

RULE 3
LICENSURE OF CERTAIN INDIVIDUALS

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Section 1. Authority

This Rule is promulgated pursuant to Section Two (2) of Act 746 of 2021 of the Arkansas General Assembly, codified at Ark. Code Ann. § 17-1-109; authority is also found in Ark. Code Ann. § 23-61-1103(a)(5), Ark. Code Ann. § 25-15-204, and other applicable laws or rules.

Section 2. Purpose

The purpose of this Rule is to provide for licensure of individuals who hold a Federal Form I-766 United States Citizenship and Immigration Services- issued Employment Authorization Document.

Section 3. Definitions

A. “Licensure” means

- A. A certificate of registration issued to an Apprentice Embalmer;
- B. A certificate of registration issued to an Apprentice Funeral Director;
- C. A license issued to an Embalmer;
- D. A license issued to a Funeral Director; and
- E. A license issued to a Crematory Retort Operator.

Section 4. Requirements

The Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal Form I-766 United States Citizenship and Immigration Services- issued Employment Authorization Document, known popularly as a “work permit”.

Section 5. Effective Date

This Rule is effective after review and approval by the Arkansas Legislative Council, ten (10) days after filing of the approved Rule with the Arkansas Secretary of State.

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

A Bill

HOUSE BILL 1735

5 By: Representative Penzo
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
10 LICENSURE FOR CERTAIN INDIVIDUALS; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO AUTHORIZE OCCUPATIONAL OR PROFESSIONAL
15 LICENSURE FOR CERTAIN INDIVIDUALS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 17, Chapter 1, Subchapter 1, is amended
22 to add an additional section to read as follows:

23 17-1-109. Licensing of certain individuals – Definitions.

24 (a) As used in this section:

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

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

34 (b) An occupational or professional licensing entity shall grant an
35 occupational or professional license under this section to an individual who
36 fulfills the requirements to practice an occupation or profession in this



1 state and is a person who holds a Federal Form I-766 United States
 2 Citizenship and Immigration Services-issued Employment Authorization
 3 Document, known popularly as a "work permit".

4 (c) This section is a state law within the meaning of subsection (d)
 5 of 8 U.S.C. § 1621, as existing on January 1, 2021.

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 7 SECTION 2. DO NOT CODIFY. Rules implementing this act.

8 (a) All occupational or professional licensing entities shall
 9 promulgate rules necessary to implement this act.

10 (b)(1) When adopting the initial rules to implement this act, the
 11 final rule shall be filed with the Secretary of State for adoption under §
 12 25-15-204(f):

13 (A) On or before January 1, 2022; or

14 (B) If approval under § 10-3-309 has not occurred by
 15 January 1, 2022, as soon as practicable after approval under § 10-3-309.

16 (2) An occupational or professional licensing entity shall file
 17 the proposed rule with the Legislative Council under § 10-3-309(c)
 18 sufficiently in advance of January 1, 2022, so that the Legislative Council
 19 may consider the rule for approval before January 1, 2022.

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 22 **APPROVED: 4/19/21**
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