An occupational licensing entity shall grant automatic~~
11 ~~licensure to engage in an occupation or profession to an individual who is~~
12 ~~the holder in good standing of a substantially equivalent occupational~~
13 ~~license issued by another state, territory, or district of the United States~~
14 ~~and is:~~

15 ~~(A) An active duty military service member stationed in~~
16 ~~the State of Arkansas;~~

17 ~~(B) A returning military veteran applying for licensure~~
18 ~~within one (1) year of his or her discharge from active duty; or~~

19 ~~(C) The spouse of a person under subdivisions (b)(1)(A)~~
20 ~~and (b)(1)(B) of this section.~~

21 ~~(2) However, an occupational licensing entity shall be required~~
22 ~~to provide automatic licensure if the proposed rules are not approved as~~
23 ~~required under subdivision (d)(2) of this section.~~

24 ~~(c) An occupational licensing entity may submit proposed rules~~
25 ~~recommending an expedited process and procedure for occupational licensure~~
26 ~~instead of automatic licensure as provided under subsection (b) of this~~
27 ~~section to the Administrative Rules Subcommittee of the Legislative Council.~~

28 ~~(d) The Administrative Rules Subcommittee of the Legislative Council~~
29 ~~shall:~~

30 ~~(1) Review the proposed rules of an occupational licensing~~
31 ~~entity as submitted for public comment and at least thirty (30) days before~~
32 ~~the public comment period ends under the Arkansas Administrative Procedure~~
33 ~~Act, § 25-15-201 et seq.; and~~

34 ~~(2) Approve the proposed rules submitted under subsection (c) of~~
35 ~~this section based on:~~

36 ~~(A) A determination of whether the expedited process and~~

1 ~~procedure provide the least restrictive means of accomplishing occupational~~
2 ~~licensure; and~~

3 ~~(B) Any other criteria the Administrative Rules~~
4 ~~Subcommittee of the Legislative Council determines necessary to achieve the~~
5 ~~objectives of this section.~~

6 ~~(e) The Administrative Rules Subcommittee of the Legislative Council~~
7 ~~may:~~

8 ~~(1) Establish a subcommittee to assist in the duties assigned~~
9 ~~under this section;~~

10 ~~(2) Assign information filed with the Administrative Rules~~
11 ~~Subcommittee of the Legislative Council under this section to one (1) or more~~
12 ~~subcommittees of the Legislative Council, including without limitation a~~
13 ~~subcommittee created under subdivision (e)(1) of this section; or~~

14 ~~(3) Delegate its duties under this section to one (1) or more~~
15 ~~subcommittees of the Legislative Council, subject to final review and~~
16 ~~approval of the Administrative Rules Subcommittee of the Legislative Council.~~

17 ~~(f) An occupational licensing entity shall:~~

18 ~~(1) Submit proposed rules authorized under subsection (e) of~~
19 ~~this section to the Administrative Rules Subcommittee of the Legislative~~
20 ~~Council for review and approval before the proposed rules are promulgated~~
21 ~~under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.; and~~

22 ~~(2) Provide to the House Committee on Aging, Children and Youth,~~
23 ~~Legislative and Military Affairs an annual report stating the number of~~
24 ~~automatic licenses and expedited occupational licenses granted under this~~
25 ~~section to:~~

26 ~~(A) Active duty military service members stationed in the~~
27 ~~State of Arkansas;~~

28 ~~(B) Returning military veterans applying within one (1)~~
29 ~~year of their discharge from active duty; or~~

30 ~~(C) The spouse of a person under subdivisions (f)(2)(A)~~
31 ~~and (f)(2)(B) of this section.~~

32
33 SECTION 2. Arkansas Code Title 17, Chapter 1, is amended to add an
34 additional chapter to read as follows:

35 Chapter 4 – Arkansas Occupational Licensing of Uniformed Service Members,
36 Veterans, and Spouses Act of 2021

1
2 17-4-101. Title.

3 This chapter shall be known and may be cited as the "Arkansas
4 Occupational Licensing of Uniformed Service Members, Veterans, and Spouses
5 Act of 2021".

6
7 17-4-102. Legislative findings and intent.

8 (a) The General Assembly finds that:

9 (1) Arkansas sets the bar as a national leader in addressing
10 employment barriers faced by uniformed service members, uniformed service
11 veterans, and their spouses in attaining occupational licensure;

12 (2) Arkansas is one (1) of only four (4) states to successfully
13 address eight (8) or more of the ten (10) issues affecting uniformed service
14 families identified by the United States Department of Defense;

15 (3) Of the United States Department of Defense's ten (10) issues
16 in fiscal year 2020, four (4) of the issues concern occupational licensure of
17 spouses of uniformed service members;

18 (4) Annually, fourteen and a half percent (14.5%) of spouses of
19 uniformed service members move across state lines as opposed to one and one-
20 tenth percent (1.1%) of civilians;

21 (5) States can continue to improve the attainment of
22 occupational licensure and to eliminate barriers impeding employment of
23 spouses of uniformed service members following a move across state lines;

24 (6) Acts 2019, No. 820, established provisions for the granting
25 of automatic occupational licensure or expedited occupational licensure to
26 active-duty service members, recently separated veterans, and their spouses
27 who hold occupational licensure in good standing in another jurisdiction; and

28 (7) Additional steps need to be taken to clarify, simplify, and
29 elevate the occupational licensure process for uniformed service members,
30 uniformed service veterans, and their spouses.

31 (b) It is the intent of the General Assembly to address occupational
32 licensure barriers that impede the launch and sustainability of civilian
33 occupational careers and employment faced by uniformed service members,
34 uniformed service veterans, and their spouses due to frequent uniformed
35 service assignment by:

36 (1) Providing:

1 (A) Automatic occupational licensure or expedited
2 occupational licensure to current license holders to expedite their entry
3 into the workforce of this state;

4 (B) Temporary or provisional licensure to initial
5 licensure candidates while expediting full licensure;

6 (C) Legislative oversight of rulemaking by occupational
7 licensing entities to ensure removal of occupational licensure barriers faced
8 by uniformed service members, uniformed service veterans, and their spouses;
9 and

10 (D) Guidance to assure effective rulemaking and clear
11 license application instructions to uniformed service members, uniformed
12 service veterans, and their spouses;

13 (2) Recognizing uniformed service education, training,
14 experience, and credentials of uniformed service members and uniformed
15 service veterans applying for initial occupational licensure; and

16 (3) Extending licensure expiration and any continuing education
17 required for occupational licensure renewal when a uniformed service member
18 is deployed.

19
20 17-4-103. Definitions.

21 As used in this chapter:

22 (1) "Automatic occupational licensure" means the granting of
23 occupational licensure without an individual's having met occupational
24 licensure requirements provided under this title or by the rules of the
25 relevant occupational licensing entity;

26 (2) "Occupational licensing entity" means an office, board,
27 commission, department, council, bureau, or other agency of state government
28 having authority to license, certify, register, permit, or otherwise
29 authorize an individual to engage in a particular occupation or profession,
30 not including occupations or professions within the judicial branch of
31 government or occupations or professions subject to the superintending
32 control of the Supreme Court;

33 (3) "Occupational licensure" means a license, certificate,
34 registration, permit, or other form of authorization required by law or rule
35 that is required for an individual to engage in a particular occupation or
36 profession;

1 (4) "Uniformed service member" means:

2 (A) An active or reserve component member of the United
3 States Air Force, United States Army, United States Coast Guard, United
4 States Marine Corps, United States Navy, United States Space Force, or
5 National Guard;

6 (B) An active component member of the National Oceanic and
7 Atmospheric Administration Commissioned Officer Corps; or

8 (C) An active or reserve component member of the United
9 States Commissioned Corps of the Public Health Service; and

10 (5) "Uniformed service veteran" means a former member of the
11 United States uniformed services discharged under conditions other than
12 dishonorable.

13
14 17-4-104. Applicability.

15 Unless otherwise stated in this chapter, this chapter applies to:

16 (1) A uniformed service member stationed in the State of
17 Arkansas;

18 (2) A uniformed service veteran who resides in or establishes
19 residency in the State of Arkansas; and

20 (3) The spouse of:

21 (A) A person listed in subdivision (1) or (2) of this
22 section;

23 (B) A uniformed service member who is assigned a tour of
24 duty that excludes the uniformed service member's spouse from accompanying
25 the uniformed service member and the spouse relocates to this state; and

26 (C) A uniformed service member who is killed or succumbs
27 to his or her injuries or illness in the line of duty if the spouse
28 establishes residency in the state.

29
30 17-4-105. Automatic occupational licensure.

31 An occupational licensing entity shall grant automatic occupational
32 licensure to engage in an occupation or profession to an individual who is:

33 (1) Listed in § 17-4-104; and

34 (2) The holder in good standing of occupational licensure with
35 similar scope of practice issued by another state, territory, or district of
36 the United States.

1
2 17-4-106. Expedited occupational licensure.

3 (a)(1) An occupational licensing entity may submit proposed rules
4 recommending an expedited process for the attainment of occupational
5 licensure instead of automatic occupational licensure as provided under § 17-
6 4-105 to the Administrative Rules Subcommittee of the Legislative Council.

7 (2) The proposed rules described in subdivision (a)(1) of this
8 section shall include temporary or provisional occupational licensure
9 provisions with a term of ninety (90) days or more.

10 (3) The occupational licensing entity shall provide automatic
11 occupational licensure if the proposed expedited occupational licensure rules
12 are not approved as required by § 17-4-109.

13 (b)(1) An occupational licensing entity shall expedite the process for
14 initial occupational licensure for an individual who is listed in § 17-4-104.

15 (2) An occupational licensing entity shall provide the applicant
16 under subdivision (b)(1) of this section with a temporary or provisional
17 license upon receipt of required documentation or the successful completion
18 of any examination required by the relevant occupational licensing entity to
19 enable the applicant to secure employment in his or her occupation or
20 profession.

21
22 17-4-107. Acceptance of uniformed service education, training,
23 experience, or service-issued credential.

24 An occupational licensing entity shall accept relevant and applicable
25 uniformed service education, training, or service-issued credential toward
26 occupational licensure qualifications or requirements when considering an
27 application for initial licensure of an individual who is:

28 (1) A uniformed service member; or

29 (2) A uniformed service veteran who makes an application within
30 one (1) year of his or her discharge from uniformed service.

31
32 17-4-108. Extension of license expiration and continuing education
33 requirements.

34 (a) An occupational licensing entity shall extend the expiration date
35 of an occupational licensure for a deployed uniformed service member or his
36 or her spouse for one hundred eighty (180) days following the date of the

1 uniformed service member's return from deployment.

2 (b)(1) An occupational licensing entity shall allow a full or partial
3 exemption from a continuing education requirement that is required as a
4 component of occupational licensure for an individual who is listed in
5 subsection (a) of this section until one hundred eighty (180) days following
6 the date of the uniformed service member's return from deployment.

7 (2) An occupational licensing entity that allows full or partial
8 exemption from continuing education requirements may require evidence of
9 completion of continuing education before granting a subsequent occupational
10 licensure or authorizing the renewal of an occupational licensure.

11
12 17-4-109. Legislative oversight of rules.

13 (a) The Administrative Rules Subcommittee of the Legislative Council
14 shall:

15 (1) Review the proposed rules of an occupational licensing
16 entity as submitted for public comment at least thirty (30) days before the
17 public comment period ends under the Arkansas Administrative Procedure Act, §
18 25-15-201 et seq.; and

19 (2) Approve the proposed rules submitted under § 17-4-106 based
20 on:

21 (A) A determination of whether the expedited process
22 provides the least restrictive means of attaining occupational licensure; and

23 (B) Any other criteria the Administrative Rules
24 Subcommittee of the Legislative Council determines necessary to achieve the
25 objectives of this section.

26 (b) The Administrative Rules Subcommittee of the Legislative Council
27 may:

28 (1) Establish a further subcommittee to assist in the duties
29 assigned to the Administrative Rules Subcommittee of the Legislative Council
30 under this section;

31 (2) Assign information filed with the Administrative Rules
32 Subcommittee of the Legislative Council under this section to one (1) or more
33 subcommittees of the Legislative Council, including without limitation a
34 subcommittee created under subdivision (b)(1) of this section; or

35 (3) Delegate the duties of the Administrative Rules Subcommittee
36 of the Legislative Council under this section to one (1) or more

1 subcommittees of the Legislative Council, which shall be subject to the final
2 review and approval of the Administrative Rules Subcommittee of the
3 Legislative Council.

4
5 17-4-110. Responsibilities of occupational licensing entities.

6 An occupational licensing entity shall:

7 (1) Submit proposed rules authorized under § 17-4-106 to the
8 Administrative Rules Subcommittee of the Legislative Council for review and
9 approval before the proposed rules are promulgated under the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.;

11 (2) If the proposed rules are not approved as required under §
12 17-4-109, provide automatic occupational licensure to an individual listed in
13 § 17-4-104;

14 (3) Post prominently on the occupational licensing entity's
15 website a link entitled "Military Member Licensure" that directly leads to
16 information applicable to an individual listed in § 17-4-104; and

17 (4) Provide to the House Committee on Aging, Children and Youth,
18 Legislative and Military Affairs an annual report stating the number of
19 individuals granted automatic occupational licensure and expedited
20 occupational licensure under this chapter.

21
22 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that current laws and
24 administrative rules regarding the issuance of occupational licenses,
25 certificates, and permits are barriers and create a hardship for uniformed
26 service members, uniformed service veterans, and their spouses; that
27 additional expedited processes, automatic licensure, and extended expiration
28 dates of occupational licenses, certificates, and permits is needed to ensure
29 that uniformed service members, uniformed service veterans, and their spouses
30 may practice their chosen occupation or profession in the State of Arkansas;
31 and that this act is immediately necessary to remove barriers and hardships
32 in obtaining occupational licenses, certificates, and permits for uniformed
33 service members, uniformed service veterans, and their spouses. Therefore, an
34 emergency is declared to exist, and this act being immediately necessary for
35 the preservation of the public peace, health, and safety shall become
36 effective on:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Hill

APPROVED: 2/23/21

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

As Engrossed: S3/10/21

A Bill

SENATE BILL 153

5 By: Senators Gilmore, *B. Ballinger, Beckham, Bledsoe, B. Davis, Flippo, T. Garner, K. Hammer, Hester,*
6 *B. Johnson, D. Sullivan, C. Tucker, D. Wallace*
7 By: Representatives Ray, *Beaty Jr., M. Berry, Boyd, Brooks, Brown, Furman, Haak, McCollum,*
8 *Underwood, Wardlaw*

For An Act To Be Entitled

11 AN ACT TO CREATE THE WORKFORCE EXPANSION ACT OF 2021;
12 AND FOR OTHER PURPOSES.

Subtitle

16 TO CREATE THE WORKFORCE EXPANSION ACT OF
17 2021.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22 SECTION 1. Arkansas Code Title 4, Chapter 25, Subchapter 1, is amended
23 to add an additional section to read as follows:

24 4-25-110. Fee waiver for certain individuals.

25 (a) Notwithstanding any law to the contrary, the initial filing fees,
26 permit fees, and licensing fees associated with the formation of a business
27 in this state shall be waived for applicants who meet the requirements in the
28 Workforce Expansion Act of 2021, § 17-4-101 et seq.

29 (b) Appropriate state entities shall:

30 (1) Publish notice of the fee waiver on:

31 (A) The website maintained by the appropriate state
32 entity; and

33 (B) Any relevant forms that an applicant is required to
34 complete; and

35 (2) Promulgate any necessary rules to implement this section.
36



1 SECTION 2. Arkansas Code Title 17, is amended to add an additional
2 chapter to read as follows:

3 Chapter 4 – Workforce Expansion Act of 2021

4
5 17-4-101. Title.

6 This chapter shall be known and may be cited as the "Workforce
7 Expansion Act of 2021".

8
9 17-4-102. Legislative findings – Purpose.

10 (a) The General Assembly finds that:

11 (1) Entrepreneurs and workers must pay various fees in order to
12 work in a government-regulated profession or occupation or to start a small
13 business in Arkansas;

14 (2) Families trying to break the cycle of government dependency
15 should not have to pay the state to earn a living; and

16 (3) Arkansas should waive initial fees associated with
17 occupational and professional regulations and the formation of a business for
18 low-income individuals.

19 (b) It is the purpose of this chapter to increase access to
20 professional and occupational licenses that would otherwise be cost
21 prohibitive for certain individuals.

22
23 17-4-103. Definitions.

24 As used in this chapter:

25 (1) "License" means a license, certificate, registration,
26 permit, or other form of authorization required by law or rule that is
27 required for an individual to engage in a particular occupation or
28 profession; and

29 (2)(A) "Licensing entity" means an office, board, commission,
30 department, council, bureau, or other agency of state government having
31 authority to license, certify, register, permit, or otherwise authorize an
32 individual to engage in a particular occupation or profession.

33 (B) "Licensing entity" does not include a political
34 subdivision of the state or any other local or regional governmental entity,
35 including without limitation a city of the first class, a city of the second
36 class, an incorporated town, or a county.

1 17-4-104. Fee waiver.

2 (a) Notwithstanding any law to the contrary, a licensing entity shall
3 not require an initial fee for individuals who are seeking to receive a
4 license in this state if the applicant:

5 (1) Is receiving assistance through the Arkansas Medicaid
6 Program, the Supplemental Nutrition Assistance Program, the Special
7 Supplemental Nutrition Program for Women, Infants, and Children, the
8 Temporary Assistance for Needy Families Program, or the Lifeline Assistance
9 Program;

10 (2) Was approved for unemployment within the last twelve (12)
11 months; or

12 (3) Has an income that does not exceed two hundred percent
13 (200%) of the federal poverty income guidelines.

14 (b) The waiver of the initial fee does not include fees for:

15 (1) A criminal background check;

16 (2) An examination or a test; or

17 (3) A medical or drug test.

18 (c) The Department of Human Services and the Division of Workforce
19 Services shall collaborate with a licensing entity concerning verification of
20 eligibility for public benefits for applicants, which may include obtaining a
21 signed consent form from the applicant.

22
23 17-4-105. Licensing entity duties.

24 A licensing entity shall:

25 (1) Publish notice of the fee waiver on:

26 (A) The website maintained by the licensing entity; and

27 (B) Any relevant forms that an applicant is required to
28 complete; and

29 (2) Promulgate any necessary rules to implement this chapter.

30
31 SECTION 3. EFFECTIVE DATE.

32 SECTIONS 1 and 2 of this act shall be effective on and after January 1,
33 2022.

34
35 /s/Gilmore

36 **APPROVED: 4/15/21**