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Arkansas Water Well Construction Commission
Rules and Regulations
(updated June 1, 2018 2020)

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LEGISLATIVE RESEARCH
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Arkansas Water Well Construction Commission
Rules and Regulations
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Section 1. Scope

1.1 Application. The rules ~~and regulations~~ hereby prescribed provide minimum standards for the construction or repair of water wells, and locations of water wells which are used or intended to be used to locate, acquire, divert or artificially recharge ground water within the boundaries of the State of Arkansas. No water well as defined below shall be constructed or repaired contrary to the provisions of these ~~regulations~~ rules.

1.2 Rules applicable to old wells. When a well constructed prior to May 27, 1969, is repaired, rehabilitated or reconstructed, the work shall include those changes necessary to make the well conform to these rules ~~and regulations~~.

1.3 Exemptions. In some instances, safe, potable water may be obtained from wells in certain geographical locations which are not in strict accordance with these rules ~~and regulations~~. In this event permission, in writing, shall be obtained from the Commission prior to developing the well.

Section 2. Procedure (reserved)

Section 3. Licensing and bonding

3.1 Authorized constructor. Water wells subject to these rules ~~and regulations~~ shall be constructed only by persons having a valid license under Act 641 of 1969, enacted by the General Assembly of the State of Arkansas, unless exempt under provisions of that Act.

3.2 Supervision. During the construction, alteration, or repair of a water well, or installation or repair of pumping equipment there must be, within a two-hour drive, a person who has obtained a registration certificate and has been certified in the type of construction engaged. The person who has obtained a registration certificate or an apprentice with proper supervision as defined by Rule 3.10.1.1 shall remain informed and have knowledge of the status of the work being accomplished.

3.3 Engineers and geologists. Arkansas Registered Professional Engineers and Arkansas Registered Professional Geologists practicing geotechnical engineering or geologic investigations may be declared exempt from certification, bonding, and testing requirements upon application for exemption from the Commission.

3.4 Fees. The following fees will be charged for licensing, registration, and rig permitting.

MARK-UP Arkansas Water Well Construction Commission

Drilling and Pump System License.....	\$350.00
Pump System-Only License.....	\$175.00
Drilling-Only License	\$175.00
Driller Registration Certificate	\$125.00
Pump Installer Registration Certificate.....	\$125.00
Apprentice Certificate	\$125.00
Rig permit	\$145.00

3.4.1 Fees non-refundable. All applicants for registration certificates shall pay said fees prior to completing the exam. Once processed, all application and licensing fees are non-refundable.

3.5 Categories for registration certificates

3.5.1 Driller registration.

3.5.1.1 Consolidated. Includes water well construction techniques for all water wells, other than monitoring wells, completed in rock formation or in formations which will not cave, including the overburden and soils overlying consolidated formations.

3.5.1.2 Unconsolidated. Includes water well construction techniques for all water wells, other than monitoring wells, completed in sand, clay, and gravel formations which are caving in nature.

3.5.1.3 Monitoring and piezometer. Includes construction for the purpose of locating and sampling for engineering or geological data or sampling ground water.

3.5.1.4 Hydrofracturing. Includes pumping or injecting fluids into a well and does not include the use of explosives.

3.5.1.5 Geothermal. Includes construction of wells built for the purpose of geothermal energy exchange including earth-coupled and direct exchange systems.

3.5.2 Pump installer registration.

3.5.2.1 Turbine pumps. Includes equipment consisting of, or used in conjunction with, line shaft turbine pumps.

3.5.2.2 Submersible pumps. Includes equipment consisting of, or used in conjunction with, submersible pumps and motors.

3.5.2.3 Jet pumps. Includes equipment used in conjunction with the jetting action of a venturi nozzle.

3.5.2.4 Monitoring / purging/ sampling. Includes pumps and other devices permanently installed to purge monitor wells, obtain samples from a monitoring well, or recover foreign substances from ground water.

3.5.2.5 Positive displacement pumps and other devices. Includes the installation of equipment and pumping devices not listed above, such as hand pumps, windmills, stroke pumps or sucker rod pumps and equipment.

3.5.2.6 Plugging. Registered pump installers who have demonstrated knowledge of the applicable rules and possession of the required skills by passing a test on those subjects administered by the Commission are authorized to plug abandoned water wells

3.6 Water well contractor licenses.

3.6.1 General. Any person who contracts for or is engaged in well construction or pump installation shall hold or be employed by a person holding an Arkansas Water Well Contractor License. The Water Well Contractor shall hold the proper license, certificates, and permits for the type of construction engaged and shall meet continuing education requirements as set forth herein.

3.6.2 Categories for licenses.

3.6.2.1 Drilling and pump systems. Includes contracting for all elements of water well construction, including drilling and pump installation.

3.6.2.2 Pump systems. Includes contracting for the installation and repair of pumps and related equipment and does not include excavating the well.

3.6.2.3 Drilling. Includes excavation of a water well, modification of the borehole, setting or removal of casing up to the point of installing or repairing pumping equipment and plugging abandoned water wells.

3.6.2.4 Master electricians. A Master Electrician holding a valid license may repair or install pressure switches, control boxes and other electrical components of the pumping equipment at the well head without holding licenses issued by the Commission. The Electrician shall adhere to these ~~regulations~~ rules for the installation and is not authorized to break the well seal, or alter, cut or drill into the casing.

3.6.2.5 Master plumbers. A Master Plumber holding a valid Master Plumber License may repair or install pressure switches, pressure tanks, valves and pipes at the well head, without holding licenses issued by the Commission. The plumber shall adhere to these ~~regulations~~ rules for the installation and is not authorized to break the well seal, or alter, cut or drill into the casing.

3.7 Bonding.

3.7.1 Conditions of bond for resident and nonresident contractor. The Water Well Contractor as defined in Act 641, as amended, as principal and a surety company or corporation authorized to do business in the State of Arkansas as surety shall bind themselves and their successors and assigns jointly and severally to the Arkansas Water Well Construction Commission for the use and benefit of the public in the full penal sum of no less than twenty thousand dollars (\$20,000.00) for each licensing year beginning August 1, 2016; that said principal and any person employed by him shall duly comply with Act 641 of 1969, as amended, and all rules ~~and regulations~~ pertaining to said Act. Any one contract, as prescribed herein by Rule 3.7.7, between said principal and a person doing business with said principal exceeding twenty thousand dollars (\$20,000.00) or the amount of aforesaid bond if in excess of twenty thousand dollars (\$20,000.00) shall require said principal to enter into a separate agreement and a bond equal to the amount of said contract as required in Subsection (c) of Section 11 of Act 641 of 1969.

3.7.2 Recovery of damages. Any and all persons doing business with said principal or person in his employ, who have been damaged by reason of violation of any of the provisions set out in Act 641 of 1969, as amended, and all rules ~~and regulations~~ pertaining to said Act, may in their own name and without joining the Commission as a party, sue thereon and join in said action as one of the defendants against the surety on said bond(s).

3.7.3 Exhaustion of administrative remedies. No action shall be taken against the principal and surety on said bond(s) until all reasonable administrative remedies have been exhausted by the Commission.

3.7.4 Term of bond. Each bond shall be construed as a new bond in the sum aforesaid in Rule 3.7.1, for each year it remains in full force unless the bond is waived as set forth in Rule 3.7.8.

3.7.5 Termination of bond. The surety shall terminate each bond by giving not less than thirty (30) days written notice of the effective date of said termination to the Commission. Termination shall not relieve said surety or principal of any liability during which the bond was in force until a period of not less than five (5) years from the effective date of termination has expired.

3.7.6 Bond form. The Commission shall provide a contractor's bond form to each person applying for the contractor's license. Each contractor's license shall be issued only after the receipt of the original copy of the water well contractor's bond prescribed above and said form is completed and notarized. The contractor's license may be renewed annually without receipt of a new contractor's bond form provided the Commission has proof that the original contractor's bond(s) remains in full force and effect.

3.7.7 The amount of the contract. "The amount of the contract" as used in Rule 3.7.1 shall be defined as the amount or cost of the construction of the well, including but not limited to the cost of drilling, casing, screens, grout, seals, etc., excluding the costs of systems employed, constructed or installed on the discharge side of the pressure tank or beyond the point of discharge from the pump if no tank is employed, or to pivot systems, ditches, pumping stations, pump houses, buildings, air conditioning duct work, or items which the water well contractor may construct or install, but are not directly connected with the construction of the well or included under the Definition or Scope of a water well as prescribed in Subsection (E) of Section 3, and Section 4 of Act 641 of 1969, as amended, and these rules ~~and regulations~~.

3.7.8 Waiver. The Commission shall reserve the right to waive the requirement of obtaining a water well contractor's bond in the amount of twenty thousand dollars (\$20,000.00) in favor of a bond of a lesser amount to those contractors whose contracts for each one-year period consistently amount to less than twenty thousand dollars (\$20,000.00). The contractor must provide proof that he is unable to obtain a bond, or such bond would cause an undue hardship. Further, the Executive Secretary of the Commission must be willing to recommend that a bond of a lesser amount would be sufficient protection for any persons doing business with the Contractor.

3.7.9 Cash bond. Persons who install pumping equipment or repair pumping equipment that have been granted a waiver for a twenty thousand dollar (\$20,000) bond and are unable to post a twenty thousand dollar (\$20,000) bond may post in lieu of a water well contractor's bond an escrow cash bond of no less than five hundred dollars (\$500.00) per year until twenty thousand dollars (\$20,000) is accrued. Persons authorized to post an escrow cash bond in lieu of posting bond shall also submit a statement of personal indemnification signed by the principal owner or Chief Executive Officer.

3.8 Mail.

3.8.1 General. All persons licensed or certified by the Commission agree to keep the Commission advised of his or her current address and must readily accept all mail sent to them from the Commission.

3.8.2 Registered or certified mail. Registered or certified mail sent with proper postage and to the last known address that is returned unclaimed shall be considered adequate notification of notice served.

3.8.3 Change of address. The Commission shall be notified of any change of address within fifteen (15) days of the change.

3.8.4 Refusal to accept mail. Refusal to accept mail is considered a violation of these ~~regulations~~ rules and will result in immediate suspension of any registration or license until the matter is resolved and could result in further disciplinary action.

3.9 Continuing education. Beginning August 1, 2002, as a condition of annual license renewal, a contractor or one designee who is a partner, officer, or full-time employee and a registered driller or pump installer shall submit proof of 6 approved continuing education credits completed during the previous licensing year. For each additional designee, two (2) additional credits will be required per contractor per year. Credits exceeding the required number may be carried over into the next licensing year. The Commission may pre-approve continuing education programs and the number of credits to be given for those programs therefore. Programs submitted for pre-approval shall be considered by the Commission only upon submission, by the sponsor or attendee, of a written description, which must include the names and qualifications of the presenters, the time and location, the proposed number of credits, and the program's objectives. Programs may be held in-state or out-of-state and must be related to water wells or pump systems technology, science, or health, sound business practices, or compliance with the Commission's Rules and other governmental and industry requirements including worker health and safety. Program sponsors must provide written proof of attendance to attendees, and providers of pre-approved classes must provide a list of attendees to the Commission by July 31 of each year.

3.10 Apprenticeship program.

3.10.1 General. A natural person obtaining the knowledge, skills, and abilities necessary to obtain a certificate of registration as a pump installer under the personal supervision of a registered pump installer or to obtain a certificate of registration as a water well driller under the personal supervision of a registered pump installer or registered water well driller may apply to the Commission for an apprenticeship certificate.

3.10.1.1 Personal supervision. "Personal supervision" means that the supervisor is at the job site with the apprentice or within two hours' traveling distance of the apprentice whenever the apprentice is working in well construction or pump installation. When the supervisor is not physically present at the job site with the apprentice, the supervisor must be reachable at any time by wireless telephone or radio contact.

3.10.1.2 Supervisor Employment. A registered certificate holder serving as an apprentice supervisor shall be a full-time employee of the company hiring the apprentice.

3.10.2 Requirements for apprenticeship certificate. All applicants for apprenticeship certificates must submit the following:

1. Completed application form;
2. Notarized letter from a registered certificate holder stating:
 - a. That he or she holds a certificate of registration in the same area or a comparable area sought by the apprenticeship applicant and that he or she has held that certificate for at least five of the previous ten years;

- b. That he or she has no record of construction violations in the specialty area unless waived by the Commission;
 - c. That he or she has no outstanding fines or fees owed to the Commission;
 - d. That he or she is willing to serve in a supervisory capacity during the apprenticeship;
 - e. The number of apprentices including the applicant that the supervisor currently supervises or anticipates supervising within a year of drafting the letter will not exceed five; and
 - f. A description of the training program;
- 3. Written statement from a contractor employing the supervisor whereby the contractor agrees to accept responsibility for the apprenticeship;
 - 4. Copy of driver's license or other document illustrating that applicant is at least eighteen years old; and
 - 5. Registration fee.

3.10.3 Registration for concurrent apprenticeships. An applicant may register for both a drilling apprenticeship and a pump installer's apprenticeship at the same time. Each registration will require separate registration fees.

3.10.4 Transfer of supervisory authority. A supervisor may agree to temporarily transfer supervising responsibility to a person holding a certificate of registration in the area sought by the apprentice and employed by the same contractor. The supervisor to whom responsibility is temporarily transferred must not already supervise more than five other apprenticeships and must meet the requirements of 3.10.2.

3.10.5 Apprentice responsibilities. An apprentice's certificate may be revoked for engaging in prohibited activities.

3.10.5.1 Driller apprentice responsibilities. A driller apprentice shall:

- 1. Represent his supervising driller during operations at the well site;
- 2. Not perform, or offer to perform, any services associated with water well drilling except under the personal supervision of a certified driller; and
- 3. Not perform, or offer to perform, any services associated with pump installation unless the apprentice holds a pump installer apprentice certificate or pump installer certificate of registration.

3.10.5.2 Pump installer apprentice responsibilities. A pump installer apprentice shall:

- 1. Represent his supervising pump installer during operations at the well site;
- 2. Not perform, or offer to perform, any services associated with pump installation except under the ~~direct~~ personal supervision of a certified pump installer; and
- 3. Not perform, or offer to perform, any services associated with water well drilling unless the apprentice holds a driller apprentice certificate or driller certificate of registration.

3.10.6 Length of apprenticeship. A person must be apprenticed with the Commission for at least two years before that person is eligible to apply for certification as a water well driller or pump installer.

3.10.7 Eligibility to apply for driller and pump installer certification.

3.10.7.1 Supervisor recommendation. After the apprentice has completed at least two years of apprenticeship, the apprentice's supervisor may send the Commission a letter on the apprentice's behalf stating that the apprentice is ready to sit for examination to obtain a certificate of registration as a water well driller or pump installer.

3.10.7.2 Application by apprentice. After the apprentice has completed two years of apprenticeship, the apprentice may submit IRS W2 Wage and Tax Statement forms demonstrating that he has spent three years in the employ of a licensed water well contractor and that he is ready to sit for the certificate of registration examination. The Commission will then approve or disapprove the apprentice to take the examination.

3.10.7.2.1 Inability to secure letter from contractor. If after the apprentice has completed at least two years of apprenticeship but is unable due to extenuating circumstances to secure a letter from his supervisor recommending that he be qualified to sit for examination, the apprentice may petition the Commission to waive the requirement that he provide a letter from a supervisor prior to sitting for the examination.

3.10.8 Renewal of apprenticeship certificate. An apprentice's certificate shall be deemed expired on July 31 of each year. If the apprentice has knowingly violated Commission rules or owes fees assessed by the Commission, the Commission may choose to deny renewal. A certificate must be renewed prior to the certificate's expiration date by complying with the following requirements:

1. Submission of the renewal application form; and
2. Payment of an annual registration fee to the Commission.

3.10.9 Change of responsible supervisor or contractor. If a supervisor terminates supervision of an apprentice, the contractor employing the apprentice must send a written statement to the Commission stating the relationship has ended. In order to continue the apprenticeship, the apprentice must find another certificate holder to supervise him or her, and that new supervisor must send a notarized letter to the Commission that meets the requirements of Rule 3.10.2.

3.10.10 Apprenticeship program exemption. ~~A person who is seeking reinstatement of a certificate of registration after his or her registration has been~~

~~expired for more than one year shall not be required to go through the apprenticeship program. Instead this person shall:~~ A. A person who has previously held a water well driller or pump installer certificate of registration from the Commission and seeks reinstatement shall not be required to complete the apprenticeship program.

B. A person seeking reinstatement shall pay the certificate of registration fee set out in Rule 3.4 and demonstrate via application that he or she:

1. Was previously registered in this state in the area of interest;
2. Held the registration in good standing at the time of registration;
- 3 Did not have his or her registration revoked for:
 - a. An act of bad faith; or
 - b. A violation of law, rule or ethics;
4. Is not holding a suspended or probationary registration or license in any state; and
5. Is sufficiently competent in his or her area of interest by:

- i. Satisfactorily satisfactorily completing a competency examination approved by the Commission; and,
 - ii. Producing two (2) letters of recommendation from persons holding a valid registration in the area of interest; and
- ~~2. Pay the certificate of registration fee set out in Rule 3.4 of these rules and regulations plus a twenty-five dollar (\$25.00) penalty.~~

C. If the person seeking reinstatement applies for reinstatement within a year of the expiration of his or her certificate, he or she will not be required to take the Commission's competency test.

3.10.10.1 Continuing Education. The Commission may require the person to participate in continuing education consistent with these rules ~~and regulations~~.

3.10.10.2 Reciprocity. A person shall not be required to comply with the requirement of 3.10.10 to obtain reinstatement of a license if the person meets the requirements of reciprocity.

3.11 Rules applicable to active duty service members, returning military veterans, and spouses.

3.11.1 Expedited and temporary certification for active duty military, returning military veterans, and spouses.

A. The Commission shall expedite the certification process for any individual applying for Arkansas accreditation who

1. Holds a substantially equivalent certificate issued by another state, territory, or district who is in good standing with that state; and

2. Is one of the following:

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

b. A returning military veteran applying within one (1) year of his or her discharge from active duty; or

c. The spouse of a person described by (2)(a) or (b).

B(1). The applicant will still need to demonstrate competence to drill wells or install pumps in Arkansas by passing the Commission's test.

(2). However, an applicant may obtain temporary certification pursuant to Rule 3.12.4 until the applicant has met the Commission's testing requirement.

3.11.2 Consideration of military training and experience.

A. When considering an application for certification from a person described by Rule 3.11.1.2 who does not have certification from another state, territory, or district the Commission shall:

1. Consider whether the applicant's military training and experience is substantially similar to experience or education required for the applicable permit or license; and

2. Accept documentation of the applicant's military training and experience in lieu of experience or education required for the applicable permit if the Commission determines the military training and experience is a satisfactory substitute for the experience or education required for the permit.

B. The applicant will still need to demonstrate competence to drill wells or install pumps in Arkansas by passing the Commission's test.

3.11.3 License or permit expiration.

A license or permit issued by the Commission held by an active duty military service member or the spouse of an active duty military service member deployed outside Arkansas shall not expire until one hundred eighty (180) days following the active duty military service member's or the spouse's return from active deployment.

3.11.4 Continuing education exemption.

A. The Commission shall allow a full or partial exemption from continuing education requirements for the following individuals:

1. An active duty military service member deployed outside of the State of Arkansas;

2. A returning military veteran applying within one (1) year of his or her discharge from active duty; or

3. The spouse of a person under (1) or (2) of this section.

B. The Commission may require the completion of continuing education before issuing any subsequent renewals.

3.12 Reciprocity.

3.12.1 Reciprocity agreement.

An applicant holding an occupational license from an entity of another state, territory, or district of the United States that has entered into a written agreement with the Commission shall qualify for a certificate of registration as a water well driller or pump installer once he or she has satisfied the terms of the agreement.

3.12.2. Reciprocity qualifications.

An applicant, who holds a substantially similar certification from another state, territory, or district of the United States that has not entered into a reciprocity agreement with the Commission, applying for reciprocal certification as an Arkansas Water Well Construction Commission Water Well Driller or Pump Installer, shall meet the following requirements:

1. The applicant holds certification in good standing;
2. The applicant shall not have had a certification revoked for an act of bad faith or a violation of law, rule, or ethics;
3. The applicant does not hold a suspended or probationary license in another state, territory, or district of the United States;
4. The applicant has held the certificate for two years;
5. The applicant demonstrates sufficient competence in the field by passing the Commission's certification exam which tests applicant's knowledge of the Arkansas Water Well Construction Act, Ark. Code Ann. § 17-50-101 et seq.; Water Well Construction Rules; and general knowledge of water well construction.
6. The applicant is eighteen years of age or older; and
7. The applicant pays a registration fee in accord with Rule 3.4.

3.12.3 Required documentation of substantially similar program.

A. As evidence that the applicant's certificate from another jurisdiction is substantially similar to the Commission's requirements for a certificate of registration, the applicant shall submit the following information:

1. Evidence of current and active certification from another state, territory, or district of the United States.
2. Evidence that the other jurisdiction's certification requirements are similar to those required by the Commission.

B. To demonstrate that the applicant meets reciprocity requirements, the applicant shall provide the Commission with:

1. The names of all states in which the applicant is currently certified or has been previously certified;
2. Letters of good standing or other information from the licensing entity of each jurisdiction in which the applicant is currently or has ever been certified showing that the applicant has not had his certificate revoked for an act of bad faith or a violation of law, rule, or ethics and does not hold a certificate on a suspended or probationary status.

3.12.4 Temporary certification for a person holding certification from a substantially similar program.

A. The Commission shall grant a 90-day temporary certificate of registration to any individual holding a water well driller or pump installer certificate of registration from another state, territory, or district of the United States upon being presented with evidence of a current and active occupational certification substantially similar to the practice of water well drilling or pump installing in Arkansas.

B. An individual holding a substantially similar certification shall submit a completed application, proof of certification, and a certificate of registration fee identified in Rule 3.4.

3.12.5 Applicant with experience from a state, territory, or district that does not require certification.

An applicant from a state that does not certify water well drillers shall meet requirements 5, 6, and 7 in Rule 3.12.2, as well as provide the following documents:

1. An affidavit containing separate paragraphs accounting for at least two years of employment by a water well drilling or pump installation business or businesses including the following information:

- a. Business phone number and address.
- b. Name of applicant's supervisor:
- c. Description of duties performed by applicant while employed by the business:
- d. Dates of applicant's employment.
- e. Number of well drilled by applicant or the number to which applicant has installed pumps, or both, if applicable, and
- f. Type of rigs used by applicant to perform these duties.

2. Either two years of Internal Revenue Service (IRS) W2 Wage and Tax Statement Forms demonstrating two years of employment as a water well driller or pump installer, whichever is applicable, or insurance or bonding documents corresponding to dates of employment with the business or businesses.

3.13 Criminal background checks.

3.13.1 Disqualification from registration and licensure due to criminal conviction.

A. The Commission shall require all applicants to undergo a state and federal background check at the Commission's expense.

B. With the exception of a waiver granted pursuant to Rule 3.13.2, no individual is eligible to receive or hold certification or licensure if the individual has pleaded guilty or nolo contendere to or been found guilty of any of the offenses identified in Ark. Code Ann. § 17-3-102(a) by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court, unless the conviction was lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, §

16-90-1401 et seq., or otherwise previously sealed, pardoned or expunged under prior law.

C(1). An individual seeking certification or licensure shall be permanently disqualified from receiving certification or licensure if the individual has been convicted of any of the crimes listed at Ark. Code Ann. § 17-3-102(e).

(2). The permanent disqualification for an offense listed in § 17-3-102(e) does not apply to an individual who holds a valid certification or license on July 24, 2019.

D. The Commission shall not disqualify an applicant if the date of conviction or incarceration or on which probation for the disqualifying offense occurred is more than five (5) years prior to application for certification or license, if the individual:

1. Was not convicted for committing a violent or sexual offense; and
2. Has not been convicted of any other offense during the five-year disqualification period; or
3. The applicant was arrested for but not subsequently convicted for an offense.

3.13.2 Waiver of disqualification due to criminal conviction.

A. If an individual has been convicted of a crime listed in Ark. Code Ann. § 17-3-102(a), except for those permanently disqualifying offenses found in subsection (e), the Commission may waive disqualification or revocation of a certification or license based on the conviction if a request for a waiver is made by:

1. An affected applicant; or
2. An individual holding a certification or license subject to revocation.

B. The Commission may grant a waiver on the following basis without limitation:

1. The age at which the offense was committed;
2. The circumstances surrounding the offense;
3. The length of time since the offense was committed;
4. Subsequent work history since the offense was committed;
5. Employment references since the offense was committed;
6. Character references since the offense was committed;
7. Relevance of the offense to a commission license or certification; and
8. Other evidence demonstrating that certification or licensure of the applicant does not pose a threat to the health or safety of the public.

C. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

D. The Commission will respond with a decision in writing and will state the reasons for the decision.

E. An appeal of a determination under this section will be subject to the Administrative Procedures Act § 25-15-201 et seq.

3.13.3 Pre-certification or pre-licensure criminal background check.

A. An individual may petition the Commission for a pre-certification or pre-licensure determination of whether the individual's criminal record will disqualify the individual from certification or licensure and whether a waiver may be obtained.

B. The individual shall obtain the pre-certification or pre-licensure criminal background check petition form from the Commission.

C. The Commission shall respond to a completed petition with a written decision within a reasonable time.

D. The Commission's response will state the reason or reasons for the decision.

E. All decisions of the Commission in response to the petition will be determined by the information provided by the individual.

F. Any decision made by the Commission in response to a pre-certification or pre-licensure criminal background check petition is not subject to appeal.

G. The Commission shall retain a copy of the petition and response for review during the formal application process.

Section 4. Reporting

4.1 Reports. Within ninety (90) days after a water well has been constructed or repaired, the constructor shall submit a report of construction to the Arkansas Water Well Construction Commission on such forms as are prescribed and furnished by the Commission. The date of construction and time of completion shall be the date and time the rig is removed or pulled off the bore hole or well. Reports must be legible, must supply all requested information applicable to the type of work done, and must contain the longitude and latitude of the well location.

4.1.1 Test holes. When a water well contractor constructs a test hole for a well that may be developed into a water well, the contractor shall file a construction report within thirty (30) days after the date of construction regardless of the stage of completion of the water well.

4.2 Domestic wells. The contractor is required to maintain adequate records at his place of business of pumps installed in water wells used for domestic purposes. Generally all warranty information should be maintained as well as depth of settings, size of wire, size of pipe, etc.

4.3 Copy to be provided to customer. A copy of the construction report shall be provided to the customer upon demand.

Section 5. Construction

Note: Construction requirements vary according to type of formation, type of well and intended use. Please review both the general requirements and Section 6, "Special well construction techniques" for the type of well you are working on.

5.1 Location.

5.1.1 General. In establishing the location of a well, the constructor shall consider sources of contamination which exist on or adjacent to the premises where the well is to be located. As far as possible, the well shall be located on ground which is higher than sources of contamination and shall have ready access for repairs, maintenance, treatment and inspection.

5.1.2 Relation to sources of contamination. Determination of minimum lateral distances to locate a well from potential sources of contamination involves evaluation of the character and location of the sources of contamination, types of geologic formations present, depth to the aquifer, effect on ground water movement by well pumping and possibilities of flooding of the site by surface waters. Based on practice and experience, accepted minimum lateral distances for some common sources of pollution with respect to a well have been established. The lack of specific distances for other possible sources of contamination such as streams, refuse disposal sites, excavations, waste treatment facilities, buried oil and gasoline storage tanks, improperly constructed wells and cisterns, etc. does not minimize their potential hazard. These must be evaluated in each situation and a distance arrived at based on the pertinent facts.

5.1.3 Minimum lateral distances. The following minimum lateral distances shall apply for common sources of contamination listed:

Potential sources of contamination	Minimum lateral distances for clay and loam soils
Cess Pools	100 Feet
Leaching Pit	100 Feet
Pit Privy	100 Feet
Subsurface Seepage Tile	100 Feet

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Manure Piles	100 Feet
Septic Tank	100 Feet
Sewers (Cast iron with water tight, leaded or mechanical joints)	50 Feet
Footing Drains (No connection to a sewer or a sump handling sewage)	10 Feet
Pump House Floor Drain (Cast iron with water tight joints and having free fall discharge to ground surface)	2 Feet

When the upper formations are more pervious, the lateral distances shall be increased (i.e., double the distance for highly pervious gravel formations).

5.1.4 Flood water. Locations subject to flooding should be avoided. If no reasonable alternate site exists, wells may be constructed in flood zones providing special protective construction is included.

5.1.5 Vertical closed loop systems / wells. Vertical closed loop systems and wells shall not be located closer than fifty (50) feet to a septic tank, its field lines, or other water supply wells used for human consumption. This requirement may be waived. An approved waiver may be requested by contacting the Commission office by telephone or mail. Written approval must be obtained from the Commission prior to construction of the well.

5.1.6 Open loop systems / wells. The location of open loop wells shall meet the same criteria as water wells used for domestic or human consumption.

5.1.7 Industrial and irrigation wells. No industrial or irrigation well shall be located nearer than one hundred (100) feet to any other well producing potable water. It is recommended that locations subject to flooding be avoided. If no reasonable alternate exists, wells should be constructed with the casing terminating two (2) feet above the maximum known flood water elevation.

5.1.8 Relations to buildings. With respect to buildings, the location of a well shall be as follows:

5.1.8.1 Adjacent to building. When a well must be located adjacent to a building, it shall be located so that the center line of the well extended vertically will clear any projection from the building by not less than ten (10) feet. The well shall also be located at least ten (10) feet away from any power lines.

5.1.8.2 Inside building. The casing top of a well and any other opening shall not terminate in the basement of any building, or in any pit, room or space which is below ground surface or connected to a basement, which is not properly drained or pumped. Where it is necessary to seal out seep water or rain water in small diameter wells that are underground, National Water Well Association approved pitless adapters, or an approved seal, shall be used.

5.2 Design factors. The design of each well shall include consideration of the following:

5.2.1 Natural protection. Location of the well shall include utilization of every natural protection available to promote sanitary conditions.

5.2.2 Undesirable geological formations. The exclusions of water bearing formations which are or may become contaminated formations which have undesirable characteristics.

5.2.3 Durability. The use of construction methods and materials which will result in a durable well producing safe water, without excessive sediment and sand, or harmful bacteria.

5.3 Materials and technical requirements.

5.3.1 Construction water. Water used in the drilling process should be obtained from a source which will not result in contamination of the well. It is required that an appropriate amount of chlorine solution be added to the construction water in order to protect the well from contamination. Please refer to the tables in Section 11 to determine the proper amount of chlorine to use.

5.3.2 Plumbness and alignment. Each drilled well shall be tested for plumbness and alignment and the bore of the hole shall be sufficiently plumb and straight to receive the casing without binding. The casing shall be sufficiently plumb and straight so that it will not interfere with installation and operation of the pump.

5.3.3 Yield. Each well shall be tested for yield and draw down by pump, bailer, or air.

5.4 Casing. The casing shall be installed where the purpose of casing is to seal off surface, near surface, or deeper contaminants or where the purpose is to retain the

wall of the well in addition to repelling outside contaminants. In selection of casing pipe, consideration shall be given to the strain to which the pipe will be subjected during construction and the corrosiveness of the water with which it comes in contact. Used or reject pipe is not acceptable.

5.4.1 Temporary (outer) casing. Casing intended for construction purposes only shall be of weight and design as necessary to be watertight and permit installation without distortion or rupture to the specified depth.

5.4.2 Grouting guides. Protective casing that is to be grouted in the drill hole should have sufficient guides welded to the casing to permit the unobstructed flow and disposition of the thickness of grout specified.

5.4.3 Screens. Screen openings shall provide the maximum amount of open area consistent with the strength of screen and the grading of the water bearing formation or gravel pack. The opening shall permit maximum transmitting ability without clogging or jamming.

5.4.4 Joints. All casing pipe joints shall be watertight welded construction or threaded couplings.

5.4.5 Upper terminal. The casing, well curb or riser pipe shall be terminated at a height above ground surface consistent with the proposed plans for a pump house and pump installation but not less than eight (8) inches above ground surface or twenty-four (24) inches above maximum high-water level where flooding occurs.

5.4.6 Steel casing for domestic, individual, and stock wells. Casing for domestic, individual and stock wells of steel construction shall be as follows: Minimum eleven (11) pound black steel pipe may be used in consolidated formations. ASA Galvanized Standard Weight Schedule 40 pipe, one (1) inch I.D. to four (4) inches I.D. pipe size and weight are covered in Rule 11. 4.090-inch I. D. galvanized pipe, 9-1/2 pound (schedule 30) may be used on a statewide basis with the following provision that any failure of this weight pipe within a five (5) year period be replaced by the contractor at no cost to the landowner.

5.4.7 PVC casing. Effective January 1, 1989, PVC plastic casing may be used provided the PVC pipe is manufactured as water well casing and is permanently marked as well casing. The casing shall be made to ASTM F480. The Contractor shall be responsible to assure that the PVC wall thickness shall be sufficient to withstand both the formation and hydrostatic pressures imposed on the casing during its installation and development. PVC casing shall be used only when construction practices will allow the bore hole to remain open during casing installation and the casing can be lowered freely without driving.

5.4.8 Fiberglass casing. Fiberglass reinforced plastic well casing, tested in accordance with ASTM D1180 (American Society Testing Materials), may be used where judged desirable by the contractor and approved by the customer, in

consolidated and unconsolidated formations. Each coupling shall form a watertight seal. Pipe having a minimum bursting pressure of 660 PSI may be used.

5.4.9 Casing of industrial and irrigation wells.

5.4.9.1 General. All casing, including steel shall be strong enough to resist the forces imposed during installation and other forces that can be expected after installation. It shall be the contractor's responsibility to see that all casing used in industrial and irrigation wells will not collapse. Any material used in construction of industrial and irrigation wells that collapses or breaks within (5) five years shall be renewed with a material strong enough to withstand the stress or pressure without charge to the customer.

5.4.9.2 PVC casing. PVC 160 PSI NSF or stronger material classification may be used in construction of industrial and irrigation wells, where judged desirable by the contractor and approved by the customer in unconsolidated formations. All pipes shall be permanently marked under a method suitable to the National Sanitation Foundation. Plastic pipe must be made of new, not reclaimed material.

5.4.9.3 Joints. The joints of all casing shall be watertight and plumb and in alignment. All casing shall be installed to seal off water bearing formations that contain undesirable water (such as saline) and prevent water from the surface entering the fresh water aquifer so as not to contaminate them. Each joint of PVC pipe shall have a minimum of four (4) screws or rivets in the coupling.

5.4.10 Casing in consolidated formations. Metal or plastic casing shall extend a minimum of one (1) foot into solid bedrock or slate in a cement or Bentonite seal at least one (1) inch thick from rock upward for five (5) feet. In wells where consolidated formations, such as bedrock or slate, occur as a definable unit, the casing shall be set into the consolidated formation and sealed below all crevices that would normally release water of inferior quality into the well. Plastic casing may be used to case through overburden in consolidated formations, providing the casing meets the requirements for the depth being cased.

5.4.10.1 Rock below creviced formation. The diameter of the drill hole through the creviced formation shall be a minimum of two (2) inches greater than the diameter of the casing. If an outer casing is left in place in the earth mantle, the annular opening around that casing shall be sealed as outlined in Rule 5.4.11. All wells constructed in consolidated formations shall be cased a minimum of ten (10) feet from ground surface or one (1) foot minimum into the consolidated formation.¹ All casing left permanently installed in consolidated formations shall be grouted with the appropriate materials, as outlined in Rule 5.5, from the bottom of the casing upward five (5) feet. Where a desirable water bearing formation underlies a crevice or undesirable water bearing formation, the overlying formation should be completely grout sealed and watertight. Drilling construction should extend into the desired formation.

¹Ten feet from ground surface or one foot minimum into the consolidated formation means that wells must be cased at least ten feet. Wells will never have less than 5 feet of cement or Bentonite grout in the annulus. Wells must also be cased at least one foot into consolidated formations. Minimum of one foot into consolidated rock means that many times even though the formation is consolidated, ground water, at a particular depth would be undesirable and additional casing and grout to a depth greater than one foot into consolidated formation is required.

5.4.11 Casing in unconsolidated formations. Unconsolidated formations such as sand and gravel may extend to or near the ground surface. Generally, however, they lie below the ground surface at varying depths and are covered by an overburden of earth. The kind, nature and depth of the overburden are factors in determining how a well shall be constructed. Wells constructed in unconsolidated formations shall have a permanent casing installed, in which the casing or screen shall extend the complete length of the drill hole. A minimum of the upper ten (10) feet shall be filled with grout after the casing is in place.

5.4.11.1 Gravel wall construction. When an oversized drill hole is constructed to permit the placement of a gravel wall around the well screen or perforated casing, the annular opening between the casing and the drill hole shall be sealed in the top twenty (20) feet with concrete, cement, or Bentonite grout. If a permanent outer casing is installed, it shall extend to a depth of at least twenty (20) feet depending on the formations present, the annular opening between the drill hole and the outer casing shall be sealed as provided for in Rule 5.4.12. The annular opening between inner and outer casings shall be filled with concrete, cement, or Bentonite grout in the upper twenty (20) feet.

5.5 Grouting.

5.5.1 Sand and cement grout. This mixture should consist of cement, sand and water, in the proportion of one bag of cement (94 pounds) and an equal volume of dry sand to not more than six (6) gallons of clean water.

5.5.2 Neat cement grout. This mixture should consist of one bag of cement (94 pounds) to not more than six (6) gallons of clean water. Additives up to 6% by weight to increase fluidity may be used.

5.5.3 Concrete. This mixture should consist of cement, sand, aggregate (gravel), and water in the proportion of one bag of cement (94 pounds) and an equal amount of dry sand and aggregate and clean water. Concrete can be used in the top ten (10) feet of the annular space around the casing of the large diameter wells when the annular space is larger than two (2) inches from the outside of the casing wall to the face of the bore hole. Aggregate shall be no larger than 1/5 of the dimension between the outside casing and the face of the bore hole. All concrete shall be placed to prevent voids.

5.5.4 Bentonite grout. Bentonite or sealing clay grout is a manufactured clay product that expands in contact with moisture to form a seal that prevents the movement of water and may be used in consolidated and unconsolidated formations. It is the responsibility of the contractor to make the viscosity of the bentonite thick enough to seal out all contaminants.

5.5.5 Grouting of metal-cased wells. Metal casing shall be encased in a cement seal at least two (2) inches thick from ground level to a distance of at least ten (10) feet below established ground surface.

5.5.6 Grouting of curbed wells. Curbed wells shall be concreted at least six (6) inches thick poured monolithically from the upper terminal to a distance of at least ten feet below established ground surface.

5.6 Well seals or caps.

5.6.1 General. Well seals or caps installed on wells shall be securely capped. The seal may provide ventilation but shall be sufficiently tight and secure to prohibit foreign objects, insects and other creatures from entering the well. The well seal shall be secure to prohibit entrance to the well from unauthorized persons without tools or excessive physical exertion.

5.6.2 Timing. The well seal or cap shall be installed immediately upon completion of the well and prior to departure of the driller and or contractor or his drilling equipment from the well site. An effort should be made by the driller or contractor to ensure that the well seal or cap provided/installed is compatible to the type of pump and pipe to be installed.

5.6.3 Seals or caps when pump installed. Well seals or caps shall be installed on all water wells after pump installation and shall be securely capped. The seal MAY provide ventilation but be sufficiently tight and secure to prohibit foreign objects, contamination, insects and other pests from entering the well. The well seal shall be secure to prohibit entrance to the well from unauthorized persons without tools or excessive physical exertion. All wells in consolidated areas will be vented with insect proof vents. If the well is located inside a building it shall be vented to the outside.

5.6.4 Pitless adapters. Pitless adapters shall be installed in a manner that excludes entrance of water or other materials into the well.

5.6.5 Test holes. The contractor shall insure that the well/hole is capped to prevent injury or pollution. If the test well is abandoned, then the well shall be plugged as outlined in Rule 5.8.

5.7 Disinfection.

5.7.1 General. Every new well, or existing water supply system that has been disrupted for service or repair, should be disinfected before it is returned to use.

Water in the well and storage tank should be treated with a strong chlorine solution to destroy disease organisms. All pipe lines and fixtures in the distribution system should be rinsed and flushed with chlorinated water. All wells, excluding irrigation, will be disinfected.

5.7.2 Timing. If the constructor of the well is also responsible for preparing the well for the pump installation and making the pump installations, disinfection may be postponed until his work is completed. In the event the constructor does not have this responsibility, it is required before capping the well that an appropriate amount of chlorine solution be introduced into the well.

5.7.3 Disinfection and pump installation. At the time of new pump installation or reinstallation of an existing pump, the water system shall be chlorinated to a minimum concentration of 50 ppm for a minimum of 24 hours. Each well shall be disinfected by tablets and/or liquid.

5.7.4 Water. Water, which has contacted pipe or equipment used in chemigation, shall not be allowed to back siphon or be used to backwash the well.

5.7.5 Emergencies. If an emergency exists, the water system may be used, provided, the system is not for human consumption, and the system is disinfected as soon as the situation permits. Refer to the tables in Section 11 for guidance on administering chlorine.

5.8 Plugging or abandonment of wells.

5.8.1 General. To restore geologic and hydrogeologic conditions existing prior to a well's construction, any person who abandons an abandoned well, as defined in Rule 10.28, must use methods and materials that will protect the ground water from surface contamination and prohibit cross-contamination (co-mingling) of aquifers. Clay, cement, or bentonite will be allowed to plug wells with certain restrictions applied when using bentonite.

5.8.2 Dry holes. If no water is encountered and the landowner does not wish to abandon the well in the event that he might plan further development of the well at a later date, the contractor shall complete the well according to the rules ~~and regulations~~, including casing, sealing, and capping the well.

5.8.3 File well abandonment form. All wells plugged in the State should be reported by the water well contractor to the AWWCC on a well abandonment form to be approved by the AWWCC within ninety (90) days of abandonment.

5.8.4.1 Consolidated formations. When information has been obtained about a well completed in a single consolidated aquifer from a water well construction report, geophysical data, or usage of a down-hole camera, the well shall be

plugged with cement, clay, or bentonite to a depth of fifty (50) feet below the bottom of the surface casing, with a minimum depth of one hundred (100) feet of depth below land surface. The remaining depth of the well may be filled with clean sand or pea gravel. Wells completed in more than one major aquifer must have a minimum fifty (50) foot clay, cement, or bentonite seal emplaced in the borehole within each confining unit between the aquifers, and between any aquifer and the surface overburden.

5.8.4.2 No information. If no information on well construction is available, the well must be filled from bottom to within two (2) feet of land surface with clay, cement, or bentonite in a manner that will protect the ground-water flow system.

5.8.5 Unconsolidated formations. All wells in unconsolidated formations will be filled with sand or natural material to twelve (12) feet of ground surface, from twelve (12) feet to two (2) feet with bentonite or cement.

5.8.6 Usage of packers. Packers should be emplaced in wells overlying flowing artesian aquifers, or aquifers with more than seventy-five (75) feet hydrostatic head to curtail flow prior to plugging and prevent intercommunication of aquifers.

5.8.7 Usage of bentonite.

5.8.7.1 Chips. Bentonite chips may only be used to plug a well if the well's diameter is four (4) inches or more, the well's depth is less than six hundred (600) feet below land surface, and the well contains less than five hundred (500) feet of standing water.

5.8.7.2 Slurries. Bentonite slurries are not allowed for well abandonment in the unsaturated zone (above water level).

5.8.7.3 Prohibited use of bentonite under certain conditions. Bentonite should only be used in accordance with package label recommendations.

5.8.8 Caves. A driller should contact AWWCC staff for specific abandonment procedures if he encounters caves while drilling.

5.9 Fracturing.

5.9.1 General. Fracturing includes the use of explosives, acid, or pumping fluids (hydrofracturing) into a water well. A Driller registered in category 4 shall supervise hydrofracturing. A driller registered in category 1-3 may use explosives or acid without being registered in category 4. Wells which do not meet the requirements of these construction ~~regulations~~ rules shall not be fractured.

5.9.2 Water. Water used in fracturing must be free of contamination and chlorinated to fifty (50) milligrams per liter chlorine prior to injection.

5.9.3 Relation to sources of contamination. Water wells located closer than one hundred (100) ft. to any potential source of contamination shall not be fractured.

5.9.4 Process. The following action must take place when hydrofracturing a water well:

1. Analysis of the well site and well to determine the location of other wells and potential sources of contamination in the immediate vicinity. Determine if the well needs repair and if so bring up to standards. Determine the effect on geological formations and ground water.

2. Conduct a test and estimate well yield.

3. Advise owner of hazards and potential liability of fracturing.

4. Disinfect well to be fractured to 50 milligrams per liter chlorine.

5. Fracture well.

6. Reinstall pump equipment.

7. Disinfect well and pump equipment.

8. Pump well to recover no less than the amount of water injected.

9. Conduct test and estimate well yield.

10. Complete a construction report. On the report, in the space provided for description of formation, indicate the depth and PSI (or amount of explosive) of each zone fractured.

* The above steps are not meant to be all inclusive. The contractor remains responsible and liable for damages to the well or wells in the immediate vicinity resulting from hydrofracturing, even though the Contractor may have complied with these regulations rules.

5.9.5 Consolidated formations. Fracturing PSI shall not be excessive.

Section 6. Special well construction techniques

6.1 Artesian wells. In known artesian territories, initial drilling operations shall extend into but not through the formation confining the water. The casing shall be installed and the annular opening between the drill hole and casing sealed with cement or Bentonite grout and allowed to set. The hole shall then be extended into artesian formation. Flow control from the well shall be provided by valved pipe connections, watertight pump connections, or receiving reservoirs set at an altitude corresponding to the artesian head.

6.2 Driven, dug, or bored wells. Wells in this classification are dug, bored or driven, unless the type or purpose of the well applies to all methods of well construction (test holes, heat pump wells etc.).

6.2.1 Driven wells. On all driven wells there shall be an outer casing grouted from ground surface to a minimum ten (10) feet depth. Plastic or steel casing that will accommodate the outside diameter of the pipe being driven shall be placed in a hole that has a minimum diameter of four (4) inches larger than the surface casing. This should give a minimum of two (2) inches thickness of grout.

6.2.2 Dug or bored wells. Every dug or bored well shall have a continuous watertight lining of steel casing or concrete pipe extending from above ground surface to a depth of at least ten (10) feet below the ground surface. When more than one formation bearing suitable water exists, the lower formation should be used. The lining in the producing zone shall readily admit water and shall be structurally sound to withstand external pressures.

6.2.3 Annular openings. The open space between the excavation and the installed lining shall be sealed with grout. If the first ten (10) feet of the casing is jointed, such as concrete, and would allow surface water to seep into cracks of casing, the grout will continue from the ten (10) foot seal to ground level.

6.2.4 Upper terminal. The watertight lining shall extend at least eight (8) inches above finished ground surface. A cover slab at least two and one half (2 1/2) inches thick, adequately reinforced and having a diameter sufficient to overlap the lining by two (2) inches shall be provided. The top of the slab shall be sloped to drain to all sides and a watertight joint made where the slab rests on the well lining using cement mortar or a mastic compound. A manhole, if installed, shall consist of a metal curb cast in the slab and extending four (4) inches above the slab. The manhole shall have a watertight covering having sides to overhang the curb at least two (2) inches. Adequately sized pipe (plastic pipe may be used) shall be cast in place in the slab, extending at least eight (8) inches above the slab, to accommodate the type of pump or pump piping proposed for the well. If the well contractor does not install the pump, a cap (seal) will be placed on top of the pipe. The owner or licensed driller may cut off the cap and must leave a minimum of two (2) inches above the slab.

6.3 Industrial and irrigation wells. This section applies to wells constructed for purposes other than human consumption.

6.3.1 Outer casing seal for gravel well industrial and irrigation wells. Industrial wells shall be sealed with a concrete slab or grouted or both. Irrigation wells shall be sealed with a bentonite seal. It is optional to use a slab for an irrigation well.

6.3.1.1 Slabs. Slabs must be of reinforced concrete and at least four (4) inches thick and have a diameter sufficient to overlap the drill hole by two (2) feet. The top of the slab shall be sloped to drain to all sides.

6.3.1.2 Grout. Grout must be composed of sodium montmorillonite clay, also known as Bentonite, cement, or a sodium montmorillonite (Bentonite)-cement mixture and shall fill the annular opening between the casing and the drill hole in the upper ten (10) feet.

6.3.1.3 Timing. If noted on the Report of Water Well Construction, a slab may be placed on non-grouted wells within one year of the date of construction to allow for settling.

6.3.1.4 Gravel refill pipes. Gravel refill pipes may be installed if they terminate above the concrete slab surface and are provided with watertight caps.

6.3.2 Public notice. Each new industrial or irrigation well and each existing industrial or irrigation well when brought under the rules ~~and regulations~~ of the Act shall have a weatherproof sign attached in a conspicuous location stating that "THIS WATER IS NOT FOR DRINKING PURPOSES" or a suitable decal of weatherproof material.

6.3.3 Casing, screen, and all material for industrial and irrigation wells of steel construction over four inches in diameter. The minimum wall thickness shall be seven gauge or .1875. All material used shall not allow sand or sediment to enter a well. Where there is an acid condition screen material may be stainless steel, plastic, bronze, or other material suitable for the water and ground formations in which the well has been completed.

6.3.4 Gravel refill pipes. Gravel refill pipes may be installed if they terminate above ground surface and are provided with water tight caps.

6.3.5 Artificial pack. Wells designed for placement of an artificial pack shall be provided with an adequate screen having openings based upon size of the gravel. The well shall be developed to insure free entry of water without sediment.

6.4 Geothermal (heat pump) wells. Heat pump wells are designed for two major types of Heat pump Systems.

6.4.1 Closed loop or earth coil. Fluid is circulated in a continuous unbroken pipe beneath the surface of the earth or under ponds, swimming pools, lakes or in a medium where the system can obtain a sufficient cooling or heat exchange. Normally no fluid is gained or lost. Depths of installation vary and are dependent upon the type and size of closed loop system, the land area available, soils/formation, climate, and seasonal variation in ground temperature, etc. There are three types of closed loop heat pump well systems:

6.4.1.1 Horizontal system. A closed loop system where pipes are installed horizontally under the earth's surface or under ponds, swimming pools, lakes, etc.

6.4.1.2 Vertical system. A closed loop system where pipes are vertically installed beneath the surface of the earth.

6.4.1.3 Combination horizontal and vertical system. A system that has pipes installed beneath the earth's surface horizontally and vertically.

6.4.1.4 Direct exchange (DX) wells. A small diameter bore hole constructed for the purpose of sinking or sourcing thermal energy between the direct exchange loop and the earth.

6.4.1.4.1 Additional construction standards.

1. A DX well shall comply with Commission Rules 5.1 and 5.2
2. The DX well does not have to be completely vertical.
3. The DX well casing is a metal tube with the bottom capped, running from the bottom of the bore hole to within 1 foot of the top of the bore hole. A thermal fluid can be used to fill the DX Well Casing to within 2 feet of the top of the DX Well casing. A water tight sealing material will be used to seal the top of the DX Well Casing. The material can be silicone, latex, or other material suitable for the seal. The DX Well Casing shall comply with Rule 5.5.5.
4. DX Well Casing will be required if the pH of the material around the DX Loop can not be corrected to a pH of 8.5 or greater with the use of back fill or grout.
5. If the DX well Casing material is steel, then no cathodic protection is required. (The DX Loop is Copper, which is more noble than steel; therefore, the steel acts as cathodic protection.) The joints will be threaded or welded.
6. If the DX Well Casing material is copper, cathodic protection is required. The Joint will be welded using Arkansas Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) standards for joining Refrigeration copper.
7. The DX Loop can be constructed of Type L copper tubing (ACR) Any joint must comply with HVACR standards for joining Refrigeration Copper. The copper tubing's length and diameter must be sized for proper refrigerant flow.

6.4.2 Open loop or water source. Water is obtained from a source (water well, lake, river, etc.) and circulated, usually one time, for the purpose cooling or heat exchange. Water quality, quantity and disposal are primary concerns with open loop systems. There are three types/categories of open loop well systems:

6.4.2.1 General. Open loop wells shall be constructed in the same manner and conform to rules for wells used for domestic purposes. This shall pertain to the supply well and return well.

6.4.2.2 Single well open system. Water is obtained from a well, circulated and returned to the same well.

6.4.2.3 Dual well open system. Water is obtained from a supply well, circulated, and injected/dumped into a return well. These wells may be designed to switch roles and the return well becomes the supply well, the supply well the return well.

6.4.2.4 Single well / waste open system. Water is obtained from a well, circulated, and dumped/wasted into some other medium (land surface, lake, pond, ditch, sewer, etc.).

6.4.3 Vertical closed loop systems / wells. The Contractor is responsible and shall insure that water quantity and quality are not adversely affected.

6.4.3.1 Grouting. Closed loop wells constructed in consolidated formations shall be back filled with grout (prescribed in Rule 5.5) the entire length of the bore hole. Wells constructed in unconsolidated formations may be back filled with cuttings, sand, or native material, provided the material does not adversely affect the quality of the ground water. The upper ten (10) feet (minimum requirement) of wells constructed in unconsolidated formations shall be grouted (prescribed in Rule 5.5). A well meeting requirements for a domestic water well is not required to be back filled.

6.4.3.2 Horizontal excavation. The top of the bore hole may terminate at the bottom of the excavation for installation of horizontal pipes. The horizontal excavation is not required to be back filled with grout. The grout shall be placed at least 10 feet below the bottom of the excavation in unconsolidated formations.

6.4.4 Approved fluids. The fluid or liquid used for circulation must be an approved fluid. Fluids which are highly combustible, corrosive or toxic will not be used. A list of approved fluids will be maintained by the Commission. Ethylene Glycol is not an approved fluid. Approved fluids include but are not limited to: water, salt water, calcium chloride, food quality propylene glycol.

6.4.5 Joints and fittings. All joints and fittings installed and buried shall be heat, socket or butt fused. Glue or clamps shall not be used below ground level unless the joint or connection serves as a service outlet, and the joint or connection is not covered with earth.

6.4.6 Circulating pipes. The circulating pipes shall be made of approved materials. Approved circulating pipe are approved gas rated materials such as polyethylene and polybutylene. Polyvinyl chloride (PVC) material is not acceptable for circulating pipes for closed loop systems, below ground level. Polyethylene pipe meeting or exceeding PPI PE 3408, ASTM D 3350, cell classification 355434C, SDR-11 is

approved. Polybutylene pipe meeting or exceeding ASTM D 3309, rated at 160 PSI at 73 degrees Fahrenheit and also 100 PSI at 180 degrees Fahrenheit, is approved.

6.4.7 Pressure testing. Pipes shall be pressure tested at 150% of maximum working pressure for 15 minutes prior to installation and shall not leak.

6.5 Monitoring and piezometer wells. This rule applies to monitoring well construction. Monitoring wells are exempted from the construction requirements established in Sections 4 through 16 of these rules ~~and regulations~~. Design and Construction Techniques published by the Environmental Protection Agency in RCRA GROUND-WATER MONITORING TECHNICAL ENFORCEMENT GUIDANCE DOCUMENT (TEGD) shall be used as a guide in the location, construction, and design of monitoring wells. The latest publication of this document may be obtained by contacting: *Arkansas Water Well Construction Commission, 101 East Capitol Avenue, Suite 350, Little Rock, Arkansas 72201, phone (501) 682-1025.* Ask for the RCRA book on monitor wells - cost \$22.00.

6.6 Test and sample wells. Water wells constructed for the purpose of locating, or sampling ground water or other scientific purposes shall be constructed in a manner which shall not contaminate ground water or provide a conduit to further contaminate ground water.

6.7 Public and semi-public wells. Wells for public and semi-public water systems shall be located, designed, and constructed in accordance with the respective ~~regulations~~ rules of the Arkansas Department of Health (ADH) and shall have written approval from the ADH prior to the start of construction. If uncertain that a well is public or semi-public, the well contractor shall obtain a written determination from the ADH prior to construction.

Section 7. Pump installation

7.1 General. Installation shall be in accordance with the manufacturer's recommendation and these ~~regulations~~ rules. All pump installations shall be designed and installed to prevent contamination of the well.

7.2 Licensing and registration. Pump installation shall be by a licensed Water Well Contractor and registered pump installer.

7.3 Efficiency. Pump capacity shall be consistent with intended use and yield characteristics of the well. The pumping capacity of the pump installed in a well shall be consistent with the intended use of the ground water and with the yield characteristics of the well.

7.4 Location of pressure tanks and switches. Pressure tanks and switches shall be located above ground or in a pit or basement that is adequately drained. A pressure tank may be buried provided, the tank is designed for installation

below ground. Tanks designed for use inside the bore of a water well must be designed for that purpose and approved by the Commission.

7.5 Venting of gasses. Toxic or flammable gases shall be vented from a well to the outside above roof level or a point where they will not produce a hazard.

7.6 Upper terminal. Pump Installers shall leave no less than eight inches of casing above normal ground level.

7.7 Temporary seal. If the pump equipment is not installed at the time drilling is completed, all openings to the well must be closed to prevent pollution or vandalism. After installation, all open spaces must be sealed off to prevent contamination of the ground water.

7.8 Pipe drop, wire, etc. All pipe drop, wire, pumps and other pumping equipment shall be clean and installed to permit removal and repair of all equipment. If equipment or tools are lost in the well and not recovered a statement describing the item or items lost shall be attached to the installation report, or, maintained in the contractor's records, when no report is required.

7.9 Well tanks. Well tanks installed shall be adequate to meet the needs of the water system.

7.10 Plumbness. All pumps shall be installed in a plumb manner so as not to interfere with proper operation or efficiency, and not cause excessive wear on pumping equipment.

7.11 Prevention from contamination. Pumping Equipment shall be installed in such a manner to discourage the entrance of contamination into the ground water. Discharge pipes shall include devices which will discourage the entrance of animals.

7.12 Check valves. Pumping Equipment installed, which may be used in conjunction with chemigation shall employ at least one check valve or other back siphoning device between the well head and point of entrance of the foreign substances.

7.13 Submersible pump installation.

7.13.1 Check valves. Submersible Pumps shall have no less than two (2) check valves installed. One check valve must be installed above ground. Submersible Pumps used for irrigation are excluded from this requirement.

7.13.2 Wire. Wire shall be secured to the drop pipe in a manner which will support the weight of the wire and keep the wire close to the pipe.

7.13.3 Torque arrestors and cable guards. Torque arresters and cable guards shall be used on all submersible installations. Torque arresters are not required for pump installation using steel pipe or schedule 80 PVC.

7.13.4 Clamps. All clamps used shall be all stainless steel.

7.14 Jet pump installation.

7.14.1 Check valves. Jet Pumps shall have a check valve installed on the discharge side of the pressure tank.

7.14.2 Approved pipe drop. Polyethylene plastic pipe and fittings shall be a minimum of SDR-7 PE-2306, with a pressure rating of 160 PSI and is approved for use as the drop pipe in jet pump installations.

7.14.3 Clamps. All clamps used shall be all stainless steel.

7.15 Turbine pumps.

7.15.1 Steel column pipe for line shaft turbine pumps.

Column pipe for irrigation wells shall be of .188 steel wall thickness. Flange or threaded steel column pipe shall be used on turbine pump installation. Plastic Column Pipe for turbine pump installation may be used provided the pipe meets or exceeds specifications.

7.16 Pressure systems.

7.16.1 Relief valve. All pressure systems will have a pressure relief valve installed between the well seal and pressure switch.

7.17 Power and control wiring. Licensees and registrants may run power and control wiring from a disconnect box to water well equipment without obtaining an electrician's license. Licensees and registrants may not alter the existing electrical service to any building or structure. (See Act 493 of 1999) All wiring must meet the requirements of the National Electrical Code 1999 edition, of the National Fire Protection Association, or any updates or new editions of the National Electrical Code adopted by the Board of Electrical Examiners after notice and public hearing.

Section 8. Rig permits and rig confiscation.

8.1 General. A contractor who owns and operates a water well rig shall follow the Commission's rig permitting requirements. Each rig owned and operated by a contractor shall have a separate permit per permit year. Rig permits are not transferable.

8.1.1 Rig operation. No water well contractor shall operate a rig or permit an employee to operate a rig unless the contractor holds a valid rig permit issued by the Commission. The contractor shall firmly and conspicuously attach the permit to the rig for which it was issued.

8.2 Requirements. In order to obtain a rig permit, a contractor must hold a valid license, make proper application for a rig permit and pay the required permit fee.

8.3 Expiration. Rig permits shall expire on July 31 each year. The contractor must renew the rig permit annually by applying for the renewal no later than thirty (30) days after the expiration date.

8.3.1 Late fee. After August 31 of each year, the Commission shall not renew a rig permit unless the application, applicable fee and a late penalty of twenty-five dollars (\$25) is submitted.

8.4 Rig Confiscation. Those persons who continuously violate Arkansas law and these rules ~~and regulations~~ requiring that they obtain the proper registration, licensure, and training for construction of water wells as well as the proper bond to protect well owners are subject to forfeiture of certain property and proceeds in accordance with Ark. Code Ann. § 17-50-401, *et seq.*

Section 9. Excessive Sediment.

9.1 Excessive sediment standards . The following standards shall be used to determine when excessive sediment exists in a well. Excessive sediment will be determined using EPA Test Method 160.5 (Imhoff Cone). Amounts in excess of the below standards are considered excessive.

1. 1 mg/liter - water to be used directly in contact with, or in the processing of, food and beverages.
2. 5 mg/liter - water for homes, institutions, municipalities, and industries.
3. 10 mg/liter - water for sprinkler irrigation systems, industrial evaporative cooling systems, and any other use where a moderate amount of sediment is not especially harmful.
4. 15 mg/liter - water for flood-type irrigation

9.2 Arkansas Water Well Construction Commission Excessive Sediment Protocol. When determining whether a well produces excessive sediment in accordance with the above standards, Commission staff shall use the following procedure for collecting samples.

9.2.1 Routine water well inspections. Routine water well inspections for which no specific complaint of excessive sediment has been received shall include the following sampling process using EPA Test Method 160.5 (Imhoff Cone) and USGS approved 500 ml sample bottles:

1. The well shall be purged by three (3) volumes of water,

2. Five (5) samples shall be collected over a two (2) hour period, spaced at a minimum of twenty (20) minute intervals,
3. Sediment volume shall be estimated from all five (5) samples and averaged to determine the amount of sediment produced by the well, and
4. Data shall be recorded on an AWWCC inspection form.

If it is determined that the sediment amount exceeds 5 mg/L, the AWWCC staff member shall follow the protocol outlined in 9.2.1.2.

9.2.1.2 Investigation of excessive sediment complaints or wells that produce more than 5 mg/L of sediment. If a complaint of excessive sediment is received, or if a routine well inspection reveals that a well is producing more than 5 mg/L of sediment, the following sampling process using EPA Test Method 160.5 (Imhoff Cone) and USGS approved 500 ml sample bottles shall be followed:

1. Staff inspectors shall coordinate with an ANRC registered geologist or engineer who has been trained in water quality data collections. These two individuals will conduct the sampling of the well in question,
2. The well shall be purged by three (3) volumes,
3. Five (5) samples shall be collected over a two (2) hour period, spaced at a minimum of twenty (20) minute intervals,
4. At the time of sampling, a data collection sheet shall be completed. The data collection sheet shall include, at a minimum:
 - a. Date,
 - b. Time each sample was collected,
 - c. Well location to include longitude and latitude,
 - d. Well owner information,
 - e. Location where the sample was taken (i.e. faucet in the home, etc.),
 - f. Photos, if possible,
 - g. Aquifer information, and
 - h. General description of the area including a site sketch if possible,
5. All efforts to prevent sample contamination shall be used to include the use of the USGS approved 500 ml sample bottles. After the samples are collected, the bottles are to be sealed and labeled with the date and the initials of the person collecting the sample, and

6. Following the sealing of the samples, a “Chain of Custody” form shall be completed by the employee who completed the sampling and shall include:

- a. Information from the data collection sheets,
- b. Names of the personnel collecting the samples,
- c. Name and Location of the lab the sample was taken to,
- d. Initials of the lab personnel who accepted delivery of the samples, and

7. Samples shall be placed on ice and kept at cool temperatures until they are delivered to a qualified water quality testing laboratory. The samples shall be delivered to a qualified laboratory within seventy-two (72) hours of collection.

8. Sediment volume shall be estimated from all five (5) samples and averaged to determine the amount of sediment produced by the well using EPA Test Method 160.5

Section 10. Definitions

For the purpose of these rules ~~and regulations~~, the following definitions shall apply:

10.1 **Commission** means the Arkansas Water Well Construction Commission as created by Section 5 of Act 641 of 1969, as amended.

10.2 **Water well** means any excavation that is drilled, redrilled, cored, bored, washed, driven, dug, jetted or otherwise artificially constructed for the purpose of locating, acquiring, diverting or artificially recharging ground water; but such terms do not include an excavation made for the purpose of obtaining or for prospecting for oil, natural gas, minerals, or products of mining or quarrying, or for inserting media to repressure oil or natural gas, or other products. (Subsection E, Section 3, of Act 641 of 1969).

10.3 **Heat pump wells**-means any excavation that is drilled, redrilled, cored, bored, washed, driven, dug, jetted or otherwise artificially constructed for the purpose of obtaining or exchanging geothermal energy for use with ground water source air conditioning or heat pump systems. The excavation may have pipes installed inside the excavation to circulate or discharge various fluids for the above said use and purpose and the well may or may not be back filled after excavation. (Subsection H, Section 3, of Act 641 of 1969).

10.4 **Well construction** means the act of setting up the rig for and engaging in the excavation of a water well, the modification of the borehole, the setting or removal of casing up to the point of installing or repairing pump equipment, and plugging abandoned water wells.

10.5 **Aquifer** means a water bearing formation that transmits water in sufficient quantity to supply a well.

10.6 **Established ground surface** means the elevation of the ground surface at the site of the well.

10.7 **Non-pumping (static) water level** means the elevation of the water surface in a well when no water is being pumped.

10.8 **Annular space** means the opening between a well hole excavation and the well casing or curb, or between a casing pipe and a liner pipe.

10.9 **Well seal** means an arrangement or device used to cap a well or to establish closure of the junction of a well pump or piping with the well casing at the upper terminal of the well.

10.10 **Unconsolidated formation** means a geological formation above bedrock such as sand or gravel which is caving in nature.

10.11 **Consolidated formation** means a geological formation which is firm such as rock, slate or clay that will not cave.

10.12 **Owner** means the persons who own the property on which the well is being constructed.

10.13 **Rig** means the machinery used in the construction or repair of water wells. As used in this definition the word "machinery" shall not be construed to include vehicles or any other equipment used in the transportation, or as the foundation, or any other component part, of the apparatus specifically designed and used in the construction or repair of water wells.

10.14 **Chemigation** means any activity or method which adds a foreign substance; such as fertilizers, herbicides, fungicides, pesticides, and other substances or chemicals, to a water system through mechanical or manual means.

10.15 **Backwash** means the surging effect or reversal of water flow in a well.

10.16 **Pressure system** means a system that includes a switch or other cut off device that operates off of the water pressure, generated by the same system.

10.17 **Excessive sediment** means sediment which is excessive for the purpose or intended use of the well as measured using EPA Test Method 160.5 (Imhoff Cone).

10.18 **Sediment** - All particles or materials which are not suspended in standing water. Natural occurring minerals and elements such as iron, sodium, silica, lignite, manganese, etc. may also be used to calculate sediment provided the minerals are not suspended.

10.19 **Undesirable geological formations** are formations that produce water which have characteristics that are not conducive to the use or purpose for which the well

is to be used. The characteristics of each Geological Formation vary greatly depending upon the location and depth of each formation. Formations with undesirable characteristics are considered undesirable relative to other formations at the same location which can produce water for the intended use, which are known to have the desired quality.

10.20 **Ground water** - Water occurring in the ground.

10.21 **Surface water**- Water located above the ground.

10.22 **Harmful bacteria** - The presence of coliform bacteria constitutes the presence of harmful bacteria.

10.23 **Saturated zone** - The subsurface zone in which all openings are full of water.

10.24 **Contamination** - The degradation of natural water quality as a result of man's activities. There is no implication of any specific limits, since the degree of permissible contamination depends upon the intended end use, or uses, of the water.

10.25 **Monitoring wells** - Wells constructed for the purpose of locating and sampling for Engineering or Geological data.

10.26 **Static water level** - The level water naturally reaches in a well, at atmospheric pressure.

10.27 **Well yield** - The volume of water discharged from the well after construction expressed in gallons per minute (gpm) or gallons per hour (gph). Well yield is an estimate of the total volume of water the well is capable of producing at the time of construction.

10.28 **Abandoned water well** means a well whose use has been permanently discontinued. Any well shall be deemed abandoned which is in such a state of disrepair that continued use for the purpose of obtaining ground water is impractical.

10.29 **Standard dimension ration (SDR)** - Outside diameter in inches divided by the wall thickness in inches.

10.30 **Master plumber** - A person currently holding a valid master plumbers license pursuant to Arkansas Code Ann. 17-31-101 et. seq.

10.31 **Master electrician** - A person currently holding a valid master electricians license pursuant to Arkansas Code Ann. 17-25-101 et. seq. and 20-31-101 et. seq.

10.32 **Water well contractor** means any person (including a partnership or corporation) who engages in the business of well construction or pump installation or repair, exclusive of surveying or other acts preparatory to the construction of a water well.

10.33 **Water well driller** means any natural person, whether connected with a firm, partnership, corporation, or other public or private association, who engages for compensation in well construction.

10.34 **Pump installer** means any natural person, whether connected with a firm, partnership, corporation, or public or private association, who engages for compensation in pump installation or repair.

10.35 **Public well** means any well supplying water to a public water system as defined and regulated by the Arkansas Department of Health. In general, this means a well serving or anticipated to serve 15 or more connections or an average of at least 24 individuals 60 or more days in a year.

10.36 **Semi-public well** means any well supplying water to a semi-public water system as defined and regulated by the Arkansas Department of Health. In general, this means a well supply made available to the public for drinking or used in connection with the manufacturing, processing, or handling of ice, food, or drink.

10.37 **Apprentice** means a natural person who under the supervision of a registered Water Well Pump Installer or registered Water Well Driller is obtaining the knowledge, skills, and abilities necessary to obtain a Certificate of Registration as a Water Well Pump Installer or Water Well Driller.

10.38 **Apprenticeship program** means a program developed by the Commission pursuant to § 17-50-312 to develop certain minimum knowledge, skills or abilities in those natural persons desiring registration as Pump Installers or Water Well Drillers.

10.39 **Direct exchange well** means a small diameter bore hole constructed for the purpose of sinking or sourcing thermal energy between the direct exchange loop and the earth.

10.40 **Direct exchange loop** means a continuous unbroken pipe beneath the surface of the earth that circulates refrigerant for the purpose of sinking or sourcing thermal energy between the direct exchange loop and the earth.

10.41 **Thermal fluid** means a fluid used to transfer thermal energy. The thermal fluid must be biodegradable and non-toxic in soil or water.

10.42 **Unsaturated zone** means the subsurface zone, usually starting at the land surface, which contains both air and water.

10.43 **Bentonite** means altered volcanic ash consisting of an assemblage of clay minerals, primarily montmorillonite, a swelling clay.

10.44 **Major aquifers** mean water-bearing layers of rock or sediment capable of yielding water in large quantities to wells or springs. These aquifers include the Boone aquifer, and those of the Ozark aquifer system such as the Roubidoux formation and Gunter sandstone.

10.45 **Packer** means a piece of downhole equipment that consists of a sealing device, a holding or setting device, and an inside passage for fluids.

10.46 **Contraband property** means property of any nature, including personal, tangible, or intangible, but not real property, that is used or intended to be used in violation of Ark. Code Ann. § 17-50-104.

10.47 **Pumping equipment** means all machinery and parts of pumps such as deep well turbine pumps with right angle gear drive, vertical hollow shaft motors, jet pumps and motors, submersible pumps and motors, and other parts and fittings installed or attached to the well. It does not include cooling units, horizontal electric motors, heat pump circulating pipe, and stationary diesel or gas engines.

10.48 **Returning military veteran** means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

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Section 11. Tables

Table 1. Casing Dimensions.

Size	External	Internal	Thickness	Weight plain end	(Lbs. / Ft.) Threaded and coupled
1.00	1.315	1.049	.133	1.68	1.70
1.25	1.660	1.049	.140	2.27	2.30
1.50	1.900	1.610	.145	2.72	2.75
2.00	2.375	2.061	.154	3.65	3.75
2.50	2.875	2.469	.203	5.79	5.90
3.00	3.500	3.068	.216	7.58	7.70
3.50	4.000	3.548	.226	9.11	9.25
4.00	4.500	4.026	.237	10.70	11.00
5.00	5.563	5.047	.258	14.62	15.00

Table 2. Chlorine Compound Required to Produce a 50-mg / l Solution in 100 ft (30.5 m) of Water-Filled Casing*

Casing Diameter		Volume 100ft. (30.5 m)		65% HTH, Perchloron, etc. (dry weight)		25% Chloride of Lime (dry weight)H		5.25% Purex, Chlorox, etc.(sodium hypochlorite) (liquid measure)	
in	mm	gal	m ³	oz	g	oz	g	oz	l
2	51	16.3	0.06	0.2	5.7	0.5	14.2	2	0.06
4	102	65.3	0.25	0.7	19.8	2	56.7	9	0.3
6	152	147	0.56	2	56.7	4	113	20	0.6
8	203	261	.99	3	85.1	7	198	34	1.0
10	254	408	1.5	4	113	11	312	56	1.7
12	305	588	2.2	6	170	16	454	80	2.4
16	406	1,045	4.0	11	312	28	794	128	3.8
20	508	1,632	6.2	17	482	43	1,219	214	6.4
24	610	2,350	8.9	24	680	63	1,786	298	8.7

Note: Liquid sodium hypochlorite in a 12-percent solution is often sold for use in water and wastewater treatment plants, and as a commercial bleach or for use in swimming pools. Utilizing a solution of this nature would call for a liquid (chemical) measure equal to one-half the volumes presented in column 5.

*EPA recommends a minimum concentration of 100 mg/ l available chlorine. To obtain this concentration, double the amounts indicated.

Where a dry chemical is used, it should be mixed with water to form a chlorine solution before putting it into the well.

Table 3. How to Sanitize a Water System to 400 ppm using Autotrol's Well Sanitizer Pellets. Autotrol's pellets contain 70% calcium hypochlorite and 30% inert material.

Well Diameter-Inches	For each 100 feet of water depth use*		
	Weight of Pellets lbs. - oz.	Cups of Pellets	Number of Pellets
2	0 - 1.5	1 / 4	40
3	0 - 3.0	2 / 5	80
4	0 - 6.0	3 / 4	140
5	0 - 8.0	1	200
6	0 - 12.0	1 - 1/2	300
8	1 - 5.0	2 - 1/2	500
10	2 - 0	4	800
12	3 - 0	6	---
24	12 - 0	24	---
36	26 - 0	---	---

* To produce a 400 PPM chlorine dosage

Note: Pellets Weight = 1.14 gram each, 25 pellets/oz., 400 pellets/lb.

1 cup of pellets = 1/2 lb., or 8 oz., or 200 pellets

Autotrol Corporation's Well Sanitizer chlorinating pellets can be used for well, storage tank, or cistern sanitization. The number of pellets used will depend on the amount of

water in the system to be sanitized. To produce a 400 ppm chlorine concentration, to sanitize a water system, use one-half (1/2) pound chlorination pellets for each 100 gallons of water in the system (1/2 lb/100 gal = 8 oz/100 gal = 200 pellets/100 gal = 1 cup pellets/100 gal). Table 3 shows how many pellets to use per 100 feet of water in various diameter wells.

Drilled Wells

1. Remove the cap or seal from the casing and measure the depth of the water in the well, then refer to the Table to determine how many chlorine pellets should be used. In some instances, removing the seal to measure the water can be a difficult task, and it is easier to estimate well and water depth from well log or other records.
2. Remove well cap and determine if there is an unobstructed path from the top of the well to the water level. If it is not possible to remove the well cap, remove vent or sanitization access plug.
3. Drop one pellet into the well and listen to hear if it hits the water. If the pellet hits the water, drop one-half (1/2) the number of pellets determined to be needed into the well. These will sink to the bottom and sanitize the lower part of the well.
4. Mix the remaining pellets in a few gallons of water in a CLEAN plastic container and pour the solution into the well.
5. In order to mix the chlorine thoroughly throughout the entire water system, it is necessary to recirculate the water in the well. This can be accomplished by connecting a hose to an outside silcock that is located after the pressure tank. Use hose to run water back down the well (this also rinses upper portion of well). After about 15 minutes of recirculation the water, a strong chlorine odor should be apparent. Turn off hose.
6. Bypass water softener and filters and open each water outlet in the water system until chlorine is present in water. This procedure assures that all the water in the system is chlorinated.
7. Allow the chlorinated water to stand in the system for at least six (6) hours, and preferably overnight. After this, open an outside faucet and flush system until water runs chlorine free. Repeat flush operation on each faucet in system.

Note:

- A. Chlorine may break loose iron deposits, slime and organic material. This material will make the water run colored. The material broken loose may plug pump screens. **DO NOT CONTINUE TO RUN PUMP IF WATER DOESN'T FLOW.**
- B. The high level of chlorine required to sanitize a water system is corrosive to most metals and chlorine solution must not be allowed to remain in water system more than 36 hours before being completely flushed from system.

8. After system has been completely flushed, perform a bacterial analysis on the water following all applicable procedures.

Large Diameter Bored Wells

Calculate the volume of water in well by determining the total cubic inches or cubic feet of water in the well. Each 231 cubic inches of water is equal to one gallon. Each cubic foot of water is 7.5 gallons of water. Use 1/2 pound of chlorine pellets for each 100 gallons of water in well. Dissolve pellets in clean, plastic pail and add to well. Pour two cups of pellets directly into well. Connect a garden hose to a faucet in water system and run water from hose back down well. When strong chlorine odor is present in hose water, wash down sides of well with chlorinated water. Proceed with steps Nos. 6, 7 and 8 of instructions for Drilled Wells.

Springs and Cisterns

Mix about 1/2 cup of pellets in 5 gallons of water use this to scrub the walls of the spring box or holding tank. With a constant flow of fresh water from the spring there is probably no way of detaining the chlorine solution in the reservoir for more than a few minutes. However, the chlorinated water should flow through the pipeline to disinfect the distribution system. Cisterns can be disinfected in the same way, but a source of clean water will be needed to flush the dirty waste out of the system.

Note: This product is intended to sanitize a water supply system that has been temporarily contaminated and is not intended to solve a recurring contamination problem.

NOTE: These ~~regulations~~ rules are the minimum requirements for water wells constructed in Arkansas.

- < For additional information pertaining to public or semi-public water systems, contact the Arkansas Department of Health.
- < For information regarding water use reporting, water rights, and ground water diversions, contact the Arkansas Natural Resources Commission, a Division of the Arkansas Department of Agriculture.
- < For information on having your well water sampled, contact your local county sanitarian, county health unit.
- < For additional information on water well construction or if you believe you have a complaint, contact the Arkansas Water Well Construction Commission, a Division of the Arkansas Department of Agriculture.
- < For Underground Storage Tank information, contact the Arkansas Department of ~~Environmental Quality~~ Energy and Environment.

State of Arkansas

As Engrossed: S3/28/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 564

By: Senators Irvin, T. Garner, J. Hendren, D. Wallace

By: Representative Bentley

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OCCUPATIONAL
LICENSURE OF ACTIVE DUTY SERVICE MEMBERS, RETURNING
MILITARY VETERANS, AND THEIR SPOUSES; TO PROVIDE
AUTOMATIC LICENSURE; TO REQUIRE REVIEW AND APPROVAL
OF RULES SUBMITTED BY OCCUPATIONAL LICENSING
ENTITIES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
OCCUPATIONAL LICENSURE OF ACTIVE DUTY
SERVICE MEMBERS, RETURNING MILITARY
VETERANS, AND THEIR SPOUSES; TO PROVIDE
AUTOMATIC LICENSURE; TO REQUIRE REVIEW
AND APPROVAL OF RULES SUBMITTED.

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

SECTION 1. DO NOT CODIFY. Legislative Intent.

The General Assembly finds that:

(1) The current law regarding the issuance of licenses,
certificates, and permits required to enable the holder to lawfully engage in
a profession, trade, or employment in this state continues to constitute a
hardship on active duty service members, returning military veterans, and
their spouses;

(2) Acts 2017, No. 248, amended the law to require that all
state boards and commissions promulgate rules to expedite the process and



1 procedures for full licensure, certification, or permitting for active duty
2 service members, returning military veterans, and their spouses;

3 (3) State boards and commissions required to promulgate rules by
4 Acts 2017, No. 248, have failed to do so in accordance with the law; and

5 (4) Automatic licensure is necessary to remedy these hardships
6 and allow active duty service members, returning military veterans, and their
7 spouses to engage in their chosen professions.

8

9 Section 2. Arkansas Code § 17-1-106 is amended to read as follows:

10 17-1-106. ~~Licensure, certification, or permitting of Automatic~~
11 licensure for active duty service members, returning military veterans, and
12 spouses – ~~Definition~~ Definitions.

13 (a) As used in this section,:

14 (1) "Automatic licensure" means the granting of occupational
15 licensure without an individual's having met occupational licensure
16 requirements provided under this title or by the rules of the occupational
17 licensing entity;

18 (2) "Occupational licensing entity" means an office, board,
19 commission, department, council, bureau, or other agency of state government
20 having authority to license, certify, register, permit, or otherwise
21 authorize an individual to engage in a particular occupation or profession;

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

26 (4) "returning Returning military veteran" means a former member
27 of the United States Armed Forces who was discharged from active duty under
28 circumstances other than dishonorable.

29 ~~(b)(1) A state board or commission that issues licenses, certificates,~~
30 ~~or permits required to enable the holder to lawfully engage in a profession,~~
31 ~~trade, or employment in this state~~ An occupational licensing entity shall
32 allow grant the following individuals to secure employment with a temporary
33 license, certificate, or permit while completing the application process for
34 full licensure or certification or permitting automatic licensure to engage
35 in an occupation or profession if the to an individual who is the holder in
36 good standing of a substantially equivalent license, certificate, or permit

1 occupational license issued by another state, territory, or district of the
2 United States and is:

3 ~~(1)(A)~~ An active duty military service member stationed in the
4 State of Arkansas;

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

7 ~~(3)(C)~~ The spouse of a person under subdivisions ~~(b)(1)~~
8 (b)(1)(A) and ~~(2)~~ (b)(1)(B) of this section.

9 (2) However, an occupational licensing entity shall be required
10 to provide automatic licensure if the proposed rules are not approved as
11 required under subsection (d)(2) of this section.

12 ~~(c) A state board or commission shall expedite the process and~~
13 ~~procedures for full licensure, certification, or permitting for the following~~
14 ~~individuals:~~

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

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

19 ~~(3) The spouse of a person under subdivisions (c)(1) and (2) of~~
20 ~~this section.~~

21 ~~(d) When considering an application for full licensure,~~
22 ~~certification, or permitting for an active duty military service member~~
23 ~~stationed in the State of Arkansas or a returning military veteran applying~~
24 ~~within one (1) year of his or her discharge from active duty, a state board~~
25 ~~or commission:~~

26 ~~(1) Shall consider whether or not the applicant's military~~
27 ~~training and experience in the area of licensure, certification, or~~
28 ~~permitting is substantially similar to experience or education required for~~
29 ~~licensure, certification, or permitting; and~~

30 ~~(2) Shall accept the applicant's military training and~~
31 ~~experience in the area of licensure, certification, or permitting in lieu of~~
32 ~~experience or education required for licensure, certification, or permitting~~
33 ~~if the state board or commission determines the military training and~~
34 ~~experience is a satisfactory substitute for the experience or education~~
35 ~~required for licensure, certification, or permitting.~~

36 ~~(e) A license, certificate, or permit required to enable the holder to~~

1 ~~lawfully engage in a profession, trade, or employment in this state held by~~
2 ~~an active duty military service member deployed outside the State of Arkansas~~
3 ~~or his or her spouse shall not expire until one hundred eighty (180) days~~
4 ~~following the active duty military service member's or spouse's return from~~
5 ~~active deployment.~~

6 ~~(f)(1) A state board or commission shall allow a full or partial~~
7 ~~exemption from continuing education required as part of licensure,~~
8 ~~certification, or permitting for a profession, trade, or employment in this~~
9 ~~state for the following individuals:~~

10 ~~(A) An active duty military service member deployed~~
11 ~~outside of the State of Arkansas;~~

12 ~~(B) A returning military veteran within one (1) year of~~
13 ~~his or her discharge from active duty; or~~

14 ~~(C) The spouse of a person under subdivisions (f)(1) and~~
15 ~~(2) of this section.~~

16 ~~(2) A state board or commission allowing a full or partial~~
17 ~~exemption from continuing education required under subdivision (f)(1) of this~~
18 ~~section may require evidence of completion of continuing education before~~
19 ~~issuing the individual a subsequent license, certificate, or permit or~~
20 ~~authorizing the renewal of a license, certificate, or permit.~~

21 ~~(g) All state boards and commissions shall promulgate rules necessary~~
22 ~~to carry out the provisions of this section.~~

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

27 (d) The Administrative Rules and Regulations Subcommittee of the
28 Legislative Council shall:

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

33 (2) Approve the proposed rules submitted under subsection (c)
34 based on:

35 (A) A determination of whether the expedited process and
36 procedure provide the least restrictive means of accomplishing occupational

1 licensure; and

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

5 (e) The Administrative Rules and Regulations Subcommittee of the
6 Legislative Council may:

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

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

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

18 (f) An occupational licensing entity shall:

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

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

28 (A) Active duty military service members stationed in the
29 State of Arkansas;

30 (B) Returning military veterans applying within one (1)
31 year of his or her discharge from active duty; or

32 (C) The spouse of a person under subdivisions (f)(2)(A)
33 and (f)(2)(B) of this section.

34
35 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. An occupational
36 licensing entity proposing rules recommending an expedited process and

1 procedure for occupational licensure instead of automatic licensure as
2 provided under § 17-1-106(b) to the Administrative Rules and Regulations
3 Subcommittee of the Legislative Council shall complete the review and
4 approval process of the proposed rules required by § 17-1-106 within one (1)
5 year of the effective date of this act.

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7
8 /s/Irvin

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11 **APPROVED: 4/9/19**
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State of Arkansas

As Engrossed: S3/18/19 H4/3/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 451

By: Senator J. Cooper

By: Representative Dalby

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND OCCUPATIONS TO
OBTAIN CONSISTENCY REGARDING CRIMINAL BACKGROUND
CHECKS AND DISQUALIFYING OFFENSES FOR LICENSURE; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS REGARDING CRIMINAL
BACKGROUND CHECKS FOR PROFESSIONS AND
OCCUPATIONS TO OBTAIN CONSISTENCY
REGARDING CRIMINAL BACKGROUND CHECKS AND
DISQUALIFYING OFFENSES FOR LICENSURE.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Arkansas is taking a leading role in the nationwide pursuit
of reforms to the system of occupational licensing;

(2) Arkansas became one (1) of eleven (11) states chosen to
participate in the Occupational Licensing Policy Learning Consortium, an
initiative funded by a grant from the United States Department of Labor and
supported in partnership with the National Conference of State Legislatures,
the Council of State Governments, and the National Governors Association;

(3) Governor Asa Hutchinson appointed seventeen (17) individuals
to the Red Tape Reduction Working Group to review and address occupational



1 licensing regulations that create unnecessary barriers to labor market entry;
2 and

3 (4) The Red Tape Reduction Working Group issued a final report
4 to the Governor in the fall of 2018 with five (5) recommendations for
5 substantive legislative reform, which are to:

6 (A) Establish an expedited procedure for occupational
7 licensing entities to collectively submit administrative rules that are
8 responsive to new legislation;

9 (B) Extend Acts 2017, No. 781, to allow repeal of
10 subsections of rules;

11 (C) Establish provisions to allow certain agencies to
12 consider occupational relevance with regard to criminal background issues;

13 (D) Authorize occupational licensing entities to identify
14 types of individuals or entities that may be issued temporary or provisional
15 licenses; and

16 (E) Establish a systematic process for review of:

17 (i) New occupational licenses and occupational
18 licensing entities; and

19 (ii) Existing occupational licenses and occupational
20 licensing entities.

21 (b) It is the intent of the General Assembly to establish provisions
22 to allow certain agencies to consider occupational relevance with regard to
23 criminal background issues.

24
25 SECTION 2. Arkansas Code Title 17 is amended to add an additional
26 chapter to read as follows:

27 CHAPTER 2

28 OCCUPATIONAL CRIMINAL BACKGROUND CHECKS

29
30 17-2-101. Definitions.

31 As used in this subchapter:

32 (1) "Criminal record" means any type of felony or misdemeanor
33 conviction;

34 (2) "Licensing entity" means an office, board, commission,
35 department, council, bureau, or other agency of state government having
36 authority to license, certify, register, permit, or otherwise authorize an

1 individual to engage in a particular occupation or profession; and

2 (3) "License" means a license, certificate, registration,
3 permit, or other form of authorization required by law or rule that is
4 required for an individual to engage in a particular occupation or
5 profession.

6
7 17-2-102. Licensing restrictions based on criminal records.

8 (a) An individual is not eligible to receive or hold a license issued
9 by a licensing entity if that individual has pleaded guilty or nolo
10 contendere to or been found guilty of any of the following offenses by any
11 court in the State of Arkansas or of any similar offense by a court in
12 another state or of any similar offense by a federal court, unless the
13 conviction was lawfully sealed under the Comprehensive Criminal Record
14 Sealing Act of 2013, § 16-90-1401 et seq., or otherwise previously sealed,
15 pardoned or expunged under prior law:

16 (1) Capital murder as prohibited in § 5-10-101;

17 (2) Murder in the first degree and second degree as prohibited
18 in §§ 5-10-102 and 5-10-103;

19 (3) Manslaughter as prohibited in § 5-10-104;

20 (4) Negligent homicide as prohibited in § 5-10-105;

21 (5) Kidnapping as prohibited in § 5-11-102;

22 (6) False imprisonment in the first degree as prohibited in § 5-
23 11-103;

24 (7) Permanent detention or restraint as prohibited in § 5-11-
25 106;

26 (8) Robbery as prohibited in § 5-12-102;

27 (9) Aggravated robbery as prohibited in § 5-12-103;

28 (10) Battery in the first degree as prohibited in § 5-13-201;

29 (11) Aggravated assault as prohibited in § 5-13-204;

30 (12) Introduction of a controlled substance into the body of
31 another person as prohibited in § 5-13-210;

32 (13) Aggravated assault upon a law enforcement officer or an
33 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
34 felony;

35 (14) Terroristic threatening in the first degree as prohibited
36 in § 5-13-301;

- 1 (15) Rape as prohibited in § 5-14-103;
2 (16) Sexual indecency with a child as prohibited in § 5-14-110;
3 (17) Sexual extortion as prohibited in § 5-14-113;
4 (18) Sexual assault in the first degree, second degree, third
5 degree, and fourth degree as prohibited in §§ 5-14-124 – 5-14-127;
6 (19) Incest as prohibited in § 5-26-202;
7 (20) Offenses against the family as prohibited in §§ 5-26-303 –
8 5-26-306;
9 (21) Endangering the welfare of an incompetent person in the
10 first degree, as prohibited in § 5-27-201;
11 (22) Endangering the welfare of a minor in the first degree as
12 prohibited in § 5-27-205;
13 (23) Permitting the abuse of a minor as prohibited in § 5-27-
14 221;
15 (24) Engaging children in sexually explicit conduct for use in
16 visual or print media, transportation of minors for prohibited sexual
17 conduct, pandering or possessing visual or print medium depicting sexually
18 explicit conduct involving a child, or use of a child or consent to use of a
19 child in a sexual performance by producing, directing, or promoting a sexual
20 performance by a child, as prohibited in §§ 5-27-303 – 5-27-305, 5-27-402,
21 and 5-27-403;
22 (25) Computer child pornography as prohibited in § 5-27-603;
23 (26) Computer exploitation of a child in the first degree as
24 prohibited in § 5-27-605;
25 (27) Felony adult abuse as prohibited in § 5-28-103;
26 (28) Theft of property as prohibited in § 5-36-103;
27 (29) Theft by receiving as prohibited in § 5-36-106;
28 (30) Arson as prohibited in § 5-38-301;
29 (31) Burglary as prohibited in § 5-39-201;
30 (32) Felony violation of the Uniform Controlled Substances Act,
31 §§ 5-64-101 – 5-64-510, as prohibited in the former § 5-64-401, and §§ 5-64-
32 419 – 5-64-442;
33 (33) Promotion of prostitution in the first degree as prohibited
34 in § 5-70-104;
35 (34) Stalking as prohibited in § 5-71-229;
36 (35) Criminal attempt, criminal complicity, criminal

1 solicitation, or criminal conspiracy, as prohibited in §§ 5-3-201, 5-3-202,
2 5-3-301, and 5-3-401, to commit any of the offenses listed in this
3 subsection; and

4 (36) All other crimes referenced in this title.

5 (b)(1) If an individual has been convicted of a crime listed in
6 subsection (a) of this section, a licensing entity may waive disqualification
7 or revocation of a license based on the conviction if a request for a waiver
8 is made by:

9 (A) An affected applicant for a license; or

10 (B) The individual holding a license subject to
11 revocation.

12 (2) A basis upon which a waiver may be granted includes without
13 limitation:

14 (A) The age at which the offense was committed;

15 (B) The circumstances surrounding the offense;

16 (C) The length of time since the offense was committed;

17 (D) Subsequent work history since the offense was
18 committed;

19 (E) Employment references since the offense was committed;

20 (F) Character references since the offense was committed;

21 (G) Relevance of the offense to the occupational license;

22 and

23 (H) Other evidence demonstrating that licensure of the
24 applicant does not pose a threat to the health or safety of the public.

25 (c) If an individual has a valid criminal conviction for an offense
26 that could disqualify the individual from receiving a license, the
27 disqualification shall not be considered for more than five (5) years from
28 the date of conviction or incarceration or on which probation ends, whichever
29 date is the latest, if the individual:

30 (A) Was not convicted for committing a violent or sexual
31 offense; and

32 (B) Has not been convicted of any other offense during the five-
33 year disqualification period.

34 (d) A licensing entity shall not, as a basis upon which a license may
35 be granted or denied:

36 (1) Use vague or generic terms, including without limitation the

1 phrase "moral turpitude" and "good character"; or

2 (2) Consider arrests without a subsequent conviction.

3 (e) Due to the serious nature of the offenses, the following shall
4 result in permanent disqualification for licensure:

5 (1) Capital murder as prohibited in § 5-10-101;

6 (2) Murder in the first degree as prohibited in § 5-10-102 and
7 murder in the second degree as prohibited in § 5-10-103;

8 (3) Kidnapping as prohibited in § 5-11-102;

9 (4) Aggravated assault upon a law enforcement officer or an
10 employee of a correctional facility as prohibited in § 5-13-211, if a Class Y
11 felony;

12 (5) Rape as prohibited in § 5-14-103;

13 (6) Sexual extortion as prohibited in § 5-14-113;

14 (7) Sexual assault in the first degree as prohibited in § 5-14-
15 124 and sexual assault in the second degree as prohibited in § 5-14-125;

16 (8) Incest as prohibited in § 5-26-202;

17 (9) Endangering the welfare of an incompetent person in the
18 first degree as prohibited in § 5-27-201;

19 (10) Endangering the welfare of a minor in the first degree as
20 prohibited in § 5-27-205;

21 (11) Adult abuse that constitutes a felony as prohibited in § 5-
22 28-103; and

23 (12) Arson as prohibited in § 5-38-301.

24 (f) This chapter does not preclude a licensing entity from taking
25 emergency action against a licensee as authorized under § 25-15-211 for the
26 sake of public health, safety, or welfare.

27 (g) The permanent disqualification for an offense listed in subsection
28 (e) of this section does not apply to an individual who holds a valid license
29 on the effective date of this chapter.

30 (h) This section does not apply to licensure or certification:

31 (1) Of professions not governed by this title;

32 (2) Of polygraph examiners and voice stress analysis examiners
33 under § 17-39-101 et seq.; or

34 (3) Of private investigators and private security agencies under
35 the Private Security Agency, Private Investigator, and School Security
36 Licensing and Credentialing Act, § 17-40-101 et seq.

1
2 17-2-103. Prelicensure criminal background checks.

3 (a)(1) An individual with a criminal record may petition a licensing
4 entity at any time for a determination of whether the criminal record of the
5 individual will disqualify the individual from licensure and whether or not
6 he or she could obtain a waiver under § 17-2-102(b).

7 (2) The petition shall include details on the criminal record of
8 the individual.

9 (b)(1) A licensing entity may require that the applicant undergo a
10 state and federal criminal background check as required by the licensing
11 entity for all applicants for a license.

12 (2) The petitioner under subsection (a) of this section shall be
13 responsible for payment for the state and federal criminal background check.

14
15 17-2-104. Rules.

16 (a) A licensing entity shall adopt or amend rules necessary for the
17 implementation of this chapter.

18 (b)(1) When adopting or amending rules to implement this chapter, the
19 final rule shall be filed with the Secretary of State for adoption under §
20 25-15-204(f):

21 (A) On or before January 1, 2020; or

22 (B) If approval under § 10-3-309 has not occurred by
23 January 1, 2020, as soon as practicable after approval under § 10-3-309.

24 (2) A licensing entity shall file the proposed rule with the
25 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
26 2020, so that the Legislative Council may consider the rule for approval
27 before January 1, 2020.

28
29 SECTION 3. Arkansas Code § 17-11-302(b), concerning application and
30 certificate of registration to become a registered abstractor, is amended to
31 read as follows:

32 (b) The application shall be in a form prepared by the board and
33 shall contain such information as may be necessary to assist the board in
34 registration ~~and to determine if the applicant is of good moral character.~~

35
36 SECTION 4. Arkansas Code § 17-11-304(a), concerning issuance or

1 reapplication for a certificate of registration by the Arkansas Abstracters'
2 Board, is amended to read as follows:

3 (a) If the applicant satisfactorily passes the examinations ~~and is of~~
4 ~~good moral character~~, the applicant shall be certified as a registered
5 abstracter, and the certificate provided for shall be issued to him or her.
6 The privileges granted by the certificate shall continue unless revoked, as
7 provided in this chapter, or unless the certificate is otherwise surrendered
8 to the Arkansas Abstracters' Board.

9
10 SECTION 5. Arkansas Code § 17-11-340(a), concerning the revocation of
11 certificates authorized by the Arkansas Abstracters' Board, is amended to
12 read as follows:

13 (a) The Arkansas Abstracters' Board is authorized, after a hearing as
14 provided in § 17-11-341, to cancel and revoke any certificate of registration
15 issued to any person under the provisions of this chapter:

16 (1) For a violation of any of the provisions of this chapter;

17 (2) Upon a conviction of the holder of such a certificate of a
18 crime ~~involving moral turpitude~~ under § 17-1-102; or

19 (3) If the board finds the holder to be guilty of habitual
20 carelessness or of fraudulent practices in the conduct of the business of
21 abstracting.

22
23 SECTION 6. Arkansas Code § 17-11-341(a)(1), concerning the procedure
24 of appeal for revocation of certificates authorized by the Arkansas
25 Abstracters' Board, is amended to read as follows:

26 (a)(1) Upon a verified complaint being filed with the Arkansas
27 Abstracters' Board or upon the board's own motion filing a complaint charging
28 the holder of a certificate of registration with a violation of any of the
29 provisions of this chapter, or conviction of a crime involving ~~moral~~
30 ~~turpitude, or with~~ under § 17-2-102 or habitual carelessness or fraudulent
31 practices in the conduct of the business of abstracting, or charging the
32 holder of a certificate of authority with failure to furnish the bond or
33 bonds, or other securities, required by § 17-11-324, or with failing to have
34 employed a registered abstracter as provided in § 17-11-301, or with a
35 violation of any of the provisions of this chapter, the board shall
36 immediately notify in writing by registered mail, with return receipt, the

holder of the certificate of the filing of the complaint and furnish the holder with a copy of the complaint.

SECTION 7. Arkansas Code § 17-12-301 is amended to read as follows:

17-12-301. Requirements generally – Definition.

(a) A certificate as a certified public accountant shall be granted by the Arkansas State Board of Public Accountancy to any person of good moral character:

(1) Who has met the education and experience requirements set forth in this chapter and by the board; and

(2) Who has passed an examination in accounting and auditing and such related subjects as the board shall determine to be appropriate.

~~(b)(1)(A) “Good moral character” as used in this section means lack of a history of:~~

~~(i) Dishonest or felonious acts; or~~

~~(ii) Conduct involving fraud or moral turpitude.~~

~~(B) The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good moral character is supported by clear and convincing evidence.~~

~~(2) When an applicant is found to be unqualified for a certificate because of a lack of good moral character, the board shall furnish the applicant a:~~

~~(A) Statement containing the findings of the board;~~

~~(B) Complete record of the evidence upon which the determination was based; and~~

~~(C) Notice of the applicant’s right of appeal.~~

(e)(1)(b)(1) Any person who has received from the board a certificate as a certified public accountant which is currently in full force and effect shall be styled and known as a “certified public accountant” and may also use the abbreviation “CPA”.

(2) The board shall maintain a list of certified public accountants.

(c) Any certified public accountant may also be known as a public

1 accountant.

2
3 SECTION 8. Arkansas Code § 17-12-303(d), concerning the criminal
4 background check for initial licensure of accountants, is amended to read as
5 follows:

6 (d) Upon completion of the criminal background checks, the
7 Identification Bureau of the Department of Arkansas State Police shall
8 forward to the board all releasable information obtained concerning the
9 ~~commission by the applicant of any offense listed in subsection (e) of this~~
10 ~~section.~~

11
12 SECTION 9. Arkansas Code § 17-12-303(e), concerning the criminal
13 background check for initial licensure of accountants, is repealed.

14 ~~(e) Notwithstanding the provisions of § 17-12-301, a person convicted~~
15 ~~of a felony or crime involving moral turpitude or dishonesty in any state or~~
16 ~~federal court may not receive or hold a license as a certified public~~
17 ~~accountant or public accountant.~~

18
19 SECTION 10. Arkansas Code § 17-12-601(a)(5) and (6), concerning the
20 grounds for revocation or suspension of licensure of accountants, are amended
21 to read as follows:

22 (5) Conviction of a felony under ~~the law of any state or of the~~
23 ~~United States~~ § 17-2-102;

24 (6) Conviction of any crime an element of which is dishonesty,
25 or fraud, ~~or moral turpitude~~ under the law of any state or of the United
26 States;

27
28 SECTION 11. Arkansas Code § 17-12-601, concerning the grounds for
29 revocation or suspension of licensure of an accountant, is amended to add an
30 additional subsection to read as follows:

31 (c) In addition to the offenses listed in § 17-2-102, the Arkansas
32 State Board of Public Accountancy may refuse to issue a license to or
33 reinstate a license of a person who has been convicted of a felony involving
34 theft or fraud, regardless of the amount of time that has elapsed since the
35 conviction.

SECTION 12. Arkansas Code § 17-14-203(12)(C)(i), concerning the powers and duties regarding criminal background checks of the Arkansas Appraiser Licensing and Certification Board, is amended to read as follows:

(i) During the five (5) years immediately preceding the date of the application was convicted of, or pled guilty or nolo contendere to, a crime that would call into question the applicant's fitness for registration, licensure, or certification, including without limitation a crime involving:

~~(a) Moral turpitude;~~

~~(b)(1)(a)(1)~~ An act substantially related to the qualifications, functions, or duties of an appraiser.

(2) A crime or act may be deemed substantially related to the qualifications, functions, or duties of an appraiser if, to a substantial degree, the crime or act evidences present or potential unfitness of a person applying for or holding a real property appraiser credential to perform the functions authorized by the credential;

~~(e)(b)~~ Taking, appropriating, or retaining the funds or property of another;

~~(d)(c)~~ Forging, counterfeiting, or altering an instrument affecting the rights or obligations of another;

~~(e)(d)~~ Evasion of a lawful debt or obligation, including without limitation a tax obligation;

~~(f)(e)~~ Trafficking in narcotics or controlled substances;

~~(g)(f)~~ Violation of a relation of trust or confidence;

~~(h)(g)~~ Theft of personal property or funds;

~~(i)(h)~~ An act of violence or threatened violence against persons or property; or

~~(j)(i)~~ A sexually related crime or act under § 5-14-101 et seq.;

SECTION 13. Arkansas Code § 17-14-206(a)(3), concerning complaints and disciplinary procedures of the Arkansas Appraiser Licensing and Certification Board for licensees, is repealed.

~~(3)(A) Conviction in any jurisdiction of any misdemeanor~~

1 ~~involving moral turpitude or of any felony.~~

2 ~~(B) A plea of nolo contendere or no contest shall be~~
3 ~~considered a conviction for the purposes of this section;~~

4
5 SECTION 14. Arkansas Code § 17-14-405(b)(3), concerning requirements
6 for registration under the Appraisal Management Company Registration Act, is
7 amended to read as follows:

8 (3)(A) The name, address, and contact information of any person
9 that owns ten percent (10%) or more of the appraisal management company.

10 (B) Any person owning more than ten percent (10%) of an
11 appraisal management company in this state shall:

12 ~~(i) Be of good moral character, as determined by the~~
13 ~~board; and~~

14 ~~(ii) Submit~~ submit to a state criminal background
15 check and a national fingerprint-based criminal background check performed by
16 the Federal Bureau of Investigation in compliance with federal law and
17 regulations;

18
19 SECTION 15. Arkansas Code § 17-14-410(a)(3), concerning the
20 disciplinary authority, enforcement, and hearings under the Appraisal
21 Management Company Registration Act, is amended to read as follows:

22 (3) The person has pleaded guilty or nolo contendere to or been
23 found guilty of:

24 (A) A felony listed under § 17-2-102; or

25 (B) Within the past ten (10) years:

26 (i) A misdemeanor involving mortgage lending or real
27 estate appraising; or

28 (ii) An offense involving breach of trust, ~~moral~~
29 ~~turpitude~~, or fraudulent or dishonest dealing;

30
31 SECTION 16. Arkansas Code § 17-15-102(3), concerning the definition of
32 "good moral character" related to architects, is repealed.

33 ~~(3)(A) "Good moral character" means character that will enable a~~
34 ~~person to discharge the fiduciary duties of an architect to his or her client~~
35 ~~and to the public for the protection of health, safety, and welfare.~~

36 ~~(B) Evidence of inability to discharge such duties~~

1 ~~includes the commission of an offense justifying discipline under § 17-15-~~
2 ~~308,~~

3
4 SECTION 17. Arkansas Code § 17-15-304(b)(1), concerning examinations
5 to be a registered and licensed architect, is amended to read as follows:

6 (b)(1) To be qualified for admission to an examination to practice
7 architecture in the State of Arkansas, an applicant ~~must~~ shall be at least
8 twenty-one (21) years of age ~~and of good moral character.~~

9
10 SECTION 18. Arkansas Code § 17-15-308(5), concerning grounds for
11 revocation of a license for an architect, is amended to read as follows:

12 (5) The holder of the license or certificate of registration has
13 been guilty of a felony listed under § 17-2-102;

14
15 SECTION 19. Arkansas Code § 17-16-105(a)(8), concerning the
16 registration requirements for an athlete agent under the Uniform Athlete
17 Agents Act, is amended to read as follows:

18 (8) whether the applicant or any person named pursuant to
19 paragraph (7) has been convicted of a crime that, if committed in this State,
20 would be a crime involving ~~moral turpitude or~~ a felony listed under § 17-2-
21 102, and identify the crime;

22
23 SECTION 20. Arkansas Code § 17-17-308(6), concerning the suspension or
24 revocation of a license of an auctioneer, is amended to read as follows:

25 (6) Being convicted of a criminal offense involving ~~moral~~
26 ~~turpitude or~~ a felony listed under § 17-2-102 in a court of competent
27 jurisdiction of this or any other jurisdiction;

28
29 SECTION 21. Arkansas Code § 17-19-203(3), concerning character
30 references for a professional bail bondsman license, is amended to read as
31 follows:

32 (3) ~~Such other~~ Provide other proof as the board may require that
33 he or she is competent, trustworthy, financially responsible, and of good
34 personal and business reputation and has not been convicted of a felony ~~or~~
35 ~~any offense involving moral turpitude~~ listed under § 17-2-102.

1 SECTION 22. Arkansas Code § 17-19-210(b)(1), concerning the suspension
2 and penalties for a professional bail bondsman licensee, is amended to read
3 as follows:

4 (1) Violated any provision of or any obligation imposed by this
5 chapter or any lawful rule, ~~regulation~~, or order of the board or has been
6 convicted of a felony ~~or any offense involving moral turpitude~~ listed under §
7 17-2-102;

8
9 SECTION 23. Arkansas Code § 17-20-302 is amended to read as follows:
10 17-20-302. Qualifications of applicants.

11 Any person shall be qualified to receive a certificate of registration
12 to practice as a registered barber who:

13 (1) Is qualified under this chapter;
14 ~~(2) Is of good moral character and temperate habits;~~
15 ~~(3)~~ (2) Has passed a satisfactory examination conducted by the
16 State Board of Barber Examiners to determine his or her fitness to practice
17 barbering;
18 ~~(4)~~ (3) Is at least sixteen and one-half (16 ½) years of age; and
19 ~~(5)~~ (4) Has received training approved by the appropriate
20 licensing authorities.

21
22 SECTION 24. Arkansas Code § 17-20-308(1)(A), concerning grounds for
23 disciplinary action of barbers, is amended to read as follows:

24 (1)(A) Conviction of a felony listed under § 17-2-102 shown by a
25 certified copy of the record of the court of conviction.

26
27 SECTION 25. Arkansas Code § 17-24-307(3), concerning the grounds for
28 revocation, suspension, or refusal of license issued by the State Board of
29 Collection Agencies, is repealed.

30 ~~(3) Conviction of any crime involving moral turpitude;~~

31
32 SECTION 26. Arkansas Code § 17-25-305(a), concerning the
33 qualifications for a contractors license, is amended to read as follows:

34 (a) The Contractors Licensing Board, in determining the qualifications
35 of any applicant for an original license or any renewal license, shall, among
36 other things, consider the following:

- 1 (1) Experience;
- 2 (2) Ability;
- 3 ~~(3) Character;~~
- 4 ~~(4)~~(3) The manner of performance of previous contracts;
- 5 ~~(5)~~(4) Financial condition;
- 6 ~~(6)~~(5) Equipment;
- 7 ~~(7)~~(6) Any other fact tending to show ability and willingness to
- 8 conserve the public health and safety; and
- 9 ~~(8)~~(7) Default in complying with the provisions of this chapter
- 10 ~~or any other~~ another law of the state.

11
12 SECTION 27. Arkansas Code § 17-25-305, concerning the qualifications
13 for a contractors license, is amended to add an additional subsection to read
14 as follows:

15 (c) In addition to the offenses listed in § 17-2-102, the board may
16 consider the following offenses when determining fitness for licensure or
17 registration of a contractor under this chapter:

18 (1) Conviction of a crime with an element of dishonesty or fraud
19 under the laws of this state, another state, or the United States;

20 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
21 16-102;

22 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et
23 seq.; and

24 (4)(A) A crime or act that is substantially related to the
25 qualifications, functions, or duties of a contractor.

26 (B) A crime or act may be deemed substantially related to
27 the qualifications, functions, or duties of a contractor if, to a substantial
28 degree, the crime or act evidences present or potential unfitness of a person
29 applying for or holding a contractors license or registration to perform the
30 functions authorized by the license or registration.

31
32 SECTION 28. Arkansas Code § 17-25-507, concerning the qualifications
33 for a contractors license through the Residential Contractors Committee, is
34 amended to add an additional subsection to read as follows:

35 (c) In addition to the offenses listed in § 17-2-102, the committee
36 may consider the following offenses when determining fitness for licensure or

1 registration of a contractor under this subchapter:

2 (1) Conviction of a crime with an element of dishonesty or fraud
3 under the laws of this state, another state, or the United States;

4 (2) Conviction of voyeurism as prohibited in § 5-16-101 and § 5-
5 16-102;

6 (3) Conviction under the Arkansas Hot Check Law, § 5-37-301 et
7 seq.; and

8 (4)(A) A crime or act that is substantially related to the
9 qualifications, functions, or duties of a contractor.

10 (B) A crime or act may be deemed substantially related to
11 the qualifications, functions, or duties of a contractor if, to a substantial
12 degree, the crime or act evidences present or potential unfitness of a person
13 applying for or holding a contractors license or registration to perform the
14 functions authorized by the license or registration.

15
16 SECTION 29. Arkansas Code § 17-26-105(10), concerning grounds for
17 disciplinary action for cosmetology and other related occupations, is amended
18 to read as follows:

19 (10) Conviction under the laws of the United States or any state
20 or territory of the United States of a crime that is:

21 (A) ~~Is a~~ A felony or misdemeanor listed under § 17-2-102,
22 as evidenced by a certified copy of a court record or by license application;
23 and

24 (B) ~~Involves~~ A misdemeanor involving dishonesty or is in
25 any way related to the practice or teaching of the cosmetology industry,
26 unless the applicant or licensee can demonstrate to the board's satisfaction
27 that the applicant or licensee has been sufficiently rehabilitated to warrant
28 the public trust;

29
30 SECTION 30. Arkansas Code § 17-26-201(c), concerning the membership of
31 the Cosmetology Technical Advisory Committee, is amended to read as follows:

32 (c) The committee shall be composed of the following representatives
33 from within the cosmetology industry who are ~~of good moral character and who~~
34 ~~are~~ at least twenty-five (25) years of age:

35 (1) One (1) member shall be a licensed cosmetologist actively
36 engaged in practicing the art of cosmetology for at least five (5) years at

1 the time of appointment;

2 (2) One (1) member shall be a licensed nail technician;

3 (3) One (1) member shall be an owner of a licensed school of
4 cosmetology or shall be a director of cosmetology at a state-supported
5 school;

6 (4) One (1) member shall be a licensed aesthetician; and

7 (5) Three (3) members shall represent the cosmetology industry
8 at large or a related field.

9
10 SECTION 31. Arkansas Code § 17-27-301(2), concerning qualifications
11 for a licensed professional counselor, is amended to read as follows:

12 (2) The applicant is highly regarded in ~~personal character and~~
13 professional ethics;

14
15 SECTION 32. Arkansas Code § 17-27-303(2), concerning qualifications
16 for a licensed marriage and family therapist before January 1, 1998, is
17 amended to read as follows:

18 (2) The applicant is highly regarded in ~~personal character and~~
19 professional ethics;

20
21 SECTION 33. Arkansas Code § 17-27-313 is amended to read as follows:
22 17-27-313. Criminal background checks.

23 (a) The Arkansas Board of Examiners in Counseling may require each
24 applicant for license renewal and each first-time applicant for a license
25 issued by the board to apply to the Identification Bureau of the Department
26 of Arkansas State Police for a state and national criminal background check,
27 to be conducted by the Identification Bureau of the Department of Arkansas
28 State Police and the Federal Bureau of Investigation.

29 (b) The check shall conform to the applicable federal standards and
30 shall include the taking of fingerprints.

31 (c) The applicant shall sign a release of information to the board and
32 shall be responsible for the payment of any fee associated with the criminal
33 background check.

34 (d) Upon completion of the criminal background check, the
35 Identification Bureau of the Department of Arkansas State Police shall
36 forward to the board all releasable information obtained concerning the

1 applicant.

2 ~~(e) No person shall be eligible to receive or hold a license issued by~~
3 ~~the board if that person has pleaded guilty or nolo contendere to or been~~
4 ~~found guilty of any of the following offenses by any court in the State of~~
5 ~~Arkansas or of any similar offense by a court in another state or of any~~
6 ~~similar offense by a federal court.~~

7 ~~(1) Capital murder as prohibited in § 5-10-101;~~

8 ~~(2) Murder in the first degree and second degree as prohibited~~
9 ~~in §§ 5-10-102 and 5-10-103;~~

10 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

11 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

12 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

13 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
14 ~~11-103;~~

15 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
16 ~~106;~~

17 ~~(8) Robbery as prohibited in § 5-12-102;~~

18 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

19 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

20 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

21 ~~(12) Introduction of controlled substance into body of another~~
22 ~~person as prohibited in § 5-13-210;~~

23 ~~(13) Aggravated assault upon a law enforcement officer or an~~
24 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

25 ~~(14) Terroristic threatening in the first degree as prohibited~~
26 ~~in § 5-13-301;~~

27 ~~(15) Rape as prohibited in § 5-14-103;~~

28 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

29 ~~(17) Sexual extortion, § 5-14-113;~~

30 ~~(18) Sexual assault in the first degree, second degree, third~~
31 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

32 ~~(19) Incest as prohibited in § 5-26-202;~~

33 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
34 ~~5-26-306;~~

35 ~~(21) Endangering the welfare of an incompetent person in the~~
36 ~~first degree as prohibited in § 5-27-201;~~

~~(22) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;~~

~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~

~~(24) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;~~

~~(25) Computer child pornography as prohibited in § 5-27-603;~~

~~(26) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;~~

~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

~~(28) Theft of property as prohibited in § 5-36-103;~~

~~(29) Theft by receiving as prohibited in § 5-36-106;~~

~~(30) Arson as prohibited in § 5-38-301;~~

~~(31) Burglary as prohibited in § 5-39-201;~~

~~(32) Felony violation of the Uniform Controlled Substances Act, § 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419, 5-64-442;~~

~~(33) Promotion of prostitution in the first degree as prohibited in § 5-70-104;~~

~~(34) Stalking as prohibited in § 5-71-229; and~~

~~(35) Criminal attempt, criminal complicity, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

~~(f)(1)(e)~~ The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

~~(2) Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding such a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (c) of this section, the board shall immediately revoke the provisional license.~~

~~(g)(1) The provisions of subsections (c) and (f) of this section may~~

1 ~~be waived by the board upon the request of:~~

2 ~~(A) An affected applicant for licensure; or~~

3 ~~(B) The person holding a license subject to revocation.~~

4 ~~(2) Circumstances for which a waiver may be granted shall~~
5 ~~include, but not be limited to, the following:~~

6 ~~(A) The age at which the crime was committed;~~

7 ~~(B) The circumstances surrounding the crime;~~

8 ~~(C) The length of time since the crime;~~

9 ~~(D) Subsequent work history;~~

10 ~~(E) Employment references;~~

11 ~~(F) Character references; and~~

12 ~~(G) Other evidence demonstrating that the applicant does~~
13 ~~not pose a threat to the health or safety of children.~~

14 (f) For the purposes of this section, the board shall follow the
15 licensing restrictions based on criminal records under § 17-2-102.

16 (h)(1)(g)(1) Any information received by the board from the
17 Identification Bureau of the Department of Arkansas State Police ~~pursuant to~~
18 under this section shall not be available for examination except by:

19 (A) The affected applicant for licensure, or his or her
20 authorized representative; or

21 (B) The person whose license is subject to revocation, or
22 his or her authorized representative.

23 (2) No record, file, or document shall be removed from the
24 custody of the Department of Arkansas State Police.

25 (i)(h) Any information made available to the affected applicant for
26 licensure or the person whose license is subject to revocation shall be
27 information pertaining to that person only.

28 (j)(i) Rights of privilege and confidentiality established under this
29 section shall not extend to any document created for purposes other than this
30 background check.

31 (k)(j) The board shall adopt the necessary rules ~~and regulations~~ to
32 fully implement the provisions of this section.

33
34 SECTION 34. Arkansas Code § 17-29-311(a)(1), concerning the sanctions
35 and prohibited conduct of embalmers and funeral directors, is amended to read
36 as follows:

1 (1) Conviction of a felony listed under § 17-2-102;

2
3 SECTION 35. Arkansas Code § 17-30-305(a)(2)(A), concerning the
4 administrative violations and penalties for an engineer, is amended to read
5 as follows:

6 (A) A felony listed under § 17-2-102;

7
8 SECTION 36. Arkansas Code § 17-31-303(c), concerning application for
9 registration with the Arkansas State Board of Registration for Foresters, is
10 repealed.

11 ~~(c) A person shall not be eligible for registration as a forester who~~
12 ~~is not of good character and reputation.~~

13
14 SECTION 37. Arkansas Code § 17-31-309(b), concerning revocation of a
15 certificate for a registered forester, is amended to read as follows:

16 (b)(1) The board may revoke the certificate of any registered forester
17 who has been convicted of a felony listed under § 17-2-102 or who is found
18 guilty by the board of any fraud, deceit, gross negligence,
19 misrepresentation, willful violation of contract, misconduct, or gross
20 incompetence.

21 (2) The board shall investigate such charges.

22
23 SECTION 38. Arkansas Code § 17-32-304(a)(1), concerning the
24 qualifications for a geologist-in-training certificate, is repealed.

25 ~~(1) Be of good ethical character;~~

26
27 SECTION 39. Arkansas Code § 17-32-311(a)(3), concerning the denial,
28 suspension, or revocation of a registration certificate of a geologist, is
29 amended to read as follows:

30 (3) Any felony listed under § 17-2-102;

31
32 SECTION 40. Arkansas Code § 17-35-301(c)(2), concerning the
33 registration of interior designers, is amended to read as follows:

34 (2) Has not been convicted of an offense listed under § 17-2-102
35 that bears directly on the fitness of the applicant to be registered;

1 SECTION 41. Arkansas Code § 17-35-305(5), concerning grounds of
2 revocation for a license of an interior designer, is amended to read as
3 follows:

4 (5) The holder of the registration has been guilty of a felony
5 listed under § 17-2-102;

6
7 SECTION 42. Arkansas Code § 17-36-303(a), concerning examination for
8 licensure as a landscape architect, is amended to read as follows:

9 (a) An applicant for licensure shall:

10 (1) Be at least twenty-one (21) years of age; and

11 ~~(2) Be of good moral character; and~~

12 ~~(3)~~ (2) Pass an examination covering the matters confronting
13 landscape architects that is prepared by:

14 (A) The Arkansas State Board of Architects, Landscape
15 Architects, and Interior Designers; or

16 (B) Another entity as selected by the Arkansas State Board
17 of Architects, Landscape Architects, and Interior Designers.

18
19 SECTION 43. Arkansas Code § 17-36-306(5), concerning the grounds of
20 revocation for a landscape architect, is amended to read as follows:

21 (5) The holder of the license or certificate has been guilty of
22 a felony listed under § 17-2-102;

23
24 SECTION 44. Arkansas Code § 17-42-311(a), concerning violations of the
25 real estate license law, is amended to read as follows:

26 (a) The following acts, conduct, or practices are prohibited, and any
27 licensee found guilty shall be subject to disciplinary action as provided in
28 § 17-42-312:

29 (1) Obtaining a license by means of fraud, misrepresentation, or
30 concealment;

31 (2) Violating any of the provisions of this chapter or any rules
32 ~~or regulations adopted pursuant to~~ under this chapter or any order issued
33 under this chapter;

34 (3) Being convicted of or pleading guilty or nolo contendere to
35 a felony listed under § 17-2-102 or crime involving ~~moral turpitude~~ violence,
36 fraud, dishonesty, untruthfulness, or untrustworthiness regardless of whether

1 the imposition of sentence has been deferred or suspended;

2 (4) Making any substantial misrepresentation;

3 (5) Making, printing, publishing, distributing, or causing,
4 authorizing, or knowingly permitting the making, printing, publication, or
5 distribution of false statements, descriptions, or promises of such character
6 as to reasonably induce, persuade, or influence any person to act thereon;

7 (6) Failing within a reasonable time to account for or to remit
8 any moneys coming into his or her possession which belong to others;

9 (7) Committing any act involving ~~moral turpitude~~ violence,
10 fraud, dishonesty, untruthfulness, or untrustworthiness;

11 (8) Acting for more than one (1) party in a transaction without
12 the knowledge of all parties for whom he or she acts or accepting a
13 commission or valuable consideration for the performance of any of the acts
14 specified in this chapter from any person except the licensed principal
15 broker under whom he or she is licensed;

16 (9) Acting as a broker or salesperson while not licensed with a
17 principal broker, representing or attempting to represent a broker other than
18 the principal broker with whom he or she is affiliated without the express
19 knowledge and consent of the principal broker, or representing himself or
20 herself as a salesperson or having a contractual relationship similar to that
21 of a salesperson with anyone other than a licensed principal broker;

22 (10) Advertising in a false, misleading, or deceptive manner;

23 (11) Being unworthy or incompetent to act as a real estate
24 broker or salesperson in such a manner as to safeguard the interests of the
25 public;

26 (12) Paying a commission or valuable consideration to any person
27 for acts or services performed in violation of this chapter, including paying
28 a commission or other valuable consideration to an unlicensed person for
29 participation in a real estate auction; and

30 (13) Any other conduct, whether of the same or a different
31 character from that specified in this section, which constitutes improper,
32 fraudulent, or dishonest dealing.

33
34 SECTION 45. Arkansas Code § 17-42-315(f), concerning the criminal
35 background check for real estate licensees, is amended to read as follows:

36 (f) Except as provided in subsection (g) of this section, a person

1 shall not receive or hold a license issued by the commission if the person
2 has been convicted of or pleaded guilty or nolo contendere to a felony listed
3 under § 17-2-102 or a crime involving ~~moral turpitude~~ violence, fraud,
4 dishonesty, untruthfulness, or untrustworthiness.

5
6 SECTION 46. Arkansas Code § 17-42-509(c)(3), concerning the issuance
7 or denial of a license for an instructor of real estate education license, is
8 amended to read as follows:

9 (3) The person or entity has pleaded guilty or nolo contendere
10 to or been found guilty of a felony listed under § 17-2-102 or a misdemeanor
11 involving violence, fraud, misrepresentation, or dishonest or dishonorable
12 dealing in a court of competent jurisdiction; or

13
14 SECTION 47. Arkansas Code § 17-42-515(3), concerning the violations
15 that disqualify for a real estate educator license or licensee, is amended to
16 read as follows:

17 (3) Committing an act, a felony listed under § 17-2-102, or a
18 crime involving ~~moral turpitude~~ violence, fraud, dishonesty, untruthfulness,
19 or untrustworthiness regardless of whether the imposition of the sentence has
20 been deferred or suspended;

21
22 SECTION 48. Arkansas Code § 17-43-303(a), concerning the application
23 for examination for a sanitarian certificate of registration, is amended to
24 read as follows:

25 (a) The Arkansas State Board of Sanitarians shall admit to examination
26 any person who makes application to the Secretary of the Arkansas State Board
27 of Sanitarians on forms prescribed and furnished by the board, and pays an
28 application fee of twenty dollars (\$20.00) to defray the expense of
29 examination, ~~and submits evidence satisfactory to the board that he or she is~~
30 ~~of good moral character.~~

31
32 SECTION 49. Arkansas Code § 17-43-307 is amended to read as follows:
33 17-43-307. Reciprocity.

34 The Arkansas State Board of Sanitarians shall issue a certificate of
35 registration without examination to any person who makes application on forms
36 prescribed and furnished by the board, pays a registration fee of ten dollars

1 (\$10.00), and submits satisfactory proof that he or she:

2 ~~(1) Is of good moral character;~~

3 ~~(2)(1)~~ Has had at least two (2) years' experience in the field
4 of environmental sanitation; and

5 ~~(3)(2)~~ Is registered as a sanitarian in a state in which the
6 qualifications for registration are not lower than the qualifications for
7 registration in this state at the time he or she applies for registration.
8

9 SECTION 50. Arkansas Code § 17-43-309(a), concerning the grounds for
10 suspension, revocation, or refusal to renew a sanitarian certificate of
11 registration, is amended to read as follows:

12 (a) The Arkansas State Board of Sanitarians may suspend, revoke, or
13 refuse to renew a certificate of registration upon proof that the applicant:

14 ~~(1) Is not of good character; or~~

15 ~~(2) Is is~~ guilty of fraud, deceit, gross negligence,
16 incompetency, or misconduct in relation to his or her duties as a sanitarian.
17

18 SECTION 51. Arkansas Code § 17-47-302(a), concerning the eligibility
19 and application for registration as a professional soil classifier or soil
20 classifier-in-training, is amended to read as follows:

21 (a) To be eligible for registration as a professional soil classifier
22 or certification as a soil classifier-in-training, an applicant ~~must~~:

23 ~~(1) Be of good character and reputation; and~~

24 ~~(2) Submit~~ shall submit a written application to the Arkansas
25 State Board of Registration for Professional Soil Classifiers containing ~~such~~
26 information ~~as~~ the board may require, together with five (5) references,
27 three (3) of which shall be professional soil classifiers having personal
28 knowledge of his or her soil classifying experience or, in the case of an
29 application for certification as a soil classifier-in-training, three (3)
30 character references.
31

32 SECTION 52. Arkansas Code § 17-47-311 is amended to read as follows:

33 17-47-311. Disciplinary actions – Grounds.

34 The Arkansas State Board of Registration for Professional Soil
35 Classifiers shall have the power to suspend, refuse to renew, or revoke the
36 certificate of registration of, or reprimand, any registrant who is guilty

1 of:

2 (1) Fraud or deceit in obtaining a certificate of registration;

3 (2) Gross negligence, incompetence, or misconduct in the
4 practice of soil classifying;

5 (3) A felony listed under § 17-2-102 ~~or crime involving moral~~
6 ~~turpitude~~; or

7 (4) A violation of the code of ethics adopted and promulgated by
8 the board.

9

10 SECTION 53. Arkansas Code § 17-48-203(a), concerning the
11 qualifications for certification as a surveyor, is amended to read as
12 follows:

13 (a) A person who shows to the satisfaction of the State Board of
14 Licensure for Professional Engineers and Professional Surveyors that he or
15 she is a person ~~of good character and reputation and~~ over twenty-one (21)
16 years of age ~~shall be~~ is eligible for licensure as a professional surveyor if
17 he or she qualifies under one (1) of the following provisions:

18 (1) A person holding a certificate of licensure to engage in the
19 practice of land surveying issued to him or her on the basis of a written
20 examination by proper authority of a state, territory, possession of the
21 United States, the District of Columbia, or any foreign country, based on
22 requirements and qualifications as shown on his or her application that in
23 the opinion of the board are equal to or higher than the requirements of this
24 chapter may be licensed at the discretion of the board;

25 (2)(A) A graduate from an approved engineering curriculum with
26 sufficient surveying courses or a surveying technology curriculum of two (2)
27 years or more approved by the board, followed by at least two (2) years of
28 land surveying that must be surveying experience of a character satisfactory
29 to the board, who has passed a written examination designed to show that he
30 or she is qualified to practice land surveying in this state, may be licensed
31 if he or she is otherwise qualified.

32 (B) Each year of teaching land surveying in an approved
33 engineering or surveying curriculum may be considered as equivalent to one
34 (1) year of land surveying experience; or

35 (3)(A) An applicant who cannot qualify under subdivision (a)(2)
36 of this section and who has six (6) years or more of active experience in

1 land surveying of a character satisfactory to the board and who has passed a
2 written examination designed to show that he or she is qualified to practice
3 land surveying may be granted a certificate of licensure to practice land
4 surveying in this state if he or she is otherwise qualified.

5 (B) Each year of satisfactory work in an approved
6 engineering or engineering technology curriculum majoring in surveying may be
7 considered as one (1) year of experience in land surveying, but not exceeding
8 two (2) years.

9
10 SECTION 54. Arkansas Code § 17-48-203(c), concerning the
11 qualifications for licensure as a surveyor intern, is amended to read as
12 follows:

13 (c) ~~A person who shows to the satisfaction of the board that he or she~~
14 ~~is a person of good character~~ shall be eligible for licensure as a surveyor
15 intern if he or she qualifies under one (1) of the following provisions:

16 (1) A person holding a certificate of licensure as a surveyor
17 intern issued to him or her on the basis of a written examination by proper
18 authority of a state, territory, possession of the United States, the
19 District of Columbia, or any foreign country, based on requirements and
20 qualifications as shown on his or her application, which requirements and
21 qualifications, in the opinion of the board, are equal to or higher than the
22 requirements of this chapter, may be licensed as a surveyor intern at the
23 discretion of the board;

24 (2) A graduate from an approved engineering curriculum with
25 sufficient surveying courses, or a surveying technology curriculum of two (2)
26 years or more, approved by the board, who has passed a written examination
27 designed to show that he or she is proficient in surveying fundamentals, may
28 be licensed if he or she is otherwise qualified; or

29 (3)(A) An applicant who cannot qualify under subdivision (c)(2)
30 of this section and who has four (4) years or more of active experience in
31 land surveying of a character satisfactory to the board and who has passed a
32 written examination designed to show that he or she is proficient in
33 surveying fundamentals may be licensed if he or she is otherwise qualified.

34 (B) Each year of satisfactory work in an approved
35 engineering or engineering technology curriculum majoring in surveying may be
36 considered as one (1) year of experience in land surveying, but not exceeding

1 two (2) years.

2
3 SECTION 55. Arkansas Code § 17-48-205(a)(2)(A), concerning the
4 administrative violations and penalties of a surveyor, is amended to read as
5 follows:

6 (A) A felony listed under § 17-2-102;

7
8 SECTION 56. Arkansas Code § 17-50-301(a)(2), concerning applicant
9 qualifications for registration as a certified water well driller or
10 certified pump installer, is repealed.

11 ~~(2) Is of good moral character;~~

12
13 SECTION 57. Arkansas Code § 17-52-308(b)(3), concerning complaints
14 against and disciplinary procedures for a home inspector, is amended to read
15 as follows:

16 (3)~~(A)~~ Conviction ~~in any jurisdiction of a misdemeanor involving~~
17 ~~moral turpitude or~~ of any felony listed under § 17-2-102;

18 ~~(B) A plea of nolo contendere or no contest is considered~~
19 ~~a conviction for the purposes of this section;~~

20
21 SECTION 58. Arkansas Code § 17-52-315(a), concerning the application
22 for registration as a home inspector, is amended to read as follows:

23 (a) Any person applying for registration or renewal of registration as
24 a home inspector ~~shall be of good moral character and shall~~ submit to the
25 Arkansas Home Inspector Registration Board:

26 (1) An application under oath upon a form to be prescribed by
27 the board;

28 (2) A current certificate of insurance issued by an insurance
29 company licensed or surplus lines approved to do business in this state that
30 states that the applicant has procured general liability insurance in the
31 minimum amount of one hundred thousand dollars (\$100,000) and, if applicable,
32 workers' compensation insurance; and

33 (3) The required registration or registration renewal fee with
34 the application.

35
36 SECTION 59. Arkansas Code § 17-81-304(a)(2), concerning the

1 application for licensure as a chiropractor, is amended to read as follows:

2 (2) The applicant must submit proof satisfactory to the board of
3 graduation from a chartered school or college of chiropractic as herein
4 described and file with his or her application the affidavits of at least two
5 (2) licensed and reputable doctors of chiropractic ~~showing him or her to be~~
6 ~~of good moral character.~~

7
8 SECTION 60. Arkansas Code § 17-81-305(a)(6), concerning the
9 qualifications of applicants for licensure as a chiropractor, is repealed.

10 ~~(6) Be of good moral character;~~

11
12 SECTION 61. Arkansas Code § 17-81-318(e), concerning the criminal
13 background check required for a chiropractor, is amended to read as follows:

14 (e) Except as provided in subsection (f) of this section, a person
15 shall not receive or hold a license issued by the board if the person has
16 been convicted of or pleaded guilty or nolo contendere to any felony listed
17 under § 17-2-102 or a crime involving ~~moral turpitude~~, fraud, dishonesty,
18 untruthfulness, or untrustworthiness, or is a registered sex offender or
19 required to register as a sex offender.

20
21 SECTION 62. Arkansas Code § 17-82-304(b), concerning the licensing
22 procedure for dentists, is amended to read as follows:

23 (b) An applicant:

24 (1) ~~Must~~ Shall:

25 (A) Be at least twenty-one (21) years of age ~~and of good~~
26 ~~moral reputation and character;~~

27 (B) Submit upon request ~~such~~ proof as required by the
28 board ~~may require~~ touching upon age, ~~character~~, and fitness; and

29 (C) Have ~~been~~ graduated from an American Dental
30 Association-accredited college of dentistry with the degree of Doctor of
31 Dental Surgery or Doctor of Dental Medicine; or

32 (2) ~~Must~~ Shall:

33 (A) Be at least twenty-one (21) years of age ~~and of good~~
34 ~~moral reputation and character;~~

35 (B) Have graduated from a college of dentistry in North
36 America with the degree of Doctor of Dental Surgery, Doctor of Dental

1 Medicine, or an equivalent degree approved by the board;

2 (C) Have passed an examination approved by the board and
3 authorized under § 17-82-303;

4 (D) Be a resident of the State of Arkansas and the United
5 States and be in compliance with federal laws of immigration; and

6 (E) Serve a period of at least one (1) year under a
7 provisional license issued by the board to foreign graduates and successfully
8 complete the monitoring requirements as ordered by the board at the time the
9 provisional license is issued.

10
11 SECTION 63. Arkansas Code § 17-82-306(b), concerning the licensing
12 procedures for dental hygienists, is amended to read as follows:

13 (b) An applicant ~~must~~ shall:

14 ~~(1) Be of good moral reputation and character;~~

15 ~~(2)(1)~~ Have graduated from a dental hygiene program which is
16 accredited by the American Dental Association Commission on Dental
17 Accreditation and approved by the board for the training of dental
18 hygienists; and

19 ~~(3)(2)~~ Submit upon request ~~such~~ proof as required by the board
20 may require touching upon ~~character and~~ fitness.

21
22 SECTION 64. Arkansas Code § 17-82-308(b)(3), concerning the
23 credentials for dentists and dental hygienists licensed in other states, is
24 amended to read as follows:

25 (3) A certificate from the authority which issued the license,
26 setting forth the applicant's ~~moral reputation and character~~, history with
27 the board, professional ability, and such other information or data as the
28 board may deem necessary or expedient.

29
30 SECTION 65. Arkansas Code § 17-82-316(c)(3), concerning the revocation
31 or suspension of a license for a dentist, dental hygienist, or dental
32 assistant, is amended to read as follows:

33 (3) The commission of any criminal operation; habitual
34 drunkenness for a period of three (3) months; insanity; adjudication of
35 insanity or mental incompetency if deemed detrimental to patients; conviction
36 of ~~an infamous crime or a felony~~ listed under § 17-2-102; addiction to

1 narcotics; immoral, dishonorable, or scandalous conduct; professional
2 incompetency; failure to maintain proper standards of sanitation or failure
3 otherwise to maintain adequate safeguards for the health and safety of
4 patients; or employment in the practice of the profession of any drug,
5 nostrum, unknown formula, or dangerous or unknown anesthetic not generally
6 used by the dental profession;

7
8 SECTION 66. Arkansas Code § 17-82-802 is amended to read as follows:
9 17-82-802. License eligibility.

10 A person shall not be eligible to receive or hold a license to practice
11 dentistry or another healthcare profession issued by the Arkansas State Board
12 of Dental Examiners if the person has pleaded guilty or nolo contendere or
13 has been found guilty of ~~either an infamous crime that would impact his or~~
14 ~~her ability to practice dentistry or oral hygiene in the State of Arkansas or~~
15 ~~a felony, regardless of whether the conviction has been sealed, expunged, or~~
16 ~~pardoned~~ listed under § 17-2-102.

17
18 SECTION 67. Arkansas Code § 17-83-307 is amended to read as follows:
19 17-83-307. Grounds for denial, revocation, or suspension.

20 The Arkansas Dietetics Licensing Board may refuse to issue or renew a
21 license or may revoke or suspend a license issued under this chapter for any
22 of the following, but is not limited to:

- 23 (1) Violation of a provision of this chapter;
24 (2) Engaging in unprofessional conduct or gross incompetence as
25 defined by the rules of the board or violating the standards of professional
26 responsibility adopted and published by the board; or
27 (3) ~~Conviction in this or any other state of any crime that is a~~
28 ~~felony in this state of a felony listed under § 17-2-102; or~~
29 ~~(4) Conviction of a felony in a federal court.~~

30
31 SECTION 68. Arkansas Code § 17-84-304(a)(3), concerning the
32 qualifications for licensure and internship for hearing instrument
33 dispensers, is amended to read as follows:

- 34 (3) Show to the satisfaction of the board that he or she:
35 (A) Is twenty (20) years of age or older; and
36 (B) Has an education equivalent of two (2) or more years

1 of accredited college-level course work from a regionally accredited college
2 or university; and

3 ~~(C) Is of good moral character.~~

4
5 SECTION 69. Arkansas Code § 17-84-308(a)(1), concerning the
6 suspension, revocation, nonissuance, or nonrenewal of a hearing instrument
7 dispenser license, is amended to read as follows:

8 (1) ~~Being convicted of a crime involving moral turpitude. A~~
9 ~~record of a conviction, certified by the judge or the clerk of the court~~
10 ~~where the conviction occurred, shall be sufficient evidence to warrant~~
11 ~~suspension, revocation, or refusal to issue or renew~~ listed under § 17-2-102;
12

13 SECTION 70. Arkansas Code § 17-86-203(e)-(h), concerning the powers
14 and duties of the State Board of Health regarding massage therapy licenses,
15 are amended to read as follows:

16 (e)~~(1)~~ For purposes of this section, ~~an applicant is not eligible to~~
17 ~~receive or hold a license issued by the Department of Health if the applicant~~
18 ~~has pleaded guilty or nolo contendere to or been found guilty of a felony or~~
19 ~~Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual~~
20 ~~misconduct, sexual solicitation, lewd behavior, child abuse or molestation,~~
21 ~~statutory rape, sexual assault, human trafficking, or other violent crimes~~
22 ~~the board shall follow the licensing restrictions based on criminal records~~
23 ~~under § 17-2-102.~~

24 ~~(2) A provision of this section may be waived by the Department~~
25 ~~of Health if:~~

26 ~~(A) The conviction is for a Class A misdemeanor and:~~

27 ~~(i) The completion of the applicant's sentence and~~
28 ~~probation or completion of the applicant's sentence or probation of the~~
29 ~~offense is at least three (3) years from the date of the application; and~~

30 ~~(ii) The applicant has no criminal convictions~~
31 ~~during the three-year period; or~~

32 ~~(B) The conviction is for a felony of any classification~~
33 ~~and:~~

34 ~~(i) The completion of the applicant's sentence and~~
35 ~~probation or the completion of the applicant's sentence or probation of the~~
36 ~~offense is at least five (5) years from the date of the application; and~~

~~(ii) The applicant has no criminal convictions during the five-year period.~~

~~(f) The Department of Health may permit an applicant to be licensed regardless of having been convicted of an offense listed in this section, upon making a determination that the applicant does not pose a risk of harm to any person served by the Department of Health.~~

~~(g) In making a determination under subsection (f) of this section, the Department of Health may consider the following factors:~~

~~(1) The nature and severity of the crime;~~
~~(2) The consequences of the crime;~~
~~(3) The number and frequency of crimes;~~
~~(4) The relationship between the crime and the health, safety, and welfare of persons served by the Department of Health, such as:~~

~~(A) The age and vulnerability of victims of the crime;~~
~~(B) The harm suffered by the victim; and~~
~~(C) The similarity between the victim and persons served by the Department of Health;~~

~~(5) The time elapsed without a repeat of the same or similar event;~~

~~(6) Documentation of successful completion of training or rehabilitation pertinent to the incident; and~~

~~(7) Any other information that bears on the applicant's ability to care for others or other relevant information.~~

~~(h) If the Department of Health waives the provisions of subsection (e) of this section, the Department of Health shall submit the reasons for waiving this provision in writing, and the determination and reasons shall be made available to the members of the Department of Health for review.~~

SECTION 71. Arkansas Code § 17-86-303(a)(1), concerning qualifications for licensure as a massage therapist, is amended to read as follows:

(1) Furnish to the Department of Health satisfactory proof that he or she is eighteen (18) years of age or older ~~and of good moral character;~~

SECTION 72. Arkansas Code § 17-86-311(a), concerning the disciplinary actions and penalties for massage therapists, is amended to read as follows:

(a) The Massage Therapy Technical Advisory Committee may deny,

1 suspend, place on probation, or revoke a license upon any one (1) of the
2 following grounds:

3 ~~(1) Conviction of, finding of guilt, or entry of a plea of~~
4 ~~guilty or nolo contendere to a felony, Class A misdemeanor, or prostitution A~~
5 ~~felony listed under § 17-2-102;~~

6 (2) Malpractice or gross incompetency;

7 (3) The use in advertisements of untruthful or improbable
8 statements or flamboyant, exaggerated, or extravagant claims concerning the
9 licensee's professional excellence or abilities;

10 (4) Habitual drunkenness or habitual use of any illegal drugs;

11 (5) Serving alcoholic beverages at the clinic or school in a
12 room where massage therapy is being performed or in a massage therapy school;

13 ~~(6) Moral turpitude or immoral or unprofessional~~ Unprofessional
14 conduct;

15 (7) Failure to comply with the Department of Health's Massage
16 Therapy Code of Ethics or any valid regulation or order of the committee;

17 (8) Invasion of the field of practice of any profession for
18 which a license is required, the diagnosis of ailments, diseases, or injuries
19 of human beings, the performance of osseous adjustments, prescription of
20 medications, or other breaches of the scope of practice of massage therapy;

21 (9) Failure of any licensee to comply with this chapter; or

22 (10) Failure to have licensed personnel to perform massage
23 therapy techniques in his or her clinic or school.

24
25 SECTION 73. Arkansas Code § 17-87-301(a), concerning the
26 qualifications for an applicant for licensure as a registered nurse, is
27 amended to read as follows:

28 (a) Qualifications. Before taking the examination or before the
29 issuance of a license by endorsement, an applicant for a license to practice
30 professional nursing shall submit to the Arkansas State Board of Nursing
31 written evidence, verified by oath, that the applicant:

32 ~~(1) Is of good moral character;~~

33 ~~(2)~~ (1) Has completed an approved high school course of study or
34 the equivalent thereof as determined by the appropriate educational agency;
35 and

36 ~~(3)~~ (2) Has completed the required approved professional nursing

1 education program.

2
3 SECTION 74. Arkansas Code § 17-87-304(a), concerning the
4 qualifications of an applicant for licensure as a licensed practical nurse,
5 is amended to read as follows:

6 (a) Qualifications. An applicant for a license to practice practical
7 nursing shall submit to the Arkansas State Board of Nursing evidence,
8 verified by oath, that the applicant:

9 ~~(1) Is of good moral character;~~

10 ~~(2)~~(1) Has completed an approved high school course of study or
11 the equivalent thereof as determined by the appropriate educational agency;
12 and

13 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
14 program for the preparation of practical nurses and holds a diploma or
15 certificate therefrom. However, the board may waive this requirement if the
16 board determines the applicant to be otherwise qualified.

17
18 SECTION 75. Arkansas Code § 17-87-305(a), concerning the
19 qualifications of an applicant for licensure as a licensed psychiatric
20 technician nurse, is amended to read as follows:

21 (a) Qualifications. An applicant for a license to practice
22 psychiatric technician nursing shall submit to the Arkansas State Board of
23 Nursing evidence, verified by oath, that the applicant:

24 ~~(1) Is of good moral character;~~

25 ~~(2)~~(1) Has completed an approved high school course of study or
26 the equivalent thereof as determined by the appropriate educational agency;
27 and

28 ~~(3)~~(2) Has completed a prescribed curriculum in a state-approved
29 program for the preparation of psychiatric technician nurses and holds a
30 diploma or certificate therefrom. However, the board may waive this
31 requirement if the board determines the applicant to be otherwise qualified.

32
33 SECTION 76. Arkansas Code § 17-87-312(d)-(1), concerning criminal
34 background checks for nurses, are amended to read as follows:

35 (d) Upon completion of the criminal background check, the
36 Identification Bureau of the Department of Arkansas State Police shall

1 forward to the board all releasable information obtained concerning the
2 applicant ~~in the commission of any offense listed in subsection (e) of this~~
3 ~~section.~~

4 (e) For purposes of this section, the board shall follow the licensing
5 restrictions based on criminal records under § 17-2-102. ~~Except as provided~~
6 ~~in subdivision (1)(1) of this section, a person shall not be eligible to~~
7 ~~receive or hold a license issued by the board if that person has pleaded~~
8 ~~guilty or nolo contendere to or has been found guilty of any of the following~~
9 ~~offenses by a court in the State of Arkansas or of any similar offense by a~~
10 ~~court in another state or of any similar offense by a federal court:~~

- 11 ~~(1) Capital murder as prohibited in § 5-10-101;~~
- 12 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
13 ~~murder in the second degree as prohibited in § 5-10-103;~~
- 14 ~~(3) Manslaughter as prohibited in § 5-10-104;~~
- 15 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~
- 16 ~~(5) Kidnapping as prohibited in § 5-11-102;~~
- 17 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
18 ~~11-103;~~
- 19 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
20 ~~106;~~
- 21 ~~(8) Robbery as prohibited in § 5-12-102;~~
- 22 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~
- 23 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~
- 24 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~
- 25 ~~(12) Introduction of a controlled substance into the body of~~
26 ~~another person as prohibited in § 5-13-210;~~
- 27 ~~(13) Aggravated assault upon a law enforcement officer or an~~
28 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 29 ~~(14) Terroristic threatening in the first degree as prohibited~~
30 ~~in § 5-13-301;~~
- 31 ~~(15) Rape as prohibited in § 5-14-103;~~
- 32 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
- 33 ~~(17) Sexual extortion, § 5-14-113;~~
- 34 ~~(18) Sexual assault in the first degree, second degree, third~~
35 ~~degree, and fourth degree as prohibited in §§ 5-14-124 — 5-14-127;~~
- 36 ~~(19) Incest as prohibited in § 5-26-202;~~

1 ~~(20) Felony offenses against the family as prohibited in §§ 5-~~
2 ~~26-303—5-26-306;~~

3 ~~(21) Endangering the welfare of an incompetent person in the~~
4 ~~first degree as prohibited in § 5-27-201;~~

5 ~~(22) Endangering the welfare of a minor in the first degree as~~
6 ~~prohibited in § 5-27-205 and endangering the welfare of a minor in the second~~
7 ~~degree as prohibited in § 5-27-206;~~

8 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

9 ~~(24) Engaging children in sexually explicit conduct for use in~~
10 ~~visual or print media, transportation of minors for prohibited sexual~~
11 ~~conduct, pandering or possessing visual or print medium depicting sexually~~
12 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
13 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
14 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
15 ~~5-27-403;~~

16 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

17 ~~(26) Computer exploitation of a child in the first degree as~~
18 ~~prohibited in § 5-27-605;~~

19 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

20 ~~(28) Felony theft of property as prohibited in § 5-36-103;~~

21 ~~(29) Felony theft by receiving as prohibited in § 5-36-106;~~

22 ~~(30) Arson as prohibited in § 5-38-301;~~

23 ~~(31) Burglary as prohibited in § 5-39-201;~~

24 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
25 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419—~~
26 ~~5-64-442;~~

27 ~~(33) Promotion of prostitution in the first degree as prohibited~~
28 ~~in § 5-70-104;~~

29 ~~(34) Stalking as prohibited in § 5-71-229; and~~

30 ~~(35) Criminal attempt, criminal complicity, criminal~~
31 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
32 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

33 ~~(f)(1)(A)~~ The board may issue a nonrenewable temporary permit for
34 licensure to a first-time applicant pending the results of the criminal
35 background check.

36 ~~(B)(2)~~ The permit shall be valid for no more than six (6)

1 months.

2 ~~(2) Except as provided in subdivision (1)(1) of this section,~~
3 ~~upon receipt of information from the Identification Bureau of the Department~~
4 ~~of Arkansas State Police that the person holding the letter of provisional~~
5 ~~licensure has pleaded guilty or nolo contendere to, or has been found guilty~~
6 ~~of, any offense listed in subsection (e) of this section, the board shall~~
7 ~~immediately revoke the provisional license.~~

8 ~~(g)(1) The provisions of subsection (e) and subdivision (f)(2) of this~~
9 ~~section may be waived by the board upon the request of:~~

10 ~~(A) An affected applicant for licensure; or~~

11 ~~(B) The person holding a license subject to revocation.~~

12 ~~(2) Circumstances for which a waiver may be granted shall~~
13 ~~include, but not be limited to, the following:~~

14 ~~(A) The age at which the crime was committed;~~

15 ~~(B) The circumstances surrounding the crime;~~

16 ~~(C) The length of time since the crime;~~

17 ~~(D) Subsequent work history;~~

18 ~~(E) Employment references;~~

19 ~~(F) Character references; and~~

20 ~~(G) Other evidence demonstrating that the applicant does~~
21 ~~not pose a threat to the health or safety of the public.~~

22 ~~(h)(1)(g)(1)~~ Any information received by the board from the
23 Identification Bureau of the Department of Arkansas State Police pursuant to
24 under this section shall not be available for examination except by:

25 (A) The affected applicant for licensure or his or her
26 authorized representative; or

27 (B) The person whose license is subject to revocation or
28 his or her authorized representative.

29 (2) No record, file, or document shall be removed from the
30 custody of the Department of Arkansas State Police.

31 ~~(i)(h)~~ Any information made available to the affected applicant for
32 licensure or the person whose license is subject to revocation shall be
33 information pertaining to that person only.

34 ~~(j)(i)~~ Rights of privilege and confidentiality established in this
35 section shall not extend to any document created for purposes other than this
36 background check.

1 ~~(k)(j)~~ The board shall adopt the necessary rules and regulations to
2 fully implement the provisions of this section.

3 ~~(l)(1)~~ For purposes of this section, an expunged record of a
4 conviction or a plea of guilty or nolo contendere to an offense listed in
5 subsection (e) of this section shall not be considered a conviction, guilty
6 plea, or nolo contendere plea to the offense unless the offense is also
7 listed in subdivision (1)(2) of this section.

8 ~~(2)~~ Because of the serious nature of the offenses and the close
9 relationship to the type of work that is to be performed, the following shall
10 result in permanent disqualification:

- 11 ~~(A) Capital murder as prohibited in § 5-10-101;~~
- 12 ~~(B) Murder in the first degree as prohibited in § 5-10-102~~
13 ~~and murder in the second degree as prohibited in § 5-10-103;~~
- 14 ~~(C) Kidnapping as prohibited in § 5-11-102;~~
- 15 ~~(D) Aggravated assault upon a law enforcement officer or~~
16 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~
- 17 ~~(E) Rape as prohibited in § 5-14-103;~~
- 18 ~~(F) Sexual extortion, § 5-14-113;~~
- 19 ~~(G) Sexual assault in the first degree as prohibited in §~~
20 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~
- 21 ~~(H) Incest as prohibited in § 5-26-202;~~
- 22 ~~(I) Endangering the welfare of an incompetent person in~~
23 ~~the first degree as prohibited in § 5-27-201;~~
- 24 ~~(J) Endangering the welfare of a minor in the first degree~~
25 ~~as prohibited in § 5-27-205;~~
- 26 ~~(K) Adult abuse that constitutes a felony as prohibited in~~
27 ~~§ 5-28-103; and~~
- 28 ~~(L) Arson as prohibited in § 5-38-301.~~

29
30 SECTION 77. Arkansas Code § 17-87-707(a)(1), concerning disciplinary
31 actions for nurses, is amended to read as follows:

32 (1) Has been found guilty of or pleads guilty or nolo contendere
33 to:

34 (A) Fraud or deceit in procuring or attempting to procure
35 a medication assistive person certificate; or

36 (B) Providing services as a medication assistive person

1 without a valid certificate; or

2 ~~(C) Committing a crime of moral turpitude;~~

3
4 SECTION 78. Arkansas Code § 17-88-302(2), concerning the
5 qualifications of an applicant for licensure as an occupational therapist, is
6 repealed.

7 ~~(2) The applicant must be of good moral character;~~

8
9 SECTION 79. Arkansas Code § 17-88-309(b)(4), concerning the denial,
10 revocation, or suspension of an occupational therapist license, is amended to
11 read as follows:

12 (4) Being convicted of a crime, ~~other than minor offenses~~
13 ~~defined as "minor misdemeanors", "violations", or "offenses", in any court if~~
14 ~~the acts for which the applicant or licensee was convicted are found by the~~
15 ~~board to have a direct bearing on whether he or she should be entrusted to~~
16 ~~serve the public in the capacity of an occupational therapist or occupational~~
17 ~~therapy assistant~~ felony listed under § 17-2-102; and

18
19 SECTION 80. Arkansas Code § 17-89-302(a), concerning the
20 qualifications of an applicant for licensure as a licensed dispensing
21 optician, is amended to read as follows:

22 (a) Every applicant for examination as a licensed dispensing optician
23 shall present satisfactory evidence to the Arkansas Board of Dispensing
24 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
25 ~~character,~~ a high school graduate or the equivalent thereof, and either:

26 (1) Is a graduate of a school of opticianry whose curriculum
27 consists of at least eighteen (18) months of didactic and practical
28 instruction which is accredited by a national accreditation organization and
29 approved by the board; or

30 (2)(A) Has been engaged in the providing of ophthalmic
31 dispensing services, as defined in this chapter, in the State of Arkansas for
32 a period of not less than five (5) years immediately before application.

33 (B) No more than three (3) years may consist of:

34 (i) Working in a qualified service optical
35 laboratory approved by the board; or

36 (ii) Providing ophthalmic dispensing services under

1 the direct supervision of an Arkansas-licensed or registered dispensing
2 optician, Arkansas-licensed optometrist, or Arkansas physician skilled in
3 diseases of the eye.

4
5 SECTION 81. Arkansas Code § 17-89-303 is amended to read as follows:

6 17-89-303. Qualifications – Registered dispensing opticians.

7 Every applicant for examination as a registered dispensing optician
8 shall present satisfactory evidence to the Arkansas Board of Dispensing
9 Opticians that he or she is over twenty-one (21) years of age, ~~of good moral~~
10 ~~character,~~ a high school graduate or the equivalent thereof, and either:

11 (1) Has a minimum of three (3) years' dispensing experience in
12 Arkansas under the direct supervision of an Arkansas-licensed optometrist or
13 Arkansas-licensed physician skilled in disease of the eye;

14 (2) Has a minimum of three (3) years' experience under the
15 direct supervision of a licensed or registered dispensing optician holding a
16 certificate of licensure or registry in the State of Arkansas, one (1) year
17 of which may be while working in a qualified full-service optical laboratory
18 approved by the board; or

19 (3) Is a graduate of an approved school of opticianry which has
20 been accredited by a national accreditation organization and is recognized by
21 the board.

22
23 SECTION 82. Arkansas Code § 17-89-305(b), concerning reciprocity for
24 dispensing opticians, is amended to read as follows:

25 (b) The certificate may be issued without a written or practical
26 examination upon payment of the fee prescribed in § 17-89-304(f) to the
27 Secretary-treasurer of the Arkansas Board of Dispensing Opticians and upon
28 satisfactory proof that the applicant:

29 (1) Is qualified under the provisions of this chapter;

30 ~~(2) Is of good moral character;~~

31 ~~(3)~~ (2) Has provided ophthalmic dispensing services to the public
32 as a dispensing optician in the state of licensure or registration for a
33 period of at least five (5) years for licensure or three (3) years for
34 registration immediately before his or her application for reciprocity to
35 this state; and

36 ~~(4)~~ (3) Is licensed or registered in a state which grants like

1 reciprocal privileges to opticians who hold certificates of licensure or
2 registry issued by this state.

3
4 SECTION 83. Arkansas Code § 17-89-306(b), concerning an ophthalmic
5 dispensers from nonlicensing states seeking licensure as a dispensing
6 opticians in Arkansas, is amended to read as follows:

7 (b) The applicant ~~must~~ shall:

8 (1) Be qualified under the provisions of this chapter;

9 ~~(2) Be of good moral character;~~

10 ~~(3)~~ (2) Have been engaged in ophthalmic dispensing as described
11 in § 17-89-102(4) for a period of:

12 (A) Five ~~(5)~~ years for applicants for licensure, of which
13 no more than three ~~(3)~~ years may be while working in a qualified full-service
14 optical laboratory approved by the board; or

15 (B) Three ~~(3)~~ years for applicants for registry, of which
16 no more than one ~~(1)~~ year may be while working in a qualified full-service
17 laboratory approved by the board immediately before the date of application;

18 ~~(4)~~ (3) Successfully complete the written and practical
19 examination for licensure or registry prepared and conducted by the board;
20 and

21 ~~(5)~~ (4) Have paid the fee prescribed in § 17-89-304(f) to the
22 Secretary-treasurer of the Arkansas Board of Dispensing Opticians.

23
24 SECTION 84. Arkansas Code § 17-89-309(a)(3), concerning grounds of
25 denial, suspension, or revocation of a licensure or registration of an
26 ophthalmic dispensers, is amended to read as follows:

27 (3) The applicant, licensee, or registrant being convicted of a
28 felony listed under § 17-2-102 ~~in any state or federal court, and not~~
29 ~~pardoned, if the acts for which the person is convicted are found by the~~
30 ~~board to have a direct bearing on whether he or she should be entrusted to~~
31 ~~serve the public in the capacity of a dispensing optician;~~

32
33 SECTION 85. Arkansas Code § 17-90-301(b), concerning examinations for
34 licensure as an optometrist, is amended to read as follows:

35 (b) Every applicant for examination shall present satisfactory
36 evidence that he or she is:

(1) ~~Over~~ At least twenty-one (21) years of age;

(2) A successful candidate having passed all parts of the National Board of Examiners in Optometry examination since January 1, 1997; and

~~(3) Of good moral character; and~~

~~(4)~~(3) A graduate of a college of optometry that has been accredited by the Accreditation Council on Optometric Education of the American Optometric Association.

SECTION 86. Arkansas Code § 17-90-302(c)(3), concerning licensure by endorsement for optometrists, is amended to read as follows:

(3) A certificate of good standing from each authority which issued the license, setting forth the applicant's ~~moral reputation and character~~, history with the authority, professional ability, continuing education compliance, and other information or data as the State Board of Optometry may deem necessary or expedient;

SECTION 87. Arkansas Code § 17-90-305(a)(3), concerning the grounds for denial, revocation, or suspension of an optometrist license, is amended to read as follows:

(3) Conviction of a felony listed under § 17-2-102 or the conviction of a misdemeanor, if the misdemeanor conduct would denote an impairment in the ability to practice optometry;

SECTION 88. Arkansas Code § 17-91-101(a), concerning the licensing requirements for an osteopathic physician, is amended to read as follows:

(a) The Arkansas State Medical Board shall accept for licensure by examination any person who:

(1) Is at least twenty-one (21) years of age;

(2) Is a citizen of the United States;

~~(3) Is of good moral character;~~

~~(4)~~(3) Has not been guilty of acts constituting unprofessional conduct as defined in the Arkansas Medical Practices Act, § 17-95-201 et seq., § 17-95-301 et seq., and § 17-95-401 et seq.;

~~(5)~~(4) Is a graduate of an osteopathic college of medicine whose course of study has been recognized by the Department of Education of the

1 American Osteopathic Association; and

2 ~~(6)~~(5) Has completed a one-year internship in a hospital
3 approved by the American Medical Association or the American Osteopathic
4 Association.

5
6 SECTION 89. Arkansas Code § 17-92-305(a), concerning qualification of
7 applicants for licensure as a pharmacist, is amended to read as follows:

8 (a) Each applicant for examination as a pharmacist shall:

9 (1) ~~Shall be~~ Be not less than twenty-one (21) years of age; and

10 ~~(2) Shall be of good moral character and temperate habits; and~~

11 ~~(3)~~(2) ~~Shall have~~ Have:

12 (A) Graduated and received the first professional
13 undergraduate degree from a pharmacy degree program which has been approved
14 by the Arkansas State Board of Pharmacy; or

15 (B) Graduated from a foreign college of pharmacy,
16 completed a transcript verification program, taken and passed a college of
17 pharmacy equivalency exam program, and completed a process of communication
18 ability testing as defined under board regulations so that it is assured that
19 the applicant meets standards necessary to protect public health and safety.

20
21 SECTION 90. Arkansas Code § 17-92-311(a)(3), concerning grounds for
22 revocation, suspension, or nonrenewal of licensure or registration, is amended
23 to read as follows:

24 (3) The person has been found guilty or pleaded guilty or nolo
25 contendere in a criminal proceeding, regardless of whether or not the
26 adjudication of guilt or sentence is withheld by a court of this state,
27 another state, or the United States Government for:

28 (A) Any felony listed under § 17-2-102;

29 (B) Any act involving ~~moral turpitude~~, gross immorality,
30 or which is related to the qualifications, functions, and duties of a
31 licensee; or

32 (C) Any violation of the pharmacy or drug laws or rules of
33 this state, or of the pharmacy or drug statutes, rules, and regulations of
34 any other state or of the United States Government;

35
36 SECTION 91. Arkansas Code § 17-92-317(e), concerning criminal

1 background check requirements for an intern or pharmacist license or a
2 pharmacy technician registration, is amended to read as follows:

3 (e) Notwithstanding the provisions of § 17-1-103, ~~no person shall be a~~
4 person is not eligible to receive or hold an intern or pharmacist license or
5 pharmacy technician registration issued by the board if that person has
6 pleaded guilty or nolo contendere to, or has been found guilty of, any of the
7 following offenses, regardless of whether an adjudication of guilt or
8 sentencing or imposition of sentence is withheld, by any court in the State
9 of Arkansas or of any similar offense by a court in another state or of any
10 similar offense by a federal court:

11 (1) Any felony listed under § 17-2-102;

12 (2) Any act involving ~~moral turpitude~~, gross immorality,
13 dishonesty, or which is related to the qualifications, functions, and duties
14 of a person holding the license or registration; or

15 (3) Any violation of Arkansas pharmacy or drug law or
16 regulations, including, but not limited to, this chapter, the Uniform
17 Controlled Substances Act, § 5-64-101 et seq., and the Food, Drug, and
18 Cosmetic Act, § 20-56-201 et seq.

19
20 SECTION 92. Arkansas Code § 17-93-303(b), concerning qualification of
21 applicants for licensure as a physical therapist, is amended to read as
22 follows:

23 (b) Each physical therapist applicant shall:

24 (1) Be at least twenty-one (21) years of age;

25 ~~(2) Be of good moral character;~~

26 ~~(3)~~(2) Have graduated from a school of physical therapy
27 accredited by a national accreditation agency approved by the board;

28 ~~(4)~~(3) Have passed examinations selected and approved by the
29 board; and

30 ~~(5)~~(4) Submit fees as determined by the board.

31
32 SECTION 93. Arkansas Code § 17-93-304(b), concerning qualification of
33 applicants for licensure as a physical therapist assistant, is amended to
34 read as follows:

35 (b) Each physical therapist assistant applicant shall:

36 (1) Be at least eighteen (18) years of age;

1 ~~(2) Be of good moral character;~~

2 ~~(3)~~(2) Have graduated from a school of physical therapy
3 accredited by a national accreditation agency approved by the Arkansas State
4 Board of Physical Therapy;

5 ~~(4)~~(3) Have passed examinations selected and approved by the
6 Arkansas State Board of Physical Therapy; and

7 ~~(5)~~(4) Submit fees as determined by the Arkansas State Board of
8 Physical Therapy.

9

10 SECTION 94. Arkansas Code § 17-93-308(a)(4), concerning the
11 revocation, suspension, or denial of licensure for physical therapists, is
12 repealed.

13 ~~(4) Has been convicted of a crime involving moral turpitude;~~

14

15 SECTION 95. Arkansas Code § 17-93-412(a)(1), concerning the
16 revocation, suspension, or denial of a license for an athletic trainer, is
17 amended to read as follows:

18 (1) Been convicted of a felony ~~or misdemeanor involving moral~~
19 ~~turpitude, the record of conviction being conclusive evidence of conviction~~
20 ~~if the board determines after investigation that the person has not been~~
21 ~~sufficiently rehabilitated to warrant the public trust~~ listed under § 17-2-
22 102;

23

24 SECTION 96. Arkansas Code § 17-95-104(a)(2), concerning a hospital's
25 duty to report physician misconduct, is amended to read as follows:

26 (2) The hospital shall also report any other formal disciplinary
27 action concerning any such physician taken by the hospital upon
28 recommendation of the medical staff relating to professional ethics, medical
29 incompetence, ~~moral turpitude,~~ or drug or alcohol abuse.

30

31 SECTION 97. Arkansas Code § 17-95-307 is amended to read as follows:
32 17-95-307. License eligibility.

33 ~~No~~ A person shall be is not eligible to receive or hold a license to
34 practice medicine or another healthcare profession issued by the Arkansas
35 State Medical Board if the person has pleaded guilty or nolo contendere to or
36 has been found guilty of ~~either an infamous crime that would impact his or~~

1 ~~her ability to practice medicine in the State of Arkansas or a felony listed~~
2 ~~under § 17-2-102, regardless of whether the conviction has been sealed,~~
3 ~~expunged, or pardoned.~~
4

5 SECTION 98. Arkansas Code § 17-95-403(b)(2), concerning qualification
6 of applicants for licensure as a physician, is amended to read as follows:

7 (2) ~~Is of good moral character and has~~ Has not been guilty of
8 acts constituting unprofessional conduct as defined in § 17-95-409;
9

10 SECTION 99. Arkansas Code § 17-95-408(d)(2), concerning annual
11 registration for licensure as a physician, is amended to read as follows:

12 (2) If application for reinstatement is made, the board shall
13 consider the ~~moral character and~~ professional qualifications of the applicant
14 upon notice and hearing before ordering reinstatement. Unless such a showing
15 shall thereupon be made to the board as would entitle the applicant to the
16 issuance of an original license, reinstatement shall be denied.
17

18 SECTION 100. Arkansas Code § 17-95-409(a)(2)(A), concerning the
19 grounds for denial, suspension, or revocation of a physician license, is
20 amended to read as follows:

21 (A)(i) Conviction of ~~any crime involving moral turpitude~~
22 ~~or conviction of a felony listed under § 17-2-102.~~

23 (ii) The judgment of any such conviction, unless
24 pending upon appeal, shall be conclusive evidence of unprofessional conduct;
25

26 SECTION 101. Arkansas Code § 17-95-903(b)(7), concerning
27 qualifications of an applicant for licensure as a graduate registered
28 physician, is repealed.

29 ~~(7) Is of good moral character; and~~
30

31 SECTION 102. Arkansas Code § 17-95-910 is amended to read as follows:
32 17-95-910. Violation.

33 Following the exercise of due process, the Arkansas State Medical Board
34 may discipline a graduate registered physician who:

35 (1) Fraudulently or deceptively obtains or attempts to obtain a
36 license;

- 1 (2) Fraudulently or deceptively uses a license;
2 (3) Violates any provision of this subchapter or any rules
3 adopted by the board pertaining to this chapter;
4 (4) Is convicted of a felony listed under § 17-2-102;
5 (5) Is a habitual user of intoxicants or drugs to the extent
6 that he or she is unable to safely perform as a graduate registered
7 physician; or
8 (6) Has been adjudicated as mentally incompetent or has a mental
9 condition that renders him or her unable to safely perform as a graduate
10 registered physician; ~~or~~
11 ~~(7) Has committed an act of moral turpitude.~~
12

13 SECTION 103. Arkansas Code § 17-96-303(a), concerning qualifications
14 of an applicant for licensure as a podiatrist, is amended to read as follows:

15 (a) ~~No person shall be entitled to~~ A person shall not take any
16 examination for such registration unless that person shall furnish the
17 Arkansas Board of Podiatric Medicine with satisfactory proof that he or she:

- 18 (1) Is twenty-one (21) years of age or over; and
19 ~~(2) Is of good moral character; and~~
20 ~~(3)~~ (2) Has received a license or certificate of graduation from
21 a legally incorporated, regularly established school of podiatric medicine
22 recognized by the Council on Podiatric Medical Education of the American
23 Podiatric Medical Association within the states, territories, districts, and
24 provinces of the United States or within any foreign country.
25

26 SECTION 104. Arkansas Code § 17-96-308(c)(2)(C), concerning the
27 definition of "unprofessional and dishonest conduct" regarding podiatric
28 medicine licensure, is repealed.

29 ~~(C) Being guilty of an offense involving moral turpitude;~~
30

31 SECTION 105. Arkansas Code § 17-97-201(a)(5)(B), concerning the
32 membership of the Arkansas Psychology Board, is amended to read as follows:

33 (B) The Governor shall remove any member from the board if
34 he or she:

- 35 (i) Ceases to be qualified;
36 (ii) Fails to attend three (3) successive board

1 meetings without just cause as determined by the board;

2 (iii) Is found to be in violation of this chapter;

3 (iv) Pleads guilty or nolo contendere to or is found
4 guilty of a felony ~~or an unlawful act involving moral turpitude~~ listed under
5 § 17-2-102 by a court of competent jurisdiction; or

6 (v) Pleads guilty or nolo contendere to or is found
7 guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her
8 board duties by a court of competent jurisdiction.

9
10 SECTION 106. Arkansas Code § 17-97-302(b)(1), concerning
11 qualifications of an applicant for licensure as a psychologist, is amended to
12 read as follows:

13 (b)(1) A candidate for a license shall furnish the board with
14 satisfactory evidence that he or she:

15 ~~(A)~~ ~~Is of good moral character;~~

16 ~~(B)~~ (A) Has received a doctoral degree in psychology from
17 an accredited institution recognized by the board as maintaining satisfactory
18 standards at the time the degree was granted or, in lieu of a degree, a
19 doctoral degree in a closely allied field if it is the opinion of the board
20 that the training required therefor is substantially similar;

21 ~~(C)~~ (B) Has had at least two (2) years of experience in
22 psychology of a type considered by the board to be qualifying in nature with
23 at least one (1) of those years being postdoctoral work;

24 ~~(D)~~ (C) Is competent in psychology, as shown by passing
25 examinations, written or oral, or both, as the board deems necessary;

26 ~~(E)~~ (D) Is not considered by the board to be engaged in
27 unethical practice;

28 ~~(F)~~ (E) Has applied for a criminal background check and has
29 not been found guilty of or pleaded guilty or nolo contendere to any of the
30 offenses listed in § 17-97-312(f); and

31 ~~(G)~~ (F) Has not failed an examination given by the board
32 within the preceding six (6) months.

33
34 SECTION 107. Arkansas Code § 17-97-303(b)(1), concerning
35 qualifications of an applicant for licensure as a psychological examiner, is
36 amended to read as follows:

1 (b)(1) A candidate for a license shall furnish the board with
2 satisfactory evidence that he or she:

3 ~~(A) Is of good moral character;~~

4 ~~(B)(A)~~ Has a master's degree in psychology or a closely
5 related field from an accredited educational institution recognized by the
6 board as maintaining satisfactory standards;

7 ~~(C)(B)~~ Is competent as a psychological examiner as shown
8 by passing examinations, written or oral, or both, as the board deems
9 necessary;

10 ~~(D)(C)~~ Is not considered by the board to be engaged in
11 unethical practice;

12 ~~(E)(D)~~ Has applied for a criminal background check and has
13 not been found guilty of or pleaded guilty or nolo contendere to any of the
14 offenses listed in § 17-97-312(f); and

15 ~~(F)(E)~~ Has not failed an examination given by the board
16 within the preceding six (6) months.

17
18 SECTION 108. Arkansas Code § 17-97-305(d)(1)(C), concerning the
19 qualifications for examination for a provisional license as a psychologist,
20 is repealed.

21 ~~(C) Has good moral character;~~

22
23 SECTION 109. Arkansas Code § 17-97-305(d)(1)(F), concerning the
24 qualifications for a provisional license for psychologists and psychological
25 examiners, is amended to read as follows:

26 (F) Has not been convicted of ~~a crime involving moral turpitude~~
27 ~~or~~ a felony listed under § 17-2-102;

28
29 SECTION 110. Arkansas Code § 17-97-308(f)(2), concerning annual
30 registration for licensure as a psychologist, is amended to read as follows:

31 (2) If application for reinstatement is made, the board shall
32 consider the ~~moral character~~ and professional qualifications of the applicant
33 as in the case of an original application.

34
35 SECTION 111. Arkansas Code § 17-97-312(d)-(m), concerning criminal
36 background checks for psychologists and psychological examiners, are amended

1 to read as follows:

2 (d) Upon completion of the criminal background check, the
3 Identification Bureau of the Department of Arkansas State Police shall
4 forward to the board all releasable information obtained concerning the
5 applicant ~~in the commission of any offense listed in subsection (f) of this~~
6 ~~section.~~

7 (e) At the conclusion of any background check required by this
8 section, the Identification Bureau of the Department of Arkansas State Police
9 shall promptly destroy the fingerprint card of the applicant.

10 (f) For purposes of this section, the board shall follow the licensing
11 restrictions based on criminal records under § 17-2-102. Except as provided
12 ~~in subdivision (m)(1) of this section, no person shall be eligible to receive~~
13 ~~or hold a license issued by the board if that person has pleaded guilty or~~
14 ~~nolo contendere to or been found guilty of any of the following offenses by~~
15 ~~any court in the State of Arkansas or of any similar offense by a court in~~
16 ~~another state or of any similar offense by a federal court;~~

17 (1) ~~Capital murder as prohibited in § 5-10-101;~~

18 (2) ~~Murder in the first degree as prohibited in § 5-10-102 and~~
19 ~~murder in the second degree as prohibited in § 5-10-103;~~

20 (3) ~~Manslaughter as prohibited in § 5-10-104;~~

21 (4) ~~Negligent homicide as prohibited in § 5-10-105;~~

22 (5) ~~Kidnapping as prohibited in § 5-11-102;~~

23 (6) ~~False imprisonment in the first degree as prohibited in § 5-~~
24 ~~11-103;~~

25 (7) ~~Permanent detention or restraint as prohibited in § 5-11-~~
26 ~~106;~~

27 (8) ~~Robbery as prohibited in § 5-12-102;~~

28 (9) ~~Aggravated robbery as prohibited in § 5-12-103;~~

29 (10) ~~Battery in the first degree as prohibited in § 5-13-201;~~

30 (11) ~~Aggravated assault as prohibited in § 5-13-204;~~

31 (12) ~~Introduction of a controlled substance into the body of~~
32 ~~another person as prohibited in § 5-13-210;~~

33 (13) ~~Aggravated assault upon a law enforcement officer or an~~
34 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

35 (14) ~~Terroristic threatening in the first degree as prohibited~~
36 ~~in § 5-13-301;~~

1 ~~(15) Rape as prohibited in § 5-14-103;~~
2 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~
3 ~~(17) Sexual extortion, § 5-14-113;~~
4 ~~(18) Sexual assault in the first degree, second degree, third~~
5 ~~degree, and fourth degree as prohibited in §§ 5-14-124 — 5-14-127;~~
6 ~~(19) Incest as prohibited in § 5-26-202;~~
7 ~~(20) Offenses against the family as prohibited in §§ 5-26-303 —~~
8 ~~5-26-306;~~
9 ~~(21) Endangering the welfare of an incompetent person in the~~
10 ~~first degree as prohibited in § 5-27-201;~~
11 ~~(22) Endangering the welfare of a minor in the first degree as~~
12 ~~prohibited in § 5-27-205;~~
13 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221;~~
14 ~~(24) Engaging children in sexually explicit conduct for use in~~
15 ~~visual or print media, transportation of minors for prohibited sexual~~
16 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
17 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
18 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
19 ~~performance by a child as prohibited in §§ 5-27-303 — 5-27-305, 5-27-402, and~~
20 ~~5-27-403;~~
21 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~
22 ~~(26) Computer exploitation of a child in the first degree as~~
23 ~~prohibited in § 5-27-605;~~
24 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~
25 ~~(28) Theft of property as prohibited in § 5-36-103;~~
26 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~
27 ~~(30) Arson as prohibited in § 5-38-301;~~
28 ~~(31) Burglary as prohibited in § 5-39-201;~~
29 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~
30 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419 —~~
31 ~~5-64-442;~~
32 ~~(33) Promotion of prostitution in the first degree as prohibited~~
33 ~~in § 5-70-104;~~
34 ~~(34) Stalking as prohibited in § 5-71-229; and~~
35 ~~(35) Criminal attempt, criminal complicity, criminal~~
36 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~

~~3 301, and 5-3 401, to commit any of the offenses listed in this subsection.~~

(g)(1) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

~~(2) Except as provided in subdivision (m)(1) of this section, upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional licensure has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (f) of this section, the board shall immediately revoke the provisional license.~~

~~(h)(1) The provisions of subsection (f) and subdivision (g)(2) of this section may be waived by the board upon the request of:~~

~~(A) An affected applicant for licensure; or~~

~~(B) The person holding a license subject to revocation.~~

~~(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:~~

~~(A) The age at which the crime was committed;~~

~~(B) The circumstances surrounding the crime;~~

~~(C) The length of time since the crime;~~

~~(D) Subsequent work history;~~

~~(E) Employment references;~~

~~(F) Character references; and~~

~~(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of children.~~

~~(i)(1)(h)(1)~~ Any information received by the board from the Identification Bureau of the Department of Arkansas State Police pursuant to under this section shall not be available for examination except by the affected applicant for licensure or his or her authorized representative or the person whose license is subject to revocation or his or her authorized representative.

(2) No record, file, or document shall be removed from the custody of the department.

~~(j)(i)~~ Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

~~(k)(j)~~ Rights of privilege and confidentiality established in this

1 section shall not extend to any document created for purposes other than this
2 background check.

3 ~~(1)(k)~~ The board shall adopt the necessary rules and regulations to
4 fully implement the provisions of this section.

5 ~~(m)(1)~~ For purposes of this section, an expunged record of a
6 conviction or plea of guilty of or nolo contendere to an offense listed in
7 subsection (f) of this section shall not be considered a conviction, guilty
8 plea, or nolo contendere plea to the offense unless the offense is also
9 listed in subdivision (m)(2) of this section.

10 ~~(2)~~ Because of the serious nature of the offenses and the close
11 relationship to the type of work that is to be performed, the following shall
12 result in permanent disqualification:

13 ~~(A) Capital murder as prohibited in § 5-10-101;~~

14 ~~(B) Murder in the first degree as prohibited in § 5-10-102~~
15 ~~and murder in the second degree as prohibited in § 5-10-103;~~

16 ~~(C) Kidnapping as prohibited in § 5-11-102;~~

17 ~~(D) Aggravated assault upon a law enforcement officer or~~
18 ~~an employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

19 ~~(E) Rape as prohibited in § 5-14-103;~~

20 ~~(F) Sexual extortion, § 5-14-113;~~

21 ~~(G) Sexual assault in the first degree as prohibited in §~~
22 ~~5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;~~

23 ~~(H) Incest as prohibited in § 5-26-202;~~

24 ~~(I) Endangering the welfare of an incompetent person in~~
25 ~~the first degree as prohibited in § 5-27-201;~~

26 ~~(J) Endangering the welfare of a minor in the first degree~~
27 ~~as prohibited in § 5-27-205 and endangering the welfare of a minor in the~~
28 ~~second degree as prohibited in § 5-27-206;~~

29 ~~(K) Adult abuse that constitutes a felony as prohibited in~~
30 ~~§ 5-28-103; and~~

31 ~~(L) Arson as prohibited in § 5-38-301.~~

32
33 SECTION 112. Arkansas Code § 17-98-302(a), concerning admission to
34 examination for licensure as a disease intervention specialist, is amended to
35 read as follows:

36 (a) The State Board of Disease Intervention Specialists shall admit to

1 examination any person who makes application to the Secretary of the State
2 Board of Disease Intervention Specialists on forms prescribed and furnished
3 by the board, pays an application fee set by the board to defray the expense
4 of examination, and submits satisfactory proof to the board that he or she:

5 ~~(1) Is a person of good moral character;~~

6 ~~(2)~~(1) Meets the minimum educational requirements;

7 ~~(3)~~(2) Meets the minimum specialized training requirements, as
8 determined by the board;

9 ~~(4)~~(3) Has had two (2) years of field experience in human
10 immunodeficiency virus/sexually transmitted disease intervention; and

11 ~~(5)~~(4) Is actively engaged in the field of human
12 immunodeficiency virus/sexually transmitted disease intervention at the time
13 he or she makes application.
14

15 SECTION 113. Arkansas Code § 17-98-303 is amended to read as follows:

16 17-98-303. Issuance of certificate without examination.

17 The State Board of Disease Intervention Specialists shall issue a
18 certificate of registration without examination to any person who makes
19 application on forms prescribed and furnished by the board, pays a
20 registration fee set by the board, and submits satisfactory proof that he or
21 she:

22 ~~(1) Is of good moral character;~~

23 ~~(2)~~(1) Has had at least two (2) years' experience in the field
24 of human immunodeficiency virus/sexually transmitted disease intervention;
25 and

26 ~~(3)~~(2) Is registered as a disease intervention specialist in a
27 state in which the qualifications for registration are not lower than the
28 qualifications for registration in this state at the time he or she applies
29 for registration.
30

31 SECTION 114. Arkansas Code §§ 17-98-305 and 17-98-306 are amended to
32 read as follows:

33 17-98-305. Application for reinstatement.

34 (a) A former registered disease intervention specialist whose
35 certificate has expired or has been suspended or revoked may make application
36 for reinstatement by paying a renewal fee and submitting satisfactory proof

1 to the State Board of Disease Intervention Specialists that he or she has
2 complied with the continuing education requirements.

3 (b) The board shall consider the ~~moral character~~ and professional
4 qualifications of the applicant as in the case of an original application.

5
6 17-98-306. Refusal to renew – Suspension or revocation.

7 The State Board of Disease Intervention Specialists may refuse to renew
8 or may suspend or revoke a certificate upon proof that the applicant:

9 ~~(1) Is not of good character; or~~

10 ~~(2) Is~~ is guilty of fraud, deceit, gross negligence,
11 incompetency, or misconduct relative to his or her duties as a disease
12 intervention specialist.

13
14 SECTION 115. Arkansas Code § 17-99-302(b), concerning qualifications
15 of an applicant for licensure as a respiratory care practitioner, is amended
16 to read as follows:

17 (b) Each applicant ~~must~~ shall:

18 (1) Be at least eighteen (18) years of age;

19 ~~(2) Be of good moral character;~~

20 ~~(3)~~ (2) Have been awarded a high school diploma or its
21 equivalent;

22 ~~(4)~~ (3) Have satisfactorily completed training in a respiratory
23 care program which has been approved by the Arkansas State Respiratory Care
24 Examining Committee, to include adequate instruction in basic medical
25 science, clinical science, and respiratory care theory and procedures; and

26 ~~(5)~~ (4) Have passed an examination approved by the Arkansas State
27 Medical Board and the committee, unless exempted by other provisions of this
28 chapter.

29
30 SECTION 116. Arkansas Code § 17-99-307(3), concerning the grounds for
31 denial, suspension, or revocation of a respiratory care practitioner license,
32 is repealed.

33 ~~(3) Has been convicted of any crime involving moral turpitude;~~

34
35 SECTION 117. Arkansas Code § 17-100-302(b), concerning qualifications
36 of an applicant for licensure as a speech-language pathologist or

1 audiologist, is amended to read as follows:

2 (b) To be eligible for licensure by the board as a speech-language
3 pathologist or audiologist, a person shall:

4 ~~(1) Be of good moral character;~~

5 ~~(2)~~(1) Possess at least a master's degree in the area of speech-
6 language pathology or a master's degree in audiology obtained on or before
7 December 30, 2006, or a doctoral degree obtained after January 1, 2007, from
8 an educational institution recognized by the board;

9 ~~(3)~~(2) Submit evidence of the completion of the educational,
10 clinical experience, and employment requirements, which shall be based on
11 appropriate national standards and prescribed by the rules adopted under this
12 chapter; and

13 ~~(4)~~(3) Pass an examination approved by the board before the
14 board approves a license.

15
16 SECTION 118. Arkansas Code § 17-100-302(d), concerning qualifications
17 of an applicant for provisional licensure as a speech-language pathologist or
18 audiologist, is amended to read as follows:

19 (d) To be eligible for provisional licensure by the board as a speech-
20 language pathologist or audiologist, a person shall:

21 ~~(1) Be of good moral character;~~

22 ~~(2)~~(1) Possess at least a master's degree in the area of speech-
23 language pathology or audiology, as the case may be, from an educational
24 institution recognized by the board;

25 ~~(3)~~(2) Be in the process of completing the postgraduate
26 professional experience requirement; and

27 ~~(4)~~(3) Pass an examination approved by the board.

28
29 SECTION 119. Arkansas Code § 17-100-307(a)(3), concerning the grounds
30 for denial, suspension, or revocation of a license, or other disciplinary
31 action for speech-language pathologists and audiologists, is amended to read
32 as follows:

33 (3)(A) Being convicted of a felony listed under § 17-2-102 ~~in~~
34 ~~any court of the United States if the acts for which the licensee or~~
35 ~~applicant is convicted are found by the board to have a direct bearing on~~
36 ~~whether he or she should be entrusted to serve the public in the capacity of~~

1 ~~a speech language pathologist or audiologist.~~

2 ~~(B) A plea or verdict of guilty made to a charge of a~~
3 ~~felony or of any offense involving moral turpitude is a conviction within the~~
4 ~~meaning of this section.~~

5 ~~(C)~~(B) At the direction of the board, and after due notice
6 and an administrative hearing in accordance with the provisions of applicable
7 Arkansas laws, the license of the person so convicted shall be suspended or
8 revoked or the board shall decline to issue a license when:

9 (i) The time for appeal has elapsed;

10 (ii) The judgment of conviction has been affirmed on
11 appeal; or

12 (iii) An order granting probation has been made
13 suspending the imposition of sentence, without regard to a subsequent order
14 under the provisions of state law allowing the withdrawal of a guilty plea
15 and the substitution of a not guilty plea, or the setting aside of a guilty
16 verdict, or the dismissal of the acquisition, information, or indictment;

17

18 SECTION 120. Arkansas Code § 17-101-305(a)(4)(A), concerning the
19 grounds for denial, suspension, or revocation of a veterinarian license, is
20 amended to read as follows:

21 (4)(A) Conviction of a felony ~~or other crime involving moral~~
22 ~~turpitude~~ listed under § 17-2-102.

23

24 SECTION 121. Arkansas Code § 17-102-304(a)(3), concerning
25 qualifications of an applicant for provisional licensure as an acupuncturist,
26 is amended to read as follows:

27 (3) Before any applicant shall be eligible for an examination,
28 the applicant shall furnish satisfactory proof to the board that he or she:

29 ~~(A) Is of good moral character by filing with his or her~~
30 ~~application the affidavits of at least two (2) reputable acupuncturists who~~
31 ~~attest to his or her character;~~

32 ~~(B)~~(A) Has successfully completed not fewer than sixty
33 (60) semester credit hours of college education, to include a minimum of
34 thirty (30) semester credit hours in the field of science; and

35 ~~(C)~~(B) Has completed a program in acupuncture and related
36 techniques and has received a certificate or diploma from an institute

1 approved by the board as described in this section. The training received in
2 the program shall be for a period of no fewer than four (4) academic years
3 and shall include a minimum of eight hundred (800) hours of supervised
4 clinical practice.

5
6 SECTION 122. Arkansas Code § 17-102-304(c)(4), concerning
7 qualifications of an applicant for provisional licensure as an acupuncturist,
8 is amended to read as follows:

9 (4) Not have been convicted of a felony listed under § 17-2-102;
10 and

11
12 SECTION 123. Arkansas Code § 17-103-305(b), concerning the grounds for
13 renewal, revocation, or suspension of a social worker license, is amended to
14 read as follows:

15 (b) The board shall refuse to issue or shall revoke the license of a
16 person who has been found guilty of a felony, ~~any crime involving moral~~
17 ~~turpitude,~~ listed under § 17-2-102 or criminal offense involving violence,
18 dishonesty, fraud, deceit, breach of client trust, or abuse of the vulnerable
19 unless the person requests and the board grants a waiver under § 17-103-
20 307(f).

21
22 SECTION 124. Arkansas Code § 17-103-306(a)(1)(D), concerning
23 qualifications of an applicant for licensure as a licensed social worker, is
24 repealed.

25 ~~(D) Has good moral character;~~

26
27 SECTION 125. Arkansas Code § 17-103-306(a)(1)(G), concerning
28 qualifications for a Licensed Social Worker license, is amended to read as
29 follows:

30 (G) Has not pleaded guilty or nolo contendere to or been
31 found guilty of a felony, ~~any crime involving moral turpitude,~~ listed under §
32 17-2-102 or criminal offense involving violence, dishonesty, fraud, deceit,
33 breach of client trust, or abuse of the vulnerable;

34
35 SECTION 126. Arkansas Code § 17-103-306(b)(1)(G), concerning the
36 qualifications for a Licensed Master Social Worker license, is amended to

1 read as follows:

2 (G) Has not pleaded guilty or nolo contendere to or been
3 found guilty of a felony, ~~any crime involving moral turpitude, listed under §~~
4 ~~17-2-102~~ or criminal offense involving violence, dishonesty, fraud, deceit,
5 breach of client trust, or abuse of the vulnerable;

6

7 SECTION 127. Arkansas Code § 17-103-306(c)(1)(H), concerning the
8 qualifications for a Licensed Certified Social Worker license, is amended to
9 read as follows:

10 (H) Has not pleaded guilty or nolo contendere to or been found
11 guilty of a felony, ~~any crime involving moral turpitude, listed under § 17-2-~~
12 ~~102~~ or criminal offense involving violence, dishonesty, fraud, deceit, breach
13 of client trust, or abuse of the vulnerable;

14

15 SECTION 128. Arkansas Code § 17-103-307(d)-(k), concerning criminal
16 background check requirements for social workers, are amended to read as
17 follows:

18 (d) Upon completion of the criminal background check, the
19 Identification Bureau of the Department of Arkansas State Police shall
20 forward to the board all releasable information obtained concerning the
21 applicant ~~in the commission of any offense listed in subsection (e) of this~~
22 ~~section.~~

23 (e) For purposes of this section, the board shall follow the licensing
24 restrictions based on criminal records under § 17-2-102. Except as provided
25 ~~in subdivision (k)(1) of this section, a person is not eligible to receive or~~
26 ~~hold a license issued by the board if that person has pleaded guilty or nolo~~
27 ~~contendere to or been found guilty of a felony, any crime involving moral~~
28 ~~turpitude, or criminal offense involving violence, dishonesty, fraud, deceit,~~
29 ~~breach of client trust, or abuse of the vulnerable, including without~~
30 ~~limitation:~~

31 ~~(1) Capital murder as prohibited in § 5-10-101;~~

32 ~~(2) Murder in the first degree as prohibited in § 5-10-102 and~~
33 ~~murder in the second degree as prohibited in § 5-10-103;~~

34 ~~(3) Manslaughter as prohibited in § 5-10-104;~~

35 ~~(4) Negligent homicide as prohibited in § 5-10-105;~~

36 ~~(5) Kidnapping as prohibited in § 5-11-102;~~

1 ~~(6) False imprisonment in the first degree as prohibited in § 5-~~
2 ~~11-103;~~

3 ~~(7) Permanent detention or restraint as prohibited in § 5-11-~~
4 ~~106;~~

5 ~~(8) Robbery as prohibited in § 5-12-102;~~

6 ~~(9) Aggravated robbery as prohibited in § 5-12-103;~~

7 ~~(10) Battery in the first degree as prohibited in § 5-13-201;~~

8 ~~(11) Aggravated assault as prohibited in § 5-13-204;~~

9 ~~(12) Introduction of a controlled substance into the body of~~
10 ~~another person as prohibited in § 5-13-210;~~

11 ~~(13) Aggravated assault upon a law enforcement officer or an~~
12 ~~employee of a correctional facility, § 5-13-211, if a Class Y felony;~~

13 ~~(14) Terroristic threatening in the first degree as prohibited~~
14 ~~in § 5-13-301;~~

15 ~~(15) Rape as prohibited in § 5-14-103;~~

16 ~~(16) Sexual indecency with a child as prohibited in § 5-14-110;~~

17 ~~(17) Sexual extortion, § 5-14-113;~~

18 ~~(18) Sexual assault in the first degree, second degree, third~~
19 ~~degree, and fourth degree as prohibited in §§ 5-14-124—5-14-127;~~

20 ~~(19) Incest as prohibited in § 5-26-202;~~

21 ~~(20) Offenses against the family as prohibited in §§ 5-26-303—~~
22 ~~5-26-306;~~

23 ~~(21) Endangering the welfare of an incompetent person in the~~
24 ~~first degree as prohibited in § 5-27-201;~~

25 ~~(22) Endangering the welfare of a minor in the first degree as~~
26 ~~prohibited in § 5-27-205;~~

27 ~~(23) Permitting abuse of a minor as prohibited in § 5-27-221(a);~~

28 ~~(24) Engaging children in sexually explicit conduct for use in~~
29 ~~visual or print media, transportation of minors for prohibited sexual~~
30 ~~conduct, pandering or possessing a visual or print medium depicting sexually~~
31 ~~explicit conduct involving a child, or use of a child or consent to use of a~~
32 ~~child in a sexual performance by producing, directing, or promoting a sexual~~
33 ~~performance by a child as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and~~
34 ~~5-27-403;~~

35 ~~(25) Computer child pornography as prohibited in § 5-27-603;~~

36 ~~(26) Computer exploitation of a child in the first degree as~~

1 ~~prohibited in § 5-27-605;~~

2 ~~(27) Felony adult abuse as prohibited in § 5-28-103;~~

3 ~~(28) Theft of property as prohibited in § 5-36-103;~~

4 ~~(29) Theft by receiving as prohibited in § 5-36-106;~~

5 ~~(30) Arson as prohibited in § 5-38-301;~~

6 ~~(31) Burglary as prohibited in § 5-39-201;~~

7 ~~(32) Felony violation of the Uniform Controlled Substances Act,~~

8 ~~§ 5-64-101 et seq., as prohibited in the former § 5-64-401 and §§ 5-64-419~~

9 ~~5-64-442;~~

10 ~~(33) Promotion of prostitution in the first degree as prohibited~~
11 ~~in § 5-70-104;~~

12 ~~(34) Stalking as prohibited in § 5-71-229; and~~

13 ~~(35) Criminal attempt, criminal complicity, criminal~~
14 ~~solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-~~
15 ~~3-301, and 5-3-401, to commit any of the offenses listed in this subsection.~~

16 ~~(f)(1) The provisions of subsection (e) of this section may be waived~~
17 ~~by the board upon the request of:~~

18 ~~(A) An affected applicant for licensure; or~~

19 ~~(B) The person holding a license subject to revocation.~~

20 ~~(2) Circumstances for which a waiver may be granted include, but~~
21 ~~are not limited to, the following:~~

22 ~~(A) The applicant's age at the time the crime was~~
23 ~~committed;~~

24 ~~(B) The circumstances surrounding the crime;~~

25 ~~(C) The length of time since the crime;~~

26 ~~(D) Subsequent work history;~~

27 ~~(E) Employment references;~~

28 ~~(F) Character references; and~~

29 ~~(G) Other evidence demonstrating that the applicant does~~
30 ~~not pose a threat to the health or safety of children or endangered adults.~~

31 ~~(g)(1)(f)(1)~~ Information received by the board from the Identification
32 Bureau of the Department of Arkansas State Police under this section shall
33 not be available for examination except by the affected applicant for
34 licensure or his or her authorized representative or the person whose license
35 is subject to revocation or his or her authorized representative.

36 (2) No record, file, or document shall be removed from the

1 custody of the department.

2 ~~(h)(g)~~ Information made available to the affected applicant for
3 licensure or the person whose license is subject to revocation shall be
4 information pertaining to that person only.

5 ~~(i)(h)~~ Rights of privilege and confidentiality established in this
6 section do not extend to any document created for purposes other than the
7 criminal background check.

8 ~~(j)(i)~~ The board shall adopt the necessary rules to fully implement
9 the provisions of this section.

10 ~~(k)(1)~~ As used in this section, an expunged record of a conviction or
11 plea of guilty or nolo contendere to an offense listed in subsection (e) of
12 this section shall not be a felony, any crime involving moral turpitude, or a
13 criminal offense involving violence, dishonesty, fraud, deceit, breach of
14 client trust, or abuse of the vulnerable unless the offense is also listed in
15 subdivision (k)(2) of this section.

16 ~~(2)~~ Because of the serious nature of the offenses and the close
17 relationship to the type of work that is to be performed, a conviction,
18 guilty plea, or nolo contendere plea to any of the following offenses shall
19 result in permanent disqualification for licensure:

- 20 ~~(A)~~ Capital murder as prohibited in § 5-10-101;
21 ~~(B)~~ Murder in the first degree as prohibited in § 5-10-102
22 and murder in the second degree as prohibited in § 5-10-103;
23 ~~(C)~~ Kidnapping as prohibited in § 5-11-102;
24 ~~(D)~~ Aggravated assault upon a law enforcement officer or
25 an employee of a correctional facility, § 5-13-211, if a Class Y felony;
26 ~~(E)~~ Rape as prohibited in § 5-14-103;
27 ~~(F)~~ Sexual extortion, § 5-14-113;
28 ~~(G)~~ Sexual assault in the first degree as prohibited in §
29 5-14-124 and sexual assault in the second degree as prohibited in § 5-14-125;
30 ~~(H)~~ Endangering the welfare of an incompetent person in
31 the first degree as prohibited in § 5-27-201;
32 ~~(I)~~ Endangering the welfare of a minor in the first degree
33 as prohibited in § 5-27-205 and endangering the welfare of a minor in the
34 second degree as prohibited in § 5-27-206;
35 ~~(J)~~ Engaging children in sexually explicit conduct for use
36 in visual or print media, transportation of minors for prohibited sexual

~~conduct, or pandering or possessing a visual or print medium depicting sexually explicit conduct involving a child, or use of a child or consent to use of a child in a sexual performance by producing, directing, or promoting a sexual performance by a child, as prohibited in §§ 5-27-303—5-27-305, 5-27-402, and 5-27-403;~~

~~(K) Adult abuse that constitutes a felony as prohibited in § 5-28-103; and~~

~~(L) Arson as prohibited in § 5-38-301.~~

SECTION 129. Arkansas Code § 17-104-312(3)(F), concerning violations of the Perfusionist Licensure Act, is amended to read as follows:

(F) A plea of guilty, nolo contendere, or a finding of guilt of a felony listed under § 17-2-102 or any offense substantially related to the qualifications, functions, or duties of a perfusionist, in which event the record shall be conclusive evidence; or

SECTION 130. Arkansas Code § 17-105-102(b)(6), concerning qualifications of an applicant for licensure as a physician assistant, is repealed.

~~(6) Is of good moral character;~~

SECTION 131. Arkansas Code § 17-105-113 is amended to read as follows: 17-105-113. Violation.

Following the exercise of due process, the Arkansas State Medical Board may discipline any physician assistant who:

(1) Fraudulently or deceptively obtains or attempts to obtain a license;

(2) Fraudulently or deceptively uses a license;

(3) Violates any provision of this chapter or any regulations adopted by the board pertaining to this chapter;

(4) Is convicted of a felony listed under § 17-2-102;

(5) Is a habitual user of intoxicants or drugs to such an extent that he or she is unable to safely perform as a physician assistant;

(6) Has been adjudicated as mentally incompetent or has a mental condition that renders him or her unable to safely perform as a physician assistant; or

1 ~~(7) Has committed an act of moral turpitude; or~~

2 ~~(8)~~(7) Represents himself or herself as a physician.

3
4 SECTION 132. Arkansas Code § 17-106-107(a)(2), concerning the
5 licensing requirements for healthcare professionals who use radioactive
6 materials or medical equipment emitting or detecting ionizing radiation on
7 human beings for diagnostic or therapeutic purposes, is amended to read as
8 follows:

9 (2) Submit satisfactory evidence verified by oath or affirmation
10 that the applicant:

11 (A) Is qualified to administer radioactive materials or
12 operate medical equipment emitting or detecting ionizing radiation upon human
13 beings;

14 ~~(B) Is of good moral character;~~

15 ~~(C)~~(B) Is at least eighteen (18) years of age at the time
16 of application; and

17 ~~(D)~~(C) Has been awarded a high school diploma or has
18 passed the General Educational Development Test or the equivalent.

19
20 SECTION 133. Arkansas Code § 17-106-110(a)(2), concerning discipline
21 for healthcare professionals who use radioactive materials or medical
22 equipment emitting or detecting ionizing radiation on human beings for
23 diagnostic or therapeutic purposes, is amended to read as follows:

24 (2) Has been convicted of a felony listed under § 17-2-102 ~~in a~~
25 ~~court of competent jurisdiction either within or outside of this state unless~~
26 ~~the conviction has been reversed and the holder of the license has been~~
27 ~~discharged or acquitted or if the holder has been pardoned with full~~
28 ~~restoration of civil rights, in which case the license shall be restored;~~

29
30 SECTION 134. Arkansas Code § 17-107-310(1), concerning disciplinary
31 action for orthotists, prosthetists, and pedorthists, is amended to read as
32 follows:

33 (1) Has pleaded guilty or nolo contendere to or has been found
34 guilty of a felony listed under § 17-2-102;

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/s/J. Cooper

APPROVED: 4/15/19

State of Arkansas

As Engrossed: H2/4/19 S4/5/19

92nd General Assembly

A Bill

Regular Session, 2019

HOUSE BILL 1255

By: Representative Dotson

By: Senator Hester

For An Act To Be Entitled

AN ACT TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY
SKILLED WORKFORCE IN THE STATE OF ARKANSAS; TO AMEND
THE LAW CONCERNING LICENSING, REGISTRATION, AND
CERTIFICATION FOR CERTAIN PROFESSIONS; TO ESTABLISH A
SYSTEM OF ENDORSEMENT, RECOGNITION, AND RECIPROCITY
FOR LICENSING, REGISTRATION, AND CERTIFICATION FOR
CERTAIN PROFESSIONS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING LICENSING,
REGISTRATION, AND CERTIFICATION FOR
CERTAIN PROFESSIONS; AND TO ESTABLISH A
SYSTEM OF ENDORSEMENT, RECOGNITION, AND
RECIPROCITY FOR LICENSING.

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

SECTION 1. Arkansas Code § 17-1-107 is amended to read as follows:

17-1-107. Reinstatement of licenses - Definition.

~~(a)(1) It is not the intent of the General Assembly to cause the
licensing entity to engage in simple comparisons of the required hours of
training and other personal qualifications under Arkansas's occupational
licensing statutes with those qualifications required in the state where the
person is credentialed.~~

~~(2) It is the intent of the General Assembly to ensure that a
person may be credentialed to work in Arkansas if he or she generally~~



1 ~~demonstrates the skills and ethics required by state law based on the~~
2 ~~person's experience and credentials in another state.~~

3 ~~(b)(a)~~ A occupational licensing entity shall by rule adopt reduced
4 requirements for reinstatement of a license, *registration, permit, or*
5 certification for a person who:

6 (1) Demonstrates that he or she:

7 (A) Was previously licensed, *registered, permitted, or*
8 certified to practice in the field of his or her profession at any time in
9 this state;

10 (B) Held his or her license, *registration, permit, or*
11 certification in good standing at the time of *licensing, registration,*
12 *permitting, or certification*;

13 (C) Did not have his or her license, *registration, permit,*
14 or certification revoked for:

15 (i) An act of bad faith; or

16 (ii) A violation of law, rule, or ethics;

17 (D) Is not holding a suspended or probationary *license,*
18 registration, permit, or certification in any state; and

19 (E) Is sufficiently competent in his or her field; and

20 (2) Pays any reinstatement fee required by law.

21 ~~(e)(b)~~ The occupational licensing entity may require that sufficient
22 competency in a particular field be demonstrated by:

23 (1) Proficiency testing;

24 (2) Letters of recommendation; or

25 (3) Both proficiency testing and letters of recommendation.

26 ~~(d)(1)(c)(1)~~ Except as provided under subdivision ~~(e)(2)(b)~~ of this
27 section, the occupational licensing entity shall not require a person who
28 meets the requirements of subsection (a) of this section to participate in
29 the apprenticeship, education, or training required as a prerequisite to
30 licensing, *registration, permitting, or* certification of a new professional
31 in the field.

32 (2) The occupational licensing entity may require the person to
33 participate in continuing education or training if the continuing education
34 or training is required for all professionals in the field to maintain the
35 license, *registration, permit, or* certification.

36 ~~(e)(d)~~ A person shall not be required to comply with requirements

1 under this section to obtain reinstatement of his or her license,
2 registration, permit, or certification if the person meets the requirements
3 for reciprocity.

4 ~~(f)~~(e) If a criminal background check is required of an applicant for
5 an original license, registration, permit, or certification, or of a person
6 currently holding a license, registration, permit, or certification, then the
7 occupational licensing entity may require a person seeking reinstatement
8 under this section to meet the same criminal background check requirements as
9 the applicant for an original license, registration, permit, or
10 certification, or as the person currently holding a license, registration,
11 permit, or certification.

12 ~~(g)~~(f)(1) As used in this section, "occupational licensing entity"
13 means an agency, office, council, bureau, board, commission, department,
14 committee, or other authority of the government of the State of Arkansas,
15 whether within or subject to review by another agency, ~~except the General~~
16 ~~Assembly, the courts, and the Governor,~~ that has the duty to license,
17 register, permit, certify, or otherwise approve a person to work in a
18 particular field or industry.

19 (2) As used in subdivision (f)(1) of this section "agency"
20 does not include the General Assembly, the courts, or the Governor.

21
22 SECTION 2. Arkansas Code § 17-1-108, as added by Acts 2019, No. 426,
23 is amended to read as follows:

24 17-1-108. Expedited temporary and provisional licensure – Legislative
25 intent.

26 (a)(1) It is the intent of the General Assembly to ensure that an
27 individual may be credentialed to work in Arkansas if he or she generally
28 demonstrates the skills and ethics required by state law based on the
29 individual's experience and credentials in another state.

30 (2) It is not the intent of the General Assembly to cause the
31 licensing entity to engage in simple comparisons of the required hours of
32 training and other personal qualifications under Arkansas's occupational
33 licensing statutes with those qualifications required in the state where the
34 individual is credentialed.

35 ~~(a)~~(b) As used in this section:

36 (1) "Individual" means a natural person, firm, association,

1 partnership, corporation, or other entity that may hold an occupational
2 licensure;

3 (2) "Occupational licensing entity" means an office, board,
4 commission, committee, department, council, bureau, or other agency of state
5 government having authority to license, certify, register, permit, or
6 otherwise authorize an individual to engage in a particular occupation or
7 profession; and

8 (3) "Occupational licensure" means a license, certificate,
9 registration, permit, or other form of authorization required by law or rule
10 that is required for an individual to engage in a particular occupation or
11 profession.

12 ~~(b)(c)~~ An occupational licensing entity shall by rule adopt the least
13 restrictive requirements for occupational licensure for an individual who:

14 (1) Demonstrates that he or she:

15 (A) Holds an occupational licensure that is substantially
16 similar to practice in the field of his or her occupation or profession in
17 another state, territory, or district of the United States;

18 (B) Holds his or her occupational licensure in good
19 standing;

20 (C) Has not had his or her occupational licensure revoked
21 for:

22 (i) An act of bad faith; or

23 (ii) A violation of law, rule, or ethics;

24 (D) Is not holding a suspended or probationary
25 occupational licensure in any state, territory, or district of the United
26 States; and

27 (E) Is sufficiently competent in his or her field; and

28 (2) Pays any occupational licensure fee required by law or rule.

29 ~~(e)(1)(A)(d)(1)(A)~~ An occupational licensing entity shall comply with
30 the requirements under subsection ~~(b)(c)~~ of this section by adopting the
31 least restrictive rule that allows for reciprocity or licensure by
32 endorsement.

33 (B) The rule adopted under subdivision ~~(e)(1)(A)(d)(1)(A)~~
34 of this section shall provide the procedure by which an occupational
35 licensing entity shall grant a temporary and provisional occupational
36 licensure for ninety (90) days or longer to an individual under subsection

1 ~~(b)(c)~~ of this section if presented with evidence of a current and active
2 occupational licensure that is substantially similar to practice in the field
3 of his or her occupation or profession in another state, territory, or
4 district of the United States.

5 (2) If a state, territory, or district of the United States does
6 not require occupational licensure for a profession that requires
7 occupational licensure in this state, an occupational licensing entity shall
8 adopt a rule that is least restrictive to permit an individual who is
9 sufficiently competent in his or her field to obtain occupational licensure
10 for that occupation or profession in this state.

11 (3) The occupational licensing entity may require additional
12 state-specific education for an individual with an occupational licensure in
13 another state, territory, or district of the United States that does not
14 offer reciprocity similar to reciprocity under this section to individuals
15 with occupational licensure in this state.

16 ~~(d)(1)(e)(1)~~ Except as provided under subdivision ~~(d)(1)(e)(2)~~ of this
17 section, an occupational licensing entity shall not require an individual who
18 meets the requirements of subsection ~~(b)(c)~~ of this section to participate in
19 the apprenticeship, education, or training required as a prerequisite to
20 occupational licensure of a new professional in the field.

21 (2) The occupational licensing entity may require the individual
22 to participate in continuing education or training if the continuing
23 education or training is required for all professionals in the field to
24 maintain the occupational licensure.

25 ~~(e)(f)~~ If a criminal background check is required of an applicant for
26 an initial occupational licensure or of ~~a person~~ an individual currently
27 holding an occupational licensure, then the occupational licensing entity may
28 require ~~a person~~ an individual seeking his or her occupational licensure
29 under this section to meet the same criminal background check requirements as
30 the applicant for an initial occupational licensure or as the ~~person~~
31 individual currently holding an occupational licensure.

32 ~~(f)(g)~~ The occupational licensing entity may require the individual
33 applying for occupational licensure under this section to meet any bonding,
34 financial statement, or insurance requirements that are applicable to all
35 applicants.

36 ~~(g)(h)~~ This section shall not apply to:

1 (1) Reciprocity or license by endorsement provisions under §§
2 17-12-308, 17-26-315, 17-27-308, 17-28-306, 17-31-308, 17-36-304, 17-42-305,
3 17-43-307, 17-83-305, 17-88-305, 17-89-305, 17-90-302, 17-92-114, 17-92-308,
4 17-93-414, 17-97-306, 17-99-304, 17-100-304, and 17-103-302; or

5 (2) The occupational licensing entities that administer the
6 reciprocity provisions under subdivision ~~(g)~~~~(1)~~(h)(1) of this section.

7 ~~(h)~~(i) An occupational licensing entity may enter into written
8 agreements with similar occupational licensing entities of another state,
9 territory, or district of the United States as necessary to assure ~~for~~ that
10 licensees in this state have comparable nonresident licensure opportunities
11 as those opportunities available to nonresidents by occupational licensing
12 entities in this state.

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15 /s/Dotson
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18 **APPROVED: 4/15/19**
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