

State of Arkansas

76th General Assembly

Regular Session, 1987

AS ENGROSSED 2/4/87

HOUSE BILL 1384

By: Rep. Collier

"AN ACT TO AMEND SECTIONS 21 AND 28 OF ACT 96 OF 1913, [ARK. STAT. 82-118 AND 82-121], ESTABLISHING A FEE SYSTEM FOR SOME LABORATORY INVESTIGATIONS CONDUCTED BY THE ARKANSAS DEPARTMENT OF HEALTH AND INCREASING THE FINES FOR VIOLATING BOARD OF HEALTH RULES AND REGULATIONS; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 21 of Act 96 of 1913, the same being Arkansas Statute 82-118, is hereby amended to read as follows:

"Section 21. (a) The State Board of Health shall establish, equip and maintain a hygienic laboratory, which shall be used for making analyses of foods and drugs, for the purpose of enforcing pure food and drug laws, for making analyses of the environment for the purpose of investigating cases or suspected cases of human exposure and for making investigations of cases and suspected cases of malaria, diphtheria, typhoid fever, tuberculosis, epidemic cerebro-spinal meningitis, glanders, hookworm disease, rabies, and other infectious, contagious, communicable, and debilitating diseases. The said hygienic laboratory shall be established and maintained at the Arkansas Department of Health under the direct supervision of the Director of the Department of Health or his authorized representatives.

(b) The Department of Health may collect a fee of ten dollars (\$10.00) for each water sample submitted to the hygienic laboratory for coliform examination. The Department of Health may collect a fee of thirty-five dollars (\$35.00) for each sample submitted for asbestos analysis. All fees levied and collected under this provision are hereby declared to be 'special revenues' and shall be deposited in the State Treasury, there to be credited to the Public Health Fund.

(c) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the Disbursing Officer for the Department of Health is hereby authorized to transfer all unexpended funds relative to the laboratory services that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year."

SECTION 2. Section 28 of Act 96 of 1913, the same being Arkansas Statute 82-121, is hereby amended to read as follows:

"Section 28. Every firm, person or corporation violating any of the provisions of this act, or any of the orders, rules or regulations made and promulgated in pursuance hereof, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment not exceeding one (1) month, or both and each day of violation shall constitute a separate offense."

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly that due to current revenue short falls the services offered by the Department of Health to the citizens of this State are threatened; that an equitable method of maintaining these services is to provide for a fee to be paid by those citizens who request the assistance of the State Department of Health; that this Act is designed to provide for the collection of such fees and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/ Tom Collier

