

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

July 21, 2023

Co-Chairs:

The Administrative Rules Subcommittee met on Thursday, July 20, 2023, at 10:00 a.m., in Room A, MAC.

- 1. The Subcommittee adopted the attached Report on the Acts of the 2023 Regular Session Requiring New Rulemaking.**
- 2. The Subcommittee received and filed the Quarterly Reports on Administrative Directives pursuant to Act 1258 of 2015, for the quarter ending June 30, 2023, submitted by the following agencies:**
 - a. Department of Corrections**
 - b. Parole Board**
- 4. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

**DEPARTMENT OF EDUCATION, DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION**

- a. Rules Governing School Counseling Programs**
- 5. Pursuant to Act 595 of 2021, the Subcommittee received the following agency updates on outstanding rulemaking relating to legislation from the 2021 General Session and 2022 Fiscal Session:**
 - a. Department of Agriculture**
 - b. Department of Corrections**
 - c. Department of Education**
 - d. Office of Arkansas Lottery**

Respectfully submitted,

Representative Brian Evans, Co-Chair

Senator Kim Hammer, Co-Chair

Administrative Rules Review Section, Bureau of Legislative Research

Report on the Acts of the 2023 Regular Session Requiring New Rulemaking

Pursuant to Arkansas Code § 25-15-216(b)(3)(A)



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Introduction

In accordance with Arkansas Code § 25-15-216(b)(3)(A), this Report on the Acts of the 2023 Regular Session Requiring New Rulemaking (“Report”) has been prepared, identifying the rules specifically required by newly enacted laws emanating from the Regular Session of 2023. Acts are categorized as follows:

1. Those clearly specifying that rulemaking is required;
2. Those referencing rulemaking and including the term “necessary.” Depending on context, the referenced agency may have discretion as to whether rulemaking is required;
3. Those indirectly referencing required rulemaking. These acts do not state whether the required rules already exist or new rulemaking is necessary;
4. Those specifying the reassignment of rulemaking authority to a different agency or entity. These acts do not state whether new rules are needed or the only change is the newly assigned agency; and
5. Those requiring action that could fall within the scope of rulemaking. While these acts do not use the term “rule,” an act’s effect could be interpreted to require rulemaking.

The acts are further categorized by the agency or entity responsible for the rulemaking. Because an act may contain multiple provisions related to rulemaking, some acts appear in more than one category. These duplicate acts are denoted by an asterisk (“*”).

Where a newly enacted law results from a regular or fiscal session of the General Assembly and does not provide a specific date for the repeal, amendment, or adoption of the rule, the final version of the new, amended, or repealed rule shall be filed for adoption with the Secretary of State on or before June 1 of the following year. *See* Ark. Code Ann. § 25-15-216(b)(1). If an act provided a specific date for the filing of final rules, that date is noted in the Report. The lead sponsor of each act is also indicated along with any relevant notes specific to the act and the relevant proposed citation to the Arkansas Code.

Arkansas Code § 25-15-216(a) provides that, as soon as practicable after each regular session and fiscal session of the General Assembly, each agency shall review any newly enacted laws to determine whether any existing rule should be repealed or amended or any new rule should be adopted; at the conclusion of the review, the agency shall adopt a written report of the result of the review, which shall be maintained as a public record by the agency. An agency shall promulgate a rule it determines is required pursuant to its review regardless of whether the rule is contained in this Report. *See* Ark. Code Ann. § 25-15-216(b)(3)(C). Pursuant to Arkansas Code § 25-15-216(b)(4), the executive head of an agency or his or her designee shall provide monthly written updates on the agency’s progress in promulgating a rule it determines is required pursuant to its review, including without limitation a rule identified in this Report, to the

Legislative Council or its appropriate subcommittee until the final version of the new, amended, or repealed rule is filed for adoption with the Secretary of State on or before the required date.

Acts Clearly Specifying Rulemaking

CABINET-LEVEL DEPARTMENTS

Department of Agriculture

Act 695: This Act establishes the Arkansas Prescribed Burning Act. The Department of Agriculture shall promulgate rules on the requirements for becoming a qualified prescribed burner under the Arkansas Prescribed Burning Act. *See Act 695, § 1. (Stone, Sen.)* [§ 15-30-107]

Act 824: This Act regards liquid animal waste management systems and transfers the authority related to liquid animal waste management systems from the Department of Energy and Environment to the Department of Agriculture. The Department of Agriculture shall promulgate rules to implement the statute, which concerns liquid animal waste management systems. *See Act 824, § 2. (Vaught, Rep.)* [§ 15-20-102(b)(1)]

Department of Commerce

Arkansas Economic Development Commission

Act 652: This Act amends the law regarding tourism and amends the Arkansas Tourism Development Act. The Director of the Arkansas Economic Development Commission shall establish the Natural State Initiative Opportunity Zones through the promulgation of rules in accordance with the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq. *See Act 652, § 8. (Hester, Sen.)* [§ 15-11-512(e)(3)]

State Insurance Department

Act 580: This Act encourages the development of a state audit process concerning qualified payment amounts and authorizes the State Insurance Department to develop a state audit process concerning qualified payment amounts. The department shall promulgate rules to implement and administer the statute concerning a state audit process related to the calculation of a qualified payment amount. *See Act 580, § 1. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (Johnson, L., Rep.)* [§ 23-66-216(b)]

***Act 876:** This Act mandates coverage for use of intravenous immunoglobulin to treat pediatric acute-onset neuropsychiatric syndrome or pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection. Upon approval by the United States Food and Drug Administration of the use of intravenous immunoglobulin to treat individuals diagnosed with pediatric acute-onset neuropsychiatric syndrome or pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection, or both, the Insurance Commissioner, with consultation and upon approval of the

Arkansas State Medical Board and the Arkansas State Board of Pharmacy, shall adopt by rule a written statewide protocol that provides clarification that the consultation required under subdivision (f)(1) of the statute and the patient-specific treatment plan required under subsection (c) of the statute are no longer required for coverage under a health benefit plan. *See* Act 876, § 3. [Final rules to be filed with the Secretary of State on or before August 31, 2023.] (*Hammer, K., Sen.*) [§ 23-79-1905(f)(2)]

Department of Corrections

***Act 659:** This Act creates the Protect Arkansas Act; amends Arkansas law concerning sentencing and parole; amends Arkansas law concerning certain criminal offenses; amends Arkansas law concerning the Parole Board; and creates the Legislative Recidivism Reduction Task Force. (*Gilmore, Sen.*)

§ 112: The Secretary of the Department of Corrections shall adopt rules authorizing the visitation of an inmate who is a parent of one (1) or more minor children and who has a low or minimum-security classification with his or her minor children under listed minimum requirements. [§ 12-29-802(b)]

§ 112: To the greatest extent practicable and consistent with safety and order of the correctional facility, the Secretary of the Department of Corrections shall adopt rules that limit inspections by male correctional officers where a female inmate is in a state of undress. [§ 12-29-803(a)]

Board of Corrections

***Act 659:** This Act creates the Protect Arkansas Act; amends Arkansas law concerning sentencing and parole; amends Arkansas law concerning certain criminal offenses; amends Arkansas law concerning the Parole Board; and creates the Legislative Recidivism Reduction Task Force. The Board of Corrections shall promulgate rules and the Division of Correction shall administer rules that set guidelines for accrual of earned release credits for work practices, job responsibilities, good behavior, and involvement in rehabilitative activities while in the custody of the Division of Correction. The rules shall provide for uniform application of authorizing release to post-release supervision for an inmate who successfully completes programs determined to reduce recidivism and has met behavioral expectations while incarcerated. *See* Act 659, § 112. (*Gilmore, Sen.*) [§ 12-29-702(b)]

Post-Prison Transfer Board (formerly Arkansas Parole Board)

***Act 659:** This Act creates the Protect Arkansas Act; amends Arkansas law concerning sentencing and parole; amends Arkansas law concerning certain criminal offenses; amends Arkansas law concerning the Parole Board; and creates the Legislative Recidivism Reduction Task Force. (*Gilmore, Sen.*)

§ 2: The Post-Prison Transfer Board shall adopt rules to implement the subchapter, which concerns release eligibility and procedures for offenses committed on or after January 1, 2025. [§ 16-93-1812]

§ 2: The Post-Prison Transfer Board shall adopt rules to implement the subchapter, which concerns post-release supervision for persons committing offenses on or after January 1, 2025. [§ 16-93-1911]

Department of Education

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. The Secretary of the Department of Education shall amend, annul, or alter the rules, policies, materials, or communications of the department that are considered prohibited indoctrination and that conflict with the principle of equal protection under the law. *See Act 237, § 16. (Davis, B., Sen.)* [§ 6-16-156(a)(3)]

Arkansas State Library

Act 566: This Act makes an appropriation for personal services and operating expenses for the Department of Education – Arkansas State Library for the fiscal year ending June 30, 2024. The Arkansas State Library shall promulgate rules that allow a public library to adequately demonstrate a source of revenue in lieu of the requirement to maintain a one-mill county or city property tax. *See Act 566, § 11. (Joint Budget Committee)* [Special language not to be incorporated into the Arkansas Code nor published separately as special, local, and temporary law.]

Commission for Arkansas Public School Academic Facilities and Transportation

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. The requirements for a school safety expert shall be established by the Commission for Arkansas Public School Academic Facilities and Transportation by rule. *See Act 237, § 8. (Davis, B., Sen.)* [§ 6-15-1303(f)(2)]

Division of Career and Technical Education

Act 654: This Act concerns career and technical education; amends the law concerning weighted credit awarded for career and technical education courses; amends the law concerning statewide student assessment systems used to measure college and career readiness; and amends the Computer Science Education Advancement Act of 2021 to include computer science-related career and technical education courses as eligible for credit. The Division of Career and Technical Education within the Department of Education shall work with the Arkansas Computer Science Initiative within the

Department of Education to establish by rule the minimum criteria by which a career and technical education course may be approved as a computer science-related career and technical education course. *See* Act 654, § 4. (*Dotson, J., Sen.*) [§ 6-16-152(b)(4)]

Division of Elementary and Secondary Education

Act 101: This Act requires public school districts and open-enrollment public charter schools to provide information to public school students regarding water safety education courses and swimming lessons. The Division of Elementary and Secondary Education shall promulgate rules to implement the statute, concerning the definition of water safety and information provided by public schools. *See* Act 101, § 1. (*Bentley, Rep.*) [§ 6-16-156]

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. (*Davis, B., Sen.*)

§ 21: The Division of Elementary and Secondary Education shall promulgate rules outlining management of a cost-sharing agreement required under subdivision (c)(1) of the statute, regarding paid maternity leave; reimbursement processes; and other related procedures required to implement the statute. [§ 6-17-122(c)(3)]

§ 37: The division shall develop rules to establish the process and procedure for public school districts to annually report data related to value-added models that includes without limitation student test scores and prior student performance by subject and school. [§ 6-17-2904(a)(1)(B)(ii)]

Act 317: This Act concerns a public school district or open-enrollment public charter school policy relating to the sex of a public school student who attends a public school sponsored or supervised overnight trip and concerns the designation of a multiple occupancy restroom or changing area based on an individual's sex. The Division of Elementary and Secondary Education shall promulgate rules to implement the statute, which concerns public school restrooms and designation based on sex. *See* Act 317, § 2. (*Bentley, Rep.*) [§ 6-21-120]

State Board of Education

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. (*Davis, B., Sen.*)

§ 14: The State Board of Education shall establish by rule the procedures for a public school district to notify the commissioner as required under subdivision (d)(1) of the statute, which concerns a public school district proposing to enter into a contract for school

transformation, including without limitation: (a) the time period within which the notification is required before the school year in which the proposed contract would take effect; and (b) if necessary, the entity to which a public school district shall submit information as required under subdivision (d)(1) of the statute. [§ 6-15-3202(d)(2)]

§ 20: To support student participation, not later than the 2025-2026 school year, the State Board of Education shall promulgate rules on the Course Choice Program, including a process that includes without limitation: (a) the determination regarding whether each proposed course provider complies with the law and state board rules, proposal submitted by a proposed course provider is valid, complete, financially well-structured, and educationally sound, proposal submitted by a proposed course provider provides a plan for collecting data, and proposal submitted by a proposed course provider offers the potential for fulfilling the purposes of the program; (b) the provision for an independent evaluation of each proposal submitted by a proposed course provider by a third party with educational, organizational, legal, and financial expertise; and (c) the provision for an agreement between the state board and course provider that shall include without limitation a plan for implementing or providing administration of state assessments as required by the school rating system under § 6-15-2101 et seq., the public school districts in which the course provider will operate, proposed courses offered, alignment of the courses by the course provider with the Arkansas academic standards, and the designated length of each course offered, alignment of the courses offered by the course provider with approved Arkansas diploma requirements, and assurances that the course provider shall, to the best of its ability, collaborate and coordinate with a local public school district in which an eligible student is enrolled full time. [§ 6-16-1703(b)]

§ 42: The state board shall promulgate rules for the implementation of the Arkansas Children's Educational Freedom Account Program and to effectively and efficiently administer the program, including without limitation the awarding of funds to participating students, the oversight of the program, and any other necessary aspects for the operation of the program. The state board shall promulgate rules to implement the Arkansas Children's Educational Freedom Account Program. [§§ 6-18-2506(d), -2507(h)]

§ 42: By not later than June 30, 2024, the state board shall adopt rules providing for program eligibility for participating service providers that are not participating schools, including without limitation an

application process that is executed, at a minimum, annually for the purpose of determining service provider eligibility. [§ 6-18-2507(c)]

§ 51: The state board shall adopt rules to ensure that all students in kindergarten through grade three (K-3) are screened using a division-approved screener; consistent interpretation of screening data is used to identify students exhibiting a substantial reading deficit or indicating early signs consistent with characteristics of dyslexia; students receive early intervention by a trained interventionist; and student progress is monitored and reported to the parent or legal guardian of a student at least two (2) times each school year. [§ 6-41-603(a)(3)]

§ 51: The state board shall adopt rules under subsection (b) of the statute concerning required screening and intervention to ensure all students in grades three through twelve (3-12) experiencing difficulty in fluency or spelling are screened using a division-approved screener; consistent interpretation of screening data is used to identify students exhibiting deficits indicating early signs consistent with characteristics of dyslexia; students receive early intervention by a trained interventionist; and student progress is monitored and reported to the parent or legal guardian of a student at least two (2) times each school year. [§ 6-41-603(b)(4)]

§ 58: To facilitate the creation of the Unified Early Childhood Care and Education System, the state board shall establish and promulgate a definition of kindergarten readiness aligned with state content standards for elementary and secondary schools. The state board shall promulgate rules to implement the provisions of the statute related to the Unified Early Childhood Care and Education System. [§ 6-87-101(g)(1), (i)]

§ 58: The state board shall promulgate rules required to implement the Child Care and Development Fund State Plan and develop and implement a state plan in accordance with the rules promulgated. [§ 6-87-104(b)]

Act 869: This Act makes an appropriation for personal services and operating expenses for the Department of Education – Arkansas School for the Blind and Arkansas School for the Deaf for the fiscal year ending June 30, 2024. The State Board of Education shall make reasonable rules regarding moneys appropriated for the purchase of braille and large print textbooks. *See Act 869, § 15. (Joint Budget Committee)* [§ 6-21-105(d)(1)]

Division of Higher Education

Act 413: This Act concerns rules promulgated by the Division of Higher Education and requires the Division of Higher Education to promulgate certain rules concerning the administration of scholarships funded with state funds and lottery proceeds. The Division of Higher Education shall promulgate or update existing division rules to allow a student who is a recipient of a scholarship to utilize scholarship funds to enroll in and attend courses offered during a summer term at the postsecondary institution in which the student is enrolled. *See Act 413, § 1. (Mayberry, J., Rep.)* [§ 6-80-109(a)]

Act 751: This Act creates the Sustainable Building Maintenance Program for State-Sponsored Institutions of Higher Education. The Division of Higher Education shall promulgate rules for the implementation of the subchapter, which concerns the Sustainable Building Maintenance Program for State-Supported Institutions of Higher Education. *See Act 751, § 1. (Painter, Rep.)* [§ 6-62-1204(a)]

***Act 870:** This Act makes an appropriation for personal services and operating expenses for the Department of Education – Division of Higher Education for the fiscal year ending June 30, 2024. *(Joint Budget Committee)*

§ 41: The Division of Higher Education shall promulgate rules necessary for the implementation and operation of the Student Undergraduate Research Fellowship Program. [§ 6-61-236(c)]

§ 47: The Division of Higher Education shall promulgate rules for the implementation of the Governor’s Higher Education Transition Scholarship Program and for the disbursement of scholarships to eligible students. *See Act 870, § 47.* [Special language not to be incorporated into the Arkansas Code nor published separately as special, local, and temporary law.]

Arkansas Higher Education Coordinating Board

Act 737: This Act requires automated external defibrillators at certain school-sponsored sporting events and on campuses of institutions of higher education. *(Johnson, L., Rep.)*

§ 2: The Arkansas Higher Education Coordinating Board, in collaboration with all public university and community college presidents and chancellors or their designees, shall develop and adopt rules to require: an automated external defibrillator to be placed in appropriate locations across each institution of higher education campus as determined by rule; appropriate personnel be adequately trained on an ongoing basis; and each institution of higher education-sponsored sporting event have an automated external defibrillator at the institution of higher education-sponsored sporting event. [§ 6-60-119(a)]

§ 2: The board, after consultation with the Department of Health, shall develop rules based on guidelines for automated external defibrillator and cardiopulmonary resuscitation training that incorporates at least the following: healthcare provider oversight, including planning and review of the selection, placement, and maintenance of automated external defibrillators; appropriate training of anticipated rescuers in the use of the automated external defibrillator and in cardiopulmonary resuscitation; testing of psychomotor skills based on the American Heart Association scientific guidelines, standards, and recommendations for the use of the automated external defibrillator, as they existed on January 1, 2023, and for providing cardiopulmonary resuscitation as published by the American Heart Association or the American Red Cross as they existed on January 1, 2023, or equivalent course materials; coordination with the emergency medical services system; and an ongoing quality improvement program to monitor training and evaluate response with each use of the automated external defibrillator. [§ 6-60-119(b)]

Department of Finance and Administration

Act 804: This Act regulates the business of vehicles for hire; requires certain disclosures by a business engaged in carrying passengers for hire; requires liability insurance coverage for each taxicab, automobile, or similar vehicle used for hire; and amends the law regarding self-insurance by certain entities. The Secretary of the Department of Finance and Administration shall promulgate rules to implement the statute, which concerns disclosures required and definitions. *See* Act 804, § 2. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (*Johnson, L., Rep.*) [§ 27-14-1503(d)]

Act 881: This Act concerns funding and incentives for certain waterways systems, programs, and investments; amends the Arkansas Port, Intermodal, and Waterway Development Grant Program; provides additional funding for the Arkansas Port, Intermodal, and Waterway Development Grant Program Fund; and creates an investment tax credit for capital improvements relating to water transportation in the state. The Secretary of the Department of Finance and Administration shall promulgate rules to implement the statute, which concerns a waterways investment tax credit. *See* Act 881, § 4. (*Dismang, J., Sen.*) [§ 26-51-517(e)]

Alcoholic Beverage Control Division

Act 655: This Act amends the law regarding alcoholic beverages and authorizes a state park to sell alcoholic beverages for on-premises consumption without obtaining a permit from the Alcoholic Beverage Control Division. The division shall promulgate rules to implement the statute concerning state parks. *See* Act 655, § 1. (*Irvin, Sen.*) [§ 3-9-103(g)(1)]

Arkansas Tobacco Control

Act 629: This Act amends the law concerning certain delta tetrahydrocannabinol substances; prohibits the growth, processing, sale, transfer, or possession of industrial hemp that contains certain delta tetrahydrocannabinol substances; and includes delta-8, delta-9, and delta-10 tetrahydrocannabinol in the list of Schedule VI controlled substances. The Director of Arkansas Tobacco Control shall promulgate rules for the enforcement of the statute concerning testing of hemp-derived products and set penalties for any violation of the rules. *See* Act 629, § 10. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (*Dees, Sen.*) [§ 20-56-410(f)]

Department of Health

Act 642: This Act creates the Coach Safely Act and requires youth injury mitigation and information courses for athletics personnel and coaches. Within 180 days of the effective date of the Coach Safely Act, the Department of Health shall adopt rules to implement, enforce, and administer the Coach Safely Act. *See* Act 642, § 1. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (*Leding, G., Sen.*) [§ 6-18-720(k)]

State Board of Health

***Act 59:** This Act creates the Rural Emergency Hospital Act and authorizes licensure of rural emergency hospitals by the Department of Health. The State Board of Health shall adopt rules establishing the minimum standards for the establishment and operation of rural emergency hospitals, in accordance with the statute concerning rural emergency hospitals, including licensure of rural emergency hospitals. *See* Act 59, § 5. (*Johnson, L., Rep.*) [§ 20-9-224(g)]

Department of Human Services

Act 335: This Act sets minimum dementia training requirements for staff members who are employed by an assisted living facility and addresses gaps in current dementia training requirements and improves the quality of training. The Department of Human Services shall adopt rules for initial and continuing education on dementia for covered staff members and to establish two (2) hours of continuing education on dementia for all

covered staff annually. *See* Act 335, § 1. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (*Mayberry, J., Rep.*) [§ 20-10-2409]

***Act 703:** This Act creates the Continuum of Care Program within the Department of Human Services; amends the Life Choices Lifeline Program to clarify language and ensure proper administration of the program; and transfers the resource access assistance offers under the Every Mom Matters Act to the Department of Human Services. The Department of Human Services shall provide by rule for the functions and administration of the telemedicine support network. *See* Act 703, § 3. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (*Dotson, J., Sen.*) [§ 20-8-1003(c)(2)]

Act 806: This Act provides state oversight of quality of care provided to children in psychiatric residential treatment facilities and other regulated facilities. (*Cavanaugh, Rep.*)

§ 2: The Department of Human Services shall promulgate rules setting minimum standards and metrics governing the quality of care provided by a regulated facility to a child. [§ 9-28-1302(a)]

§ 2: The department shall promulgate rules to implement the subchapter concerning psychiatric residential treatment facilities and other regulated facilities. [§ 9-28-1304]

Department of Public Safety

Act 113: This Act provides food and medical care to a canine retired from the Division of Arkansas State Police in certain circumstances and creates Rino's Law. The Department of Public Safety shall promulgate rules for the implementation of Rino's Law. *See* Act 113, § 2. (*Berry, M., Rep.*) [§ 12-8-127(b)]

Division of Emergency Management

Office of Fire Protection Services

State Fire Marshal

***Act 841:** This Act abolishes the State Fire Prevention Commission; amends the duties and membership of the Arkansas Fire Protection Services Board; creates the position of State Fire Marshal; and creates the Arkansas Fire Protection Services Grant Program. The State Fire Marshal within the Office of Fire Protection Services shall adopt reasonable rules for the effective administration of the Arkansas Comprehensive Fire Protection Act of 1993 to accomplish its intent and purposes, and to safeguard the public from fire hazards. The State Fire Marshal within the Office of Fire Protection Services shall further make reasonable rules for

the keeping, storing, using, manufacture, selling, handling, transportation, or other disposition of highly inflammable materials and rubbish, gunpowder, dynamite, crude petroleum or any of its products, explosives or compounds, or any other explosive, including fireworks, and firecrackers, and he or she may prescribe the materials and construction of receptacles and buildings to be used for any of those purposes. All rules promulgated by the Division of Arkansas State Police concerning fire enforcement or the Fire Prevention Act, § 12-13-101 et seq. or the Arkansas Fire Code shall continue to be in effect and shall be adopted by the State Fire Marshal as rules of the Office of Fire Protection Services. *See Act 841, §§ 44, 47. (Johnson, L., Rep.)* [§ 20-22-1010(c)(1), (d), Uncodified]

Department of Transformation and Shared Services

Employee Benefits Division

***Act 533:** This Act regulates compensation and benefits of public officers and employees; defines voluntary products; clarifies supervision of voluntary products under the State and Public School Life and Health Insurance Program; and amends the administration of cafeteria plans for certain public officers and employees. The Employee Benefits Division shall promulgate rules to administer the subchapter, which concerns cafeteria plans. *See Act 533, § 11. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (Wardlaw, Rep.)* [§ 21-5-905]

INDEPENDENT NON-CABINET-LEVEL ENTITIES

Arkansas Cyber Response Board

***Act 846:** This Act concerns cybersecurity insurance; allows the Insurance Commissioner to regulate cybersecurity insurance; requires coverage for cybersecurity incidents; establishes the Arkansas Self-Funded Cyber Response Program and the Arkansas Cyber Response Board; and creates the Arkansas Self-Funded Cyber Response Program Trust Fund. The Arkansas Cyber Response Board shall promulgate rules and procedures regarding utilization of the Arkansas Self-Funded Cyber Response Program by participating governmental entities to generally align with the procedures enumerated in the statute. *See Act 846, § 2. (Meeks, S., Rep.)* [§ 21-2-805(b)(6)]

Arkansas Ethics Commission

Act 753: This Act amends the law concerning campaign finance; amends the law concerning campaign contributions and expenditures; amends the law concerning reporting deadlines; creates an automatic fine for delinquent reporting; requires the preparation of a reporting calendar; amends the law concerning the Arkansas Ethics Commission; allows online and electronic complaints; and amends portions of Initiated Act 1 of 1990 and Initiated Act 1 of 1996. [Final rules to be filed with the Secretary of State on or before November 1, 2023.] (*Shepherd, M., Rep.*)

§ 9: The Arkansas Ethics Commission shall promulgate rules under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to develop the complaint submission process under subdivisions (a)(3) and (a)(4) of the statute concerning citizen complaints filed with the commission and resulting from Initiated Act 1 of 1990. [§ 7-6-218(a)(5)]

§ 13: The commission shall promulgate rules to implement and administer the statute, which concerns delinquent reports. [§ 7-6-232(d)]

Arkansas Fire Protection Services Board

***Act 841:** This Act abolishes the State Fire Prevention Commission; amends the duties and membership of the Arkansas Fire Protection Services Board; creates the position of State Fire Marshal; and creates the Arkansas Fire Protection Services Grant Program. The Arkansas Fire Protection Services Board shall adopt rules to create the form and allowable rates for insurance reimbursement. *See Act 841, § 41. (Johnson, L., Rep.)* [§ 20-22-804(a)(16)]

Arkansas Public Service Commission

Act 278: This Act amends the Arkansas Renewable Energy Development Act of 2001; prevents cost-shifting and ensures fairness to all ratepayers; and creates the Customer Protections for Net-Metering Customers Act. Pursuant to temporary language, the Arkansas Public Service Commission, after notice and hearing, shall modify the commission rules to conform to the Act and submit the commission rules to the Legislative Council by December 31, 2023. *See Act 278, § 3. (Dismang, J., Sen.)* [Uncodified]

State Board of Election Commissioners

Act 444: This Act establishes the Arkansas Poll Watchers Bill of Rights Act of 2023; amends the law concerning poll watchers; and amends the law concerning election procedures. No later than January 1, 2024, the State Board of Election Commissioners shall develop rules that establish the procedure to record completion of the training

program by a poll watcher, how the training program will be promoted by the State Board of Election Commissioners, and an appeal process if a certification of completion of the training program is not granted to a poll watcher. *See* Act 444, § 7. (*Furman, Rep.*) [Uncodified]

Tire Accountability Boards

Act 713: This Act amends the Used Tire Recycling and Accountability Act and amends the used tire programs. A tire accountability board shall develop bylaws to govern the tire accountability board, including without limitation rules related to the replacement of members of the tire accountability board in the event of a vacancy. *See* Act 713, § 6. (*Payton, J., Sen.*) [§ 8-9-410(c)(1)(B)]

CONSTITUTIONAL OFFICES

Commissioner of State Lands

Act 159: This Act amends the law related to the management of lands located or created within lakes or rivers by the Commissioner of State Lands. The Commissioner shall promulgate rules under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to carry out the duties of the statute, which concerns deeds to lands in lakes or rivers. *See* Act 159, § 1. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (*Bentley, Rep.*) [§ 22-5-405(d)]

Acts Referencing Rulemaking and Including the Term “Necessary”

CABINET-LEVEL DEPARTMENTS

Department of Commerce

State Insurance Department

***Act 876:** This Act mandates coverage for use of intravenous immunoglobulin to treat pediatric acute-onset neuropsychiatric syndrome or pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection. The Insurance Commissioner, in consultation with the Staff of the Childhood Post-infectious Autoimmune Encephalopathy Center of Excellence, shall promulgate rules necessary to implement Section 3 of the Act. *See* Act 876, § 5. [Final rules to be filed with the Secretary of State on or before August 31, 2023.] (*Hammer, K, Sen.*) [Uncodified]

Department of Education

Act 546: This Act establishes the Arkansas Adult Diploma Program Act. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (*Ray, Rep.*)

§ 1: The Department of Education shall promulgate rules necessary to implement the Arkansas Adult Diploma Program Act. [§ 6-44-303(d)]

§ 1: The Department of Education shall promulgate rules necessary to establish the criteria as described in the statute under which an entity becomes an approved program provider and performance standards as specified under the Arkansas Adult Diploma Program Act for an approved program provider to continue to participate in the program. [§ 6-44-304(b)(1)]

§ 2: The Department of Education, in consultation with the Office of Skills Development, shall promulgate rules necessary to implement Act 546. [Uncodified]

Division of Elementary and Secondary Education

State Board of Education

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. (*Davis, B., Sen.*)

§ 14: The State Board of Education shall promulgate rules as necessary to implement and administer the subchapter, which concerns school transformation contracts. [§ 6-15-3204]

§ 38: The State Board of Education shall adopt any rules necessary for the implementation of the Arkansas Opportunity Public School Choice Act under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., including rules pertaining to the consideration of a school district's enrollment capacity. However, the state board shall not establish a numerical net maximum on school choice transfers into or from a public school district, unless required to do so according to an enforceable desegregation court order or a district's court-approved desegregation plan. [§ 6-18-227(k)]

§ 42: To ensure that account funds under the Arkansas Children's Educational Freedom Account Program provide for the expansion of access to education options by reducing family financial burdens and are not abused by service providers for financial gain, the state board shall take all necessary action in establishing rules under this subchapter, including without limitation the disqualification of a participating school or a participating service provider. [§ 6-18-2504(d)]

Division of Higher Education

***Act 870:** This Act makes an appropriation for personal services and operating expenses for the Department of Education – Division of Higher Education for the fiscal year ending June 30, 2024. The Division of Higher Education shall promulgate rules necessary for the implementation and operation of the Student Undergraduate Research Fellowship Program. *See Act 870, § 41. (Joint Budget Committee)* [§ 6-61-236(c)]

Financial Aid Appeals Committee

Act 244: This Act creates a financial aid appeals process and committee for the Division of Higher Education. Members of the Financial Aid Appeals Committee shall promulgate reasonable rules necessary to execute the provisions of the subchapter, which concerns the financial aid appeals process, including without limitation rules addressing the requirements and in conformance with the requirements of the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and other appropriate state laws in promulgating and placing rules into effect for a procedure to resolve disputes arising out of or relating to a student who is no longer considered eligible to receive a scholarship or grant. *See Act 244, § 1. (Beck, Rep.)* [§ 6-81-1903(b)(1)]

Department of Health

Division of Health-Related Boards and Commissions

Board of Examiners in Speech-Language Pathology and Audiology

Act 301: This Act establishes the Audiology and Speech-Language Pathology Interstate Compact in Arkansas. The Board of Examiners in Speech-Language Pathology and Audiology shall adopt the necessary rules to fully implement the provisions of the statute, which concerns criminal background checks. *See Act 301, § 4. (Hammer, K., Sen.)* [§ 17-100-309(i)]

Department of Human Services

***Act 703:** This Act creates the Continuum of Care Program within the Department of Human Services; amends the Life Choices Lifeline Program to clarify language and ensure proper administration of the program; and transfers the resource access assistance offers under the Every Mom Matters Act to the Department of Human Services. The Department of Human Services shall promulgate rules necessary to implement the statute, which concerns the Continuum of Care Program. *See Act 703, § 3. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (Dotson, J., Sen.)* [§ 20-8-1003(i)]

Department of Labor and Licensing

Division of Occupational and Professional Licensing Boards and Commissions

Arkansas Real Estate Commission

Act 31: This Act amends the Real Estate License Law and creates an exemption for Arkansas licensed residential construction companies. The Arkansas Real Estate Commission shall promulgate rules necessary to implement Act 31. *See Act 31, § 3. [Final rules to be filed with the Secretary of State on or before January 1, 2024.] (Vaught, Rep.)* [Uncodified]

Arkansas Towing and Recovery Board

Act 840: This Act authorizes the Arkansas Towing and Recovery Board to establish rules necessary for the towing, recovery, and storage of electric vehicles. The board shall promulgate rules necessary for the towing, recovery, and storage of electric vehicles by October 31, 2023. *See Act 840, § 1. (Wing, Rep.)* [§ 27-50-1224]

Department of Transformation and Shared Services

Employee Benefits Division

***Act 533:** This Act regulates compensation and benefits of public officers and employees; defines voluntary products; clarifies supervision of voluntary products offered to participants in the State and Public School Life and Health Insurance Program; and amends the administration of cafeteria plans for certain public officers and employees. The Employee Benefits Division shall promulgate rules necessary to implement Act 533. *See* Act 533, § 12. [Final rule to be filed with the Secretary of State on or before January 1, 2024.] (*Wardlaw, Rep.*) [Uncodified]

INDEPENDENT NON-CABINET-LEVEL ENTITIES

University of Arkansas for Medical Sciences

Institute for Digital Health and Innovation

Act 875: This Act makes an appropriation for personal services and operating expenses for the University of Arkansas for Medical Sciences for the fiscal year ending June 30, 2024. The Institute for Digital Health and Innovation shall promulgate rules necessary to implement Act 875. *See* Act 875, § 28. (*Joint Budget Committee*) [§ 23-18-1203(b)(2)]

CONSTITUTIONAL OFFICES

Secretary of State

Act 441: This Act creates the Voter Registration and Secure Voter Records Act of 2023; amends Arkansas Constitution, Amendment 51; amends the law concerning audits of voter registration information; and amends the duties of the Secretary of State. The Secretary of State shall promulgate rules under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., necessary to implement the requirements of the section concerning the statewide voter registration list, and ensure the security, accuracy, and integrity of the statewide voter registration system, supporting technologies utilized by the counties to maintain and record voter registration information, secure user access requirements established by the Secretary of State; and election audit logs. *See* Act 441, § 3. (*McClure, Rep.*) [Ark. Const. amend. 51, § 7(j)(3)]

Acts Indirectly Referencing Required Rulemaking

CABINET-LEVEL DEPARTMENTS

Department of Agriculture

Act 600: This Act amends the Arkansas Poultry Feeding Operations Registration Act and transfers duties from the Arkansas Natural Resources Commission to the Department of Agriculture. Each poultry feeding operation required to register under the Arkansas Poultry Feeding Operations Registration Act shall pay an annual fee established by rule by the Department of Agriculture. *See Act 600, § 2. (Milligan, Rep.)* [§ 15-20-904(d)]

Department of Commerce

Office of Skills Development

Career Education and Workforce Development Board

Act 867: This Act makes an appropriation for personal services and operating expenses and for grants and aid to local school districts and special programs for the Department of Education – Division of Career and Technical Education for the fiscal year ending June 30, 2024. Funds appropriated for vocational start-ups shall be allocated in accordance with rules promulgated by the Career Education and Workforce Development Board. *See Act 867, § 11. (Joint Budget Committee)* [§ 6-50-105]

State Insurance Department

Act 523: This Act amends the definition of “rebates” as used in the business of insurance and amends the law concerning token gifts in the business of insurance. If an insurer or producer does not have sufficient evidence but has a good faith belief that the value-based product or service meets the criteria under subdivision (9)(B)(vi)(a)(2) of the statute, the insurer or producer may provide the value-based product or service in a manner that is not unfairly discriminatory as part of a pilot or testing program for no more than one (1) year as determined by rule by the commissioner. *See Act 523, § 1. (Hodges, G., Rep.)* [§ 23-66-206(9)(B)(vi)(f)(1)]

***Act 876:** This Act mandates coverage for use of intravenous immunoglobulin to treat pediatric acute-onset neuropsychiatric syndrome or pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection. Except as provided in subsection (f) of the statute, a health benefit plan that is offered, issued, or renewed in this state, including a plan offered by a risk-based provider organization established under the Medicaid Provider-Led Organized Care Act, § 20-77-2701 et seq., shall provide coverage for off-label use of intravenous immunoglobulin, also known as

“IVIG”, to treat individuals diagnosed with pediatric acute-onset neuropsychiatric syndrome or pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection, or both, on or after January 1, 2022, under a patient-specific treatment plan consistent with established protocols and rules to be developed by the Insurance Commissioner, in consultation with the Childhood Post-infectious Autoimmune Encephalopathy Center of Excellence. Rules to implement this subdivision have to be promulgated by August 31, 2023. *See* Act 876, § 3. [Final rules to be filed with the Secretary of State on or before August 31, 2023.] (*Hammer, K., Sen.*) [§ 23-79-1905(c)]

Department of Corrections

Board of Corrections

***Act 659:** This Act creates the Protect Arkansas Act; amends Arkansas law concerning sentencing and parole; amends Arkansas law concerning certain criminal offenses; amends Arkansas law concerning the Parole Board; and creates the Legislative Recidivism Reduction Task Force. (*Gilmore, Sen.*)

§ 2: An inmate under sentence for a felony and who is eligible for release may be transferred to post-release supervision under the statute and § 16-93-1903 subject to rules promulgated by the Board of Corrections or the Post-Prison Transfer Board and conditions adopted by the Post-Prison Transfer Board. [§ 16-93-1805(a)]

§ 2: An inmate under sentence for a felony, except those designated as a felony ineligible to receive earned release credits under § 16-93-1802, may be transferred to post-release supervision under § 16-93-1903 and § 16-93-1904 subject to rules promulgated by the Board of Corrections or the Post-Prison Transfer Board and conditions adopted by the Post-Prison Transfer Board. [§ 16-93-1806(a)]

§ 112: Subject to rules promulgated by the Board of Corrections, an inmate eligible to accrue earned release credits may accrue earned release credits against the time spent in confinement pursuant to a sentence to the Division of Correction by the sentencing court. [§ 12-29-702(a)]

§ 112: Members of the earned release credit classification committee shall be selected by wardens or supervisors of the various units, facilities, or centers of the Division of Correction and Division of Community Correction according to rules adopted by the board governing the selection of members. [§ 12-29-703(a)(1)(B)]

§ 112: The additional days of earned release credits described in subdivision (b)(1) of the statute concerning an earned release credit classification

committee shall be accrued as provided in the rules promulgated by the board. [§ 12-29-703(b)(2)(A)]

Post-Prison Transfer Board (formerly Arkansas Parole Board)

***Act 659:** This Act creates the Protect Arkansas Act; amends Arkansas law concerning sentencing and parole; amends Arkansas law concerning certain criminal offenses; amends Arkansas law concerning the Parole Board; and creates the Legislative Recidivism Reduction Task Force. (*Gilmore, Sen.*)

- § 2: A person who has committed a felony that is within the target group as defined under § 16-93-1202 and who is transferred to community supervision is eligible, under the rules established by the Post-Prison Transfer Board, for commitment to a community correction facility if he or she is found to be in violation of any of his or her conditions of post-release supervision, unless the post-release supervision violation constitutes a non-target felony offense. [§ 16-93-1804(1)(D)]
- § 2: An inmate under sentence for a felony and who is eligible for release, may be transferred to post-release supervision under the statute and § 16-93-1903 subject to rules promulgated by the Board of Corrections or the Post-Prison Transfer Board and conditions adopted by the Post-Prison Transfer Board. [§ 16-93-1805(a)]
- § 2: An inmate under sentence for a felony, except those designated as a felony ineligible to receive earned release credits under § 16-93-1802, may be transferred to post-release supervision under § 16-93-1903 and § 16-93-1904 subject to rules promulgated by the Board of Corrections or the Post-Prison Transfer Board and conditions adopted by the Post-Prison Transfer Board. [§ 16-93-1806(a)]
- § 2: Review of an inmate's appropriateness for transfer to post-release supervision is based on rules and policies adopted by the Post-Prison Transfer Board and the board shall conduct a risk and needs assessment review as a part of the review of the inmate's appropriateness for transfer to post-release supervision. The rules and policies adopted by the board under subdivision (c)(1) of the statute shall include without limitation: a provision for notification of the victim or his or her next of kin that a hearing shall be held under the statute; a requirement for keeping a record of the proceedings; and a list of the criteria upon which a denial may be based. [§ 16-93-1807(b)]
- § 2: A transfer of an inmate to post-release supervision under the statute shall be issued upon the adoption of an order by the board in accordance with the rules and policies adopted by the board under the statute. [§ 16-93-1808(d)]

Department of Education

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. Subject to legislative appropriation, the Department of Education may reimburse employers, including without limitation public school districts and open-enrollment public charter schools, for the proportionate cost of workers' compensation premiums for students in work-based learning opportunities in accordance with department rules. *See Act 237, § 20. (Davis, B., Sen.)* [§ 6-16-1805(c)]

Division of Elementary and Secondary Education

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. *(Davis, B., Sen.)*

§ 23: When a license holder's criminal case is resolved, the license holder's eligibility status shall be updated in accordance with Division of Elementary and Secondary Education rules. [§ 6-17-410(g)(3)(B)]

§ 24: When a person's criminal case is resolved, the person's eligibility status shall be updated in accordance with Division of Elementary and Secondary Education rules. [§ 6-17-414(f)(3)(B)]

§ 46: Once the criminal case is resolved, the eligibility status of a person working as a registered volunteer in an athletic coaching capacity will be updated in accordance with Division of Elementary and Secondary Education rules. [§ 6-22-105(h)(2)]

State Board of Education

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. *(Davis, B., Sen.)*

§ 20: Each public school district shall develop and offer at least one (1) career-ready pathway that is aligned to state and regional workforce demands, according to rules adopted by the State Board of Education. Each open-enrollment public charter school may develop and offer at least one (1) career-ready pathway that is aligned to state and regional workforce demands, according to state board rules. [§ 6-16-1803(b)]

§ 29: The Division of Elementary and Secondary Education shall administer and implement the literacy tutoring grant created under

subdivision (j)(2)(A) of the statute, which concerns the Right to Read Act, according to rules developed and adopted by the state board, which shall include certain required actions by the division as set forth in the statute. [§ 6-17-429(j)(2)(C)]

§ 42: A parent may appeal the Division of Elementary and Secondary Education's decision to bar him or her from receiving payments from accounts to the state board according to rules established by the state board. [§6-18-2505(i)(2)]

Act 572: This Act makes an appropriation for public school fund grants for the Department of Education – Division of Elementary and Secondary Education – Public School Fund for the fiscal year ending June 30, 2024. (*Joint Budget Committee*)

§ 10: An appropriation for consolidation incentive shall be allocated to a resulting district or a receiving district, respectively, according to rules promulgated by the State Board of Education. [§ 6-13-1418]

§ 11: The funds appropriated to the division for residential or inpatient facilities shall be allocated in accordance with rules promulgated by the State Board of Education. [§ 6-20-107(g)]

§ 12: The funds appropriated to the division for juvenile detention facilities shall be allocated in accordance with rules promulgated by the State Board of Education. [§ 6-20-104(d)]

Department of Health

***Act 59:** This Act creates the Rural Emergency Hospital Act and authorizes licensure of rural emergency hospitals by the Department of Health. A healthcare facility applying for licensure as a rural emergency hospital shall include with the licensure application an action plan, a description of services as outlined in the statute, and other information as required by rules adopted by the Department of Health. *See* Act 59, § 5. (*Johnson, L., Rep.*) [§ 20-9-224(b)]

Division of Health-Related Boards and Commissions

Arkansas State Board of Nursing

Act 672: This Act establishes nursing earn-to-learn programs and authorizes a nursing student to earn direct patient care clinical credit hours for working in a healthcare facility in certain jobs. The nursing program and the healthcare facility shall establish boundaries and expectations of the senior-level nursing student based on accreditation standards and rules of the Arkansas State Board of

Nursing. *See* Act 672, § 1. (*Hammer, K., Sen.*) [§ 6-82-2202(b)(3)]

Department of Human Services

Act 675: This Act amends the asset limits for the Supplemental Nutrition Assistance Program and directs the Department of Human Services to request a broad-based categorical eligibility waiver. If an enrolled household is determined by the department to have accumulated countable assets greater than the federal resource limit, the department shall grant a temporary increase of the asset limit for that household to an amount set by the department by rule for a period of up to one (1) year. *See* Act 675, § 1. (*Dismang, J., Sen.*) [§ 20-76-115(b)(2)(B)(i)]

Department of Labor and Licensing

Division of Occupational and Professional Boards and Commissions

Arkansas Manufactured Home Commission

Act 391: This Act amends the law concerning the Arkansas Manufactured Home Commission and requires civil penalties assessed by the commission to be established by rule. Whoever violates any provision of Section 610 of Title VI of Pub. L. No. 93-383 or any regulation or final order issued pursuant to it shall be liable to the State of Arkansas for a civil penalty established by the rules promulgated by the Arkansas Manufactured Home Commission and approved by the General Assembly. *See* Act 391, § 1. (*Irvin, Sen.*) [§ 20-25-104(c)(1)(A)]

INDEPENDENT NON-CABINET-LEVEL ENTITIES

Arkansas Teacher Retirement System

Act 104: This Act amends and updates the law concerning the final average salary under the Arkansas Teacher Retirement System. Full and partial service years that are recorded as service credit shall be used in the calculation of the final average salary in accordance with rules promulgated by the Board of Trustees of the Arkansas Teacher Retirement System. *See* Act 104, § 1. (*Collins, A., Rep.*) [§ 24-7-736(c)(2)(A)]

Acts Specifying the Reassignment of Rulemaking Authority to a Different Agency or Entity

CABINET-LEVEL DEPARTMENTS

Department of Agriculture

Act 588: This Act amends the law regarding catfish processors and commercial bait and ornamental fish and transfers the powers, duties, and responsibilities of the State Plant Board regarding catfish processors and commercial bait and ornamental fish to the Department of Agriculture. The department shall promulgate all rules it considers necessary or desirable to implement the Commercial Bait and Ornamental Fish Act. *See* Act 588, § 3. The department shall promulgate such rules as necessary to secure the performance of catfish purchasing obligations. *See* Act 588, § 7. (*Wing, Rep.*) [§§ 2-5-204(a)(5), 2-6-105(b)]

Arkansas Livestock and Poultry Commission

***Act 691:** This Act consolidates agriculture boards and commissions; abolishes certain boards within the Department of Agriculture; transfers the duties of certain boards within the Department of Agriculture; and amends the duties of certain boards within the Department of Agriculture. The Livestock and Poultry Commission shall promulgate rules to establish the appropriate level of supervision under which a veterinary technician or veterinary technologist can perform veterinary technology.¹ *See* Act 691, § 159. (*Johnson, B., Sen.*) [§ 17-101-306(e)]

Arkansas Natural Resources Commission

***Act 691:** This Act consolidates agriculture boards and commissions; abolishes certain boards within the Department of Agriculture; transfers the duties of certain boards within the Department of Agriculture; and amends the duties of certain boards within the Department of Agriculture.² (*Johnson, B, Sen.*)

§ 125: The Arkansas Natural Resources Commission shall be responsible for the administration of the chapter, which concerns water well constructors, and shall adopt, and from time to time amend or repeal, necessary rules governing the installation, construction, repair, and abandonment of water wells and pumping equipment. [§ 17-50-204(a)]

¹ This rulemaking was previously the responsibility of the Veterinary Medical Examining Board.

² This rulemaking was previously the responsibility of the Commission on Water Well Construction.

§ 137: The Arkansas Natural Resources Commission shall establish and promulgate rules establishing the amount of water well contractor's bonds based on a water well contractor's past performance or violations of the rules of the chapter, construction methods, type or class of construction, and business practices. [§ 17-50-309(b)]

Department of Human Services

Act 832: This Act amends the laws concerning the Transitional Employment Assistance Program and transfers the administration of the program from the Department of Commerce to the Department of Human Services.³ (*McCollum, Rep.*)

§ 10: The Department of Human Services shall develop and describe categories of approved work activities for transitional employment assistance recipients in accordance with the statute. The rules shall be subject to review and recommendation by the Arkansas Workforce Development Board. [§ 20-76-402(a)]

§ 16: The Department of Human Services and the Arkansas Early Childhood Commission jointly shall promulgate rules to develop an evening childcare program with extended hours under subdivision (d)(1) of the statute, which concerns rules for evening childcare programs for recipients of Transitional Employment Assistance Program benefits. [§ 20-76-443(d)(2)]

§ 17: The department shall promulgate rules establishing the Arkansas Work Pays Program. The rules shall be subject to review and recommendation by the Arkansas Workforce Development Board. [§ 20-76-444(h)(1)]

§ 28: The Secretary of the Department of Human Services shall promulgate rules necessary for the implementation of the Drug Screening and Testing Act of 2015. [§ 20-76-708(a)]

Department of Labor and Licensing

Division of Occupational and Professional Licensing Boards and Commissions

State Board of Appraisers, Abstracters, and Home Inspectors

Act 628: This Act creates the State Board of Appraisers, Abstracters, and Home Inspectors; transfers the duties of the Arkansas Abstracters' Board, the Arkansas Home Inspector Registration Board, and the Arkansas Appraiser Licensing and Certification Board to the State Board of Appraisers, Abstracters, and Home Inspectors; and abolishes the Arkansas Abstracters' Board, the Arkansas Home

³ This rulemaking was previously the responsibility of the Division of Workforce Services.

Inspector Registration Board, and the Arkansas Appraiser Licensing and Certification Board. (*Hammer, K., Sen.*)

§ 26: The board shall establish by rule the minimum examination, education, experience, and continuing education requirements for state-registered, state-licensed, registered apprentice, and state-certified appraisers. [§ 17-14-203(6)(A)]

§ 39: The board shall establish by rule an application fee for an initial application or an application for renewal not to exceed one thousand five hundred dollars (\$1,500). [§ 17-14-406(a)(1)]

Acts Requiring Action That Could Fall Within the Scope of Rulemaking

CABINET-LEVEL DEPARTMENTS

Department of Agriculture

Act 594: This Act amends the law regarding livestock; amends the law regarding livestock running at large; amends the law regarding fencing; and repeals the law regarding fencing districts. (*Beaty, Jr., Rep.*)

§ 1: Every person impounding any stray livestock shall immediately notify the Department of Agriculture in writing through procedure established by the department. [§ 2-38-104(a)(1)]

§ 7: For the first trespass by livestock breaking into any enclosure, the injured party shall make a record of the incursion and notify the Department of Agriculture in writing through procedure established by the department. For every additional trespass within twelve (12) months of the first trespass, the injured party shall make a record of the incursion and notify the Department of Agriculture in writing through procedure established by the department. [§ 2-39-108(1)(A), (2)(A)]

Department of Commerce

Arkansas Workforce Development Board

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. To ensure that a career-ready pathway to a diploma adequately prepares public school students for high-wage, high-growth opportunities within Arkansas, the Arkansas Workforce Development Board, in consultation with the Department of Education, shall develop a system for collecting, analyzing, and reporting the public school student outcomes associated with the completion of high-wage, high-growth career-ready pathways under the subchapter, which concerns high school career-ready pathways to diploma. *See Act 237, § 20. (Davis, B., Sen.)* [§ 6-16-1806(a)]

Department of Corrections

Division of Community Correction

***Act 659:** This Act creates the Protect Arkansas Act; amends Arkansas law concerning sentencing and parole; amends Arkansas law concerning certain criminal offenses;

amends Arkansas law concerning the Parole Board; and creates the Legislative Recidivism Reduction Task Force. (*Gilmore, Sen.*)

§ 2: The Director of the Division of Community Correction with the advice of the Board of Corrections shall establish written policies and procedures governing the supervision of offenders released to a term of post-release supervision by the Post-Prison Transfer Board. [§ 16-93-1906(a)(1)]

§ 2: The Division of Community Correction shall develop an intermediate sanctions procedure and an intermediate sanctions grid to guide a community supervision officer in determining the appropriate response to a violation of the conditions of supervision. [§ 16-93-1907(a)(2)(A)]

Division of Correction

***Act 659:** This Act creates the Protect Arkansas Act; amends Arkansas law concerning sentencing and parole; amends Arkansas law concerning certain criminal offenses; amends Arkansas law concerning the Parole Board; and creates the Legislative Recidivism Reduction Task Force. A person serving a sentence for a restricted release felony may accrue earned release credits in accordance with the policy adopted by the Division of Correction and as described in § 12-29-701 et seq. *See* Act 659, § 2. (*Gilmore, Sen.*) [§ 16-93-1803(b)(2)]

Post-Prison Transfer Board (formerly Arkansas Parole Board)

***Act 659:** This Act creates the Protect Arkansas Act; amends Arkansas law concerning sentencing and parole; amends Arkansas law concerning certain criminal offenses; amends Arkansas law concerning the Parole Board; and creates the Legislative Recidivism Reduction Task Force. At the conclusion of a hearing to determine whether to transfer an inmate to post-release supervision under the statute, the Post-Prison Transfer Board shall issue one (1) of the following decisions: transfer the inmate to post-release supervision as authorized under § 16-93-1901 et seq. and accompany the transfer with a notice of the conditions of the transfer or deny transfer of the inmate to post-release supervision based on a set of established criteria and accompany the denial with a prescribed course of action to be undertaken by the inmate to rectify the board's concern. *See* Act 659, § 2. The Post-Prison Transfer Board shall establish a set of conditions that are applicable to all inmates transferred to post-release supervision. *See* Act 659, § 2. (*Gilmore, Sen.*) [§§ 16-93-1808(b), -1811(a)(1)]

Department of Education

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. (*Davis, B., Sen.*)

§ 42: The Department of Education shall create procedures to ensure that a fair process exists to determine whether a participating service provider may be barred from receiving payments from accounts under subsection (e) of the statute concerning participating schools and participating service providers for the Arkansas Children's Educational Freedom Account Program. [§ 6-18-2507(f)(1)]

§ 42: The Department of Education shall develop a process for the collection and aggregate reporting of the results of examinations required under the statute concerning testing under the Arkansas Children's Educational Freedom Account Program, which shall include the public dissemination of the results collected by participating private schools and participating service providers. [§ 6-18-2509(c)(1)]

§ 44: The Department of Education shall develop a modernization grant application and application procedures for the Transportation Modernization Grant Program, including defining which public school districts are rural and remote, that require a grant applicant to explain how the grant applicant would use grant moneys to improve access to transportation for students attending a public school district, an open-enrollment public charter school, or a licensed childcare center serving publicly funded students and support transportation innovations and efficiency solutions. [§ 6-20-2702(a)(1)]

***Act 504:** This Act requires public entities to create a policy concerning the authorized use of technology resources and a cyber security policy and amends the duties of the State Cyber Security Office. The Department of Education, in coordination with the State Cyber Security Office, shall develop technology resources policies that shall be used by each type of state educational institution. *See Act 504, § 1. (Meeks, S., Rep.)* [§ 25-1-126(c)(2)(A)]

Division of Elementary and Secondary Education

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. *(Davis, B., Sen.)*

§ 16: Each public school district and open-enrollment charter school shall implement a child sexual abuse and human trafficking prevention program that meets the standards and requirements established by the Division of Elementary and Secondary Education. [§ 6-16-157(b)(1)]

§ 29: Subject to legislative appropriation, the Division of Elementary and Secondary Education shall provide, train, and assign literacy coaches to low-performing public schools based on results of the public school's kindergarten through grade three (K-3) literacy screener required by the

Right to Read Act, which shall be based on criteria established by the division. [§ 6-17-429(j)(1)(B)]

§ 29: A literacy coach shall meet performance criteria established by the division. [§ 6-17-429(j)(1)(D)(xiii)]

§ 29: The Division of Elementary and Secondary Education shall establish minimum criteria by which approved providers shall be evaluated to ensure effectiveness of a literacy tutoring grant program created under subdivision (j)(2)(A) of the Right to Read Act in improving eligible students' reading abilities, including without limitation performance on the Arkansas annual reading assessment or other literacy assessments approved by the division. [§ 6-17-429(j)(2)(C)(iii)(b)]

§ 29: The division shall establish criteria for prioritizing eligible students if the number of applicants exceeds available funding for literacy tutoring grants. [§ 6-17-429(j)(2)(C)(iv)(b)]

§ 42: The division shall establish a process for conducting an audit of an entity receiving funds under the Arkansas Children's Educational Freedom Account Program, including: an individual account; a participating service provider; and a participating school. [§ 6-18-2504(b)(2)(B)]

§ 42: The division shall create procedures to ensure that a fair process exists to determine whether a participating student is no longer eligible for participation in the Arkansas Children's Educational Freedom Account Program, including without limitation a participating student who is no longer eligible for participation in the program due to his or her failure to demonstrate academic achievement or academic growth. [§ 6-18-2505(h)]

State Board of Education

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. (*Davis, B., Sen.*)

§ 14: For purposes of accountability during the first two (2) school years of operation, a public school transformation campus shall be awarded with an alternate letter grade, which shall be established and defined by the State Board of Education. [§ 6-15-3203(b)(1)(A)(i)]

§ 20: The State Board of Education shall adopt course and curriculum requirements for career-ready pathways offered by public school district boards of directors and open-enrollment public charter schools that are aligned with the requirements of the subchapter,

concerning high school career-ready pathways to diploma. [§ 6-16-1801(d)]

- § 20:** The community service required under subsection (a) of the statute concerning a community service diploma requirement shall be in programs or activities, either in Arkansas or outside of Arkansas, that meet the requirements established by the State Board of Education and each public school district board of directors and include preparation, action, and reflection components. [§ 6-16-1901(b)]
- § 29:** As used in the Right to Read Act, “eligible student” means any student enrolled in public school in kindergarten through grade three (K-3) who is determined to not meet the reading standard, as defined by the state board. By the beginning of the 2025-2026 school year, if a public school student has not met the third-grade reading standard, as defined by the state board, or the student does not have a good-cause exemption, as provided under the subsection of the Right to Read Act, the student shall not be promoted to fourth grade. [§ 6-17-429(j)(2)(A)(ii)(a), (l)(1)]
- § 42:** To be eligible to participate in the Arkansas Children’s Educational Freedom Account Program, a private school shall either meet accreditation requirements established by the State Board of Education, the Arkansas Nonpublic School Accrediting Association, Inc., or its successor, or another accrediting association recognized by the state board; or be an associate member of or have applied for accreditation by the Arkansas Nonpublic School Accrediting Association, Inc., or its successor, or another accrediting association recognized by the state board. [§ 6-18-2507(a)(1)(A)]
- § 42:** The Department of Education may bar a service provider from accepting payments from accounts and restrict the service provider’s ability to serve additional participating students if the department determines that the participating service provider has failed to maintain continuing eligibility criteria established by the state board. [§ 6-18-2507(e)]
- § 49:** The State Board of Education shall create an expedited renewal process for open-enrollment public charter schools that meet certain criteria that includes the following without limitation: (1) a school rating that is above the state average based on the most recent results of the Arkansas school rating system established under §§ 6-15-2105 and 6-15-2106 and state board rules; (2) demonstration of exceptional academic growth with enrolled students, as defined by

the state board; and (3) adherence to all operational and financial requirements, as defined by the state board. [§ 6-23-307(b)]

Act 637: This Act requires public schools to provide instruction on adoption awareness. The State Board of Education shall develop curricula, standards, materials, and units relating to adoption awareness instruction required by subsection (a) of the statute concerning adoption awareness. *See* Act 637, § 1. (Wallace, D., Sen.) [§ 6-16-156(b)]

Division of Higher Education

***Act 237:** This Act creates the LEARNS Act and amends various provisions of the Arkansas Code as they relate to early childhood through grade twelve education in the State of Arkansas. (Davis, B., Sen.)

§ 54: The Division of Higher Education shall establish uniform postsecondary criteria for awarding credit to students who have successfully completed the International Baccalaureate Diploma Programme or achieved required scores on one (1) or more College-Level Examination Program examinations. [§6-6-119(b)(1)]

§ 57: The Division of Higher Education, in consultation with public and private postsecondary institutions, shall develop and implement a centralized administrative process for each Arkansas Teacher Academy, which shall include without limitation the following: (1) a marketing and promotion plan to recruit academy attendees for an Arkansas Teacher Academy; (2) data collection and reporting; (3) tracking of postgraduation service requirements; (4) coordination of induction services; (5) distribution of moneys in the Arkansas Teacher Academy Scholarship Program Fund between eligible postsecondary institutions; (6) collection of reimbursements from individuals who fail to meet the service requirements under the Arkansas Teacher Academy Scholarship Program Act (“ATASPA”); (7) a process for assessing an academy attendee’s ability to repay financial assistance received under the ATASPA if the academy attendee who receives financial assistance under the ATASPA is physically or mentally unable to fulfill the requirements of an Arkansas Teacher Academy program; and (8) a process for deferring service or repayment required by the ATASPA based on factors adopted by the division. [§ 6-82-2204(b)]

§ 57: The Division of Higher Education shall administer the Arkansas Teacher Academy Scholarship Program Fund and establish criteria for distributing scholarships from the fund. [§ 6-82-2207(a)]

Act 811: This Act requires that opioid rescue kits be located on each campus of each public high school and state-supported institution of higher education. The Division of

Higher Education shall consult and collaborate with the Arkansas Drug Director to implement requirements related to ensuring that each campus of each institution in the state, by January 1, 2024, has an opioid overdose rescue kit in a clearly visible location that is labeled with the words “Opioid Overdose Rescue Kit – Naloxone Nasal Spray” or other language approved by the Division. *See Act 811, § 2. (Shephard, T., Rep.)* [§ 6-60-119(a)]

***Act 870:** This Act makes an appropriation for personal services and operating expenses for the Department of Education – Division of Higher Education for the fiscal year ending June 30, 2024. The responsibilities of the Division of Higher Education in administering the Student Undergraduate Research Fellowship Program shall include without limitation the development of eligibility criteria for a recipient of a fellowship under the program. *See Act 870, § 41. (Joint Budget Committee)* [§ 6-61-236(d)(1)]

Department of Health

Act 565: This Act makes an appropriation for personal services and operating expenses for the Department of Health for the fiscal year ending June 30, 2024. Each county shall be eligible for that proportion of funds issued under the statute, which concerns the administration of a grant program to county governments for the purpose of defraying costs associated with preparing for and participating in actual nuclear disaster incidents or practice nuclear disaster exercises, as is determined fair and necessary under guidelines to be developed by the Department of Health. *See Act 565, § 15. (Joint Budget Committee)* [§ 20-21-502(b)(1)(D)]

Division of Health-Related Boards and Commissions

Arkansas State Board of Pharmacy

***Act 575:** This Act amends the Prior Authorization Transparency Act and exempts certain healthcare providers that provide certain healthcare services from prior authorization requirements. The Arkansas State Board of Pharmacy and the Arkansas State Medical Board, jointly, may establish criteria and procedures to review whether a request made under subdivision (a)(1) of the statute should be granted for the requesting party and specified health benefit plan. *See Act 575, § 5. (Johnson, L., Rep.)* [§ 23-99-1128(b)]

Arkansas State Medical Board

***Act 575:** This Act amends the Prior Authorization Transparency Act and exempts certain healthcare providers that provide certain healthcare services from prior authorization requirements. The Arkansas State Board of Pharmacy and the Arkansas State Medical Board, jointly, may establish criteria and procedures to review whether a request made under subdivision (a)(1) of the statute should be

granted for the requesting party and specified health benefit plan. *See* Act 575, § 5. (*Johnson, L., Rep.*) [§ 23-99-1128(b)]

Department of Transformation and Shared Services

Division of Information Systems

Act 634: This Act amends the law concerning the duties of the Data and Transparency Panel and develops a shared services data hub for statewide data sharing. (*English, J., Sen.*)

§ 1: A program to make government information available to executive state agencies, political subdivisions, educational institutions, researchers, nongovernmental organizations, and the general public established and maintained under the statute shall include a policy governing access to government information held by the Division of Information Systems under the Arkansas Information Systems Act of 1997. [§ 25-4-127(c)(8)(B)(ii)(a)(1)]

§ 1: In implementation of the shared services data hub under subdivision (8)(A) of the statute, the Division of Information Systems shall establish privacy and quality policy for government information that complies with all applicable Arkansas and federal laws, rules, and policies. [§ 25-4-127(c)(8)(B)(iii)]

State Cyber Security Office

***Act 504:** This Act requires public entities to create a policy concerning the authorized use of technology resources and a cyber security policy and amends the duties of the State Cyber Security Office. The State Cyber Security Office shall establish a procedure to review and approve state entity cyber security policies. *See* Act 504, § 1. (*Meeks, S., Rep.*) [§ 25-1-126(f)(2)]

INDEPENDENT NON-CABINET-LEVEL ENTITIES

Arkansas Cyber Response Board

***Act 846:** This Act concerns cybersecurity insurance; allows the Insurance Commission to regulate cybersecurity insurance; requires coverage for cybersecurity incidents; establishes the Arkansas Self-Funded Cyber Response Program and the Arkansas Cyber Response Board; and creates the Arkansas Self-Funded Cyber Response Program Trust Fund. The Arkansas Cyber Response Board shall establish minimum cybersecurity criteria for participating governmental entities. The board shall further establish a definition of a cyberattack that will be covered under the Arkansas Self-Funded Cyber

Response Program based on industry standards; minimum cybersecurity standards for participating governmental entities; and a maximum amount of program coverage, not to exceed fifty thousand dollars (\$50,000), for participating governmental entities that have not met the minimum cybersecurity standards established by the board under the statute. *See Act 846, § 2. (Meeks, S., Rep.)* [§§ 21-2-804(c)(1), -805(b)(1)(A), (b)(2), (b)(3)]

GENERAL – AGENCY NOT SPECIFIED

***Act 504:** This Act requires public entities to create a policy concerning the authorized use of technology resources and a cyber security policy and amends the duties of the State Cyber Security Office. *(Meeks, S., Rep.)*

§ 1: A public entity shall create a technology resources policy that defines the authorized use of technology resources for the public entity. A public entity, but not political subdivisions of the state, shall develop a cyber security policy for all technology resources of the public entity based on the standards and guidelines set by the State Cyber Security Office. A public entity shall also develop a training program for all employees of the public entity concerning the technology resources policy, and a public entity, but not a political subdivision of the state, shall develop a training program for all employees of the public entity concerning the cyber security policy. The technology resources policy for each state entity shall be available to the public upon request; however, all cyber security policies developed under the statute shall not be deemed open public records under the Freedom of Information Act of 1967, § 25-19-101 et seq. [§ 25-1-126(b), (c)(1), (h)]

§ 1: A public entity shall create a disciplinary procedure for a violation of the public entity's technology resources policy concerning authorized use of technology resources. [§ 25-1-126(e)]

§ 1: A public entity, except for a political subdivision of the state, shall create a disciplinary procedure for a violation of the public entity's cyber security policy in consultation with the State Cyber Security Office that establishes a disciplinary procedure for a violation of a state entity's cyber security policy and the reporting procedure for suspected violations of the cyber security policy. [§ 25-1-126(g)]

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