

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

January 28, 2022

Co-Chairs:

The Administrative Rules Subcommittee met on Wednesday, January 26, 2022, at 9:00 a.m., in Room A, MAC.

- 1. The Subcommittee adopted the attached Executive Subcommittee Report concerning two emergency rules.**
- 2. The Subcommittee reviewed and filed the letter of the Department of Energy and Environment, Arkansas Pollution Control and Ecology Commission, pursuant to Act 704 of 2021.**
- 3. The Subcommittee reviewed and approved the following rules filed pursuant to Ark. Code Ann. § 10-3-309:**

DEPARTMENT OF AGRICULTURE, ARKANSAS NATURAL RESOURCES COMMISSION (Mr. Chris Colclasure, Mr. Ryan Benefield, Mr. Kolton Jones)

a. Rules Implementing Act 605 of 2021

DEPARTMENT OF AGRICULTURE, STATE PLANT BOARD (Mr. Mike Bynum, Ms. Brandi Reynolds)

a. Abandoned Pesticide Disposal Fee

DEPARTMENT OF COMMERCE, STATE INSURANCE DEPARTMENT (Mr. Gray Turner, item a; Ms. Amanda Rose, Mr. Mel Anderson, item b)

a. Proposed Rule 31: Pre-License Education for Insurance Producers and Adjustors

b. Rule 65: Credit for Reinsurance

DEPARTMENT OF COMMERCE, DIVISION OF WORKFORCE SERVICES (Mr. Derwin Taylor, Ms. Tammy Richardson)

a. Amendment to Transitional Employment Assistance (TEA)/Work Pays Policy

ARKANSAS ETHICS COMMISSION (Ms. Jill Barham, Mr. Drew Blankenship)

a. Rules on Political Committees

b. Rules on Campaign Finance & Disclosure

DEPARTMENT OF FINANCE AND ADMINISTRATION, ALCOHOLIC BEVERAGE CONTROL DIVISION (Ms. Doralee Chandler, Mr. Michael Lewis)

a. Prohibited Activities; Grounds for Cancellation, Suspension, Revocation, or Placing of Monetary Fine Against Any Permit (Title 1, Subtitle G, Rule 1.79(27))

b. Microbrewery-Restaurant Delivery (Title 2, Subtitle H, Rule 2.58.1)

c. Small Brewery Delivery (Title 2, Subtitle H, Rule 2.65.1)

d. Hard Cider Manufacturing Delivery (Title 2, Subtitle J, Rule 2.83.1)

e. To Go and Delivery (Title 3, Subtitle F, Rules 3.20 – 3.28)

f. Manufacturer to Sell Only to Wholesalers; Exception for Small Farm Wine and Brandy (Title 2, Subtitle C, Rule 2.12)

g. Disposition of Distiller or Liquor Manufacturer Products (Title 2, Subtitle K, Rule 2.85)

h. Retailer to Purchase Only from Permitted Wholesaler (Title 3, Subtitle C, Rule 3.7)

i. Subtitle G – Excursion Train Permits (Title 3, Subtitle G, Rule 3.29 – 3.34)

j. Definitions: Mead (Title 2, Subtitle B, Rule 2.10.3)

k. Section 2.75 Direct Shipment of Vinous Liquor or Mead to Arkansas Residents (Title 2, Subtitle B, Rule 2.75)

l. Advertising for a Microbrewery-Restaurant Private Club (Title 5, Subtitle H, Rule 5.90)

m. Advertising for a Microbrewery-Restaurant Private Club in a Dry Area (Title 5, Subtitle H, Rule 5.91)

n. Types of Permits for Which Application May Be Made (Title 1, Subtitle C, Rule 1.19(39))

DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF ACUPUNCTURE AND RELATED TECHNIQUES (Mr. Russell Burns, Mr. Matt Gilmore)

a. State Board of Acupuncture & Related Techniques Rule

DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF ATHLETIC TRAINING (Mr. Russell Burns, Mr. Matt Gilmore)

a. State Board of Athletic Training Rule

DEPARTMENT OF HEALTH, ARKANSAS BOARD OF EXAMINERS IN COUNSELING (Ms. Lenora Erickson, Mr. Matt Gilmore)

a. Rules of the Arkansas Board of Examiners in Counseling

DEPARTMENT OF HEALTH, ARKANSAS BOARD OF DISPENSING OPTICIANS (Ms. Jerry Himes, Mr. Matt Gilmore)

a. Arkansas Board of Dispensing Opticians Rules

DEPARTMENT OF HEALTH, ARKANSAS BOARD OF HEARING INSTRUMENT DISPENSERS (Ms. Stephanie Pratt, Mr. Matt Gilmore)

a. State Board of Hearing Instrument Dispensers Rule

DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF NURSING (Ms. Sue Tedford, Mr. David Dawson, Mr. Matt Gilmore)

a. Chapter One – General Provisions

b. Chapter Five – Delegation

c. Chapter Six – Standards for Nursing Education Programs

d. Chapter Seven – Rules of Procedure

DEPARTMENT OF HEALTH, ARKANSAS STATE BOARD OF PHARMACY (Mr. John Kirtley, Mr. Luke Daniel)

a. Rule 1 – General Operations

b. Rule 5 – Long-Term Care Facilities

c. Rule 9 – Pharmaceutical Care/Patient Counseling

DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL SERVICES (Mr. Mark White, Ms. Elizabeth Pittman)

a. COVID-19 Vaccinations for Home-Bound Medicaid Clients

DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS STATE BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, AND INTERIOR DESIGNERS (Ms. Shana Bryant, Mr. Miles Morgan)

a. Administrative Rules

- 4. The Subcommittee filed the January monthly written agency updates pursuant to Act 595 of 2021.**
- 5. The Subcommittee approved the following agency requests to be excluded from Act 595 reporting requirements:**

DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Act 594) (Mr. Jim Hudson)

DEPARTMENT OF HUMAN SERVICES (Act 1017) (Mr. Mark White)

- 6. The Subcommittee reviewed and approved the following rule filed pursuant to Ark. Code Ann. § 10-3-309 upon suspension of its Subcommittee Rules:**

DEPARTMENT OF COMMERCE, ARKANSAS ECONOMIC DEVELOPMENT COMMISSION (Mr. Jim Hudson)

a. Arkansas Rural Connect Broadband Grant Program Rule

- 7. The Subcommittee reviewed the following rules recommending an expedited process for occupational licensure pursuant to Ark. Code Ann. § 17-4-109, as amended by Act 135 of 2021:**

DEPARTMENT OF LABOR AND LICENSING, DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING BOARDS AND COMMISSIONS, ARKANSAS FIRE PROTECTION LICENSING BOARD (Ms. Patricia White, Mr. Miles Morgan, Mr. Mitch Bloom)

a. Rules for Sprinkler Systems

b. Rules for Portable/Fixed Systems

- 8. Prior to the meeting, the following rules were pulled from consideration at the request of the agency:**

DEPARTMENT OF FINANCE AND ADMINISTRATION, ARKANSAS RACING COMMISSION

a. CGR Rule 4 Operation of Gaming Establishments

b. CGR Rule 6 Accounting Regulations

c. CGR Rule 20 Race Books and Sports Pools

d. CGR Rule 22 Off-Track Pari-Mutuel Wagering

e. CGR Rule 24 Off-Track Pari-Mutuel Horse Race Account Wagers

Respectfully submitted,

Senator Kim Hammer, Co-Chair

Representative Les Eaves, Co-Chair

ARKANSAS LEGISLATIVE COUNCIL

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January 12, 2022

Senator Kim Hammer
Senate Co-Chair
Administrative Rules Review Subcommittee
via email

Representative Les Eaves
House Co-Chair
Administrative Rules Review Subcommittee
via email

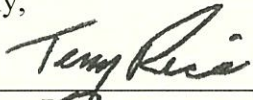
Dear Co-Chairs:

This letter is to notify you that, the Executive Subcommittee met upon recess of the morning Joint Budget Committee meeting, on January 12, 2022, pursuant to ALC Rule 22(f)(3)(B), to review and approve the following emergency rules:

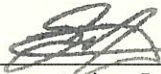
- ***Department of Commerce - Arkansas Economic Development Commission (AEDC): The Railroad Modernization Act, required under Act 967 of 2021; and***
- ***Department of Finance & Administration (DF&A) - Office of Accounting: To provide a method of distribution of American Rescue Plan Act (ARPA) funds, if available, to cover the cost of employee COVID-19 testing per Act 1115 of the 2021 Regular Session.***

A copy of the emergency rules are attached for your information. The emergency rules are reviewed and approved, and the review and approval shall be effective at 12:01 a.m. on Friday, January 14, 2022.

Respectfully,



Senator Terry Rice
Senate Co-Chair
Executive Subcommittee



Representative Jeff Wardlaw
House Co-Chair
Executive Subcommittee

TR/JW:sla

Attachment

cc: Mr. Matthew Miller, Assistant Director, BLR Legal Division
(via electronic mail)