

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 803

By: Senator Madison

For An Act To Be Entitled

AN ACT TO LICENSE MOLD INVESTIGATORS; TO
ESTABLISH STANDARDS FOR MOLD INVESTIGATIONS; TO
ESTABLISH QUALIFICATIONS FOR MOLD INVESTIGATORS;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO LICENSE MOLD INVESTIGATORS; TO
ESTABLISH STANDARDS FOR MOLD
INVESTIGATIONS; AND TO ESTABLISH
QUALIFICATIONS FOR MOLD INSPECTORS.

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

17-54-101. Title.

This chapter shall be known and may be cited as the "Arkansas Mold
Investigator Licensing Act".

17-54-102. Definitions.

As used in this chapter:

(1) "Mold" means any fungus, including spores, hyphae, and
mycellial fragments;

(2) "Board" means the State Plant Board; and

(3)(A) "Mold investigator" means a person who, for a fee,
performs the service of examining residential or commercial buildings to
confirm or refute the presence of a proliferative source of mold in a
residential or commercial building.

(B) A service performed under subdivision (3)(A) of this



1 section may be offered as a singular service or combined with any other
2 services.

3
4 17-54-103. Mold investigation -- Penalty.

5 (a)(1) After January 1, 2010, a person shall not collect a fee for
6 performing services as a mold investigator in the state of Arkansas, nor hold
7 himself or herself out as a mold investigator without being licensed to
8 perform a mold investigation by the State Plant Board.

9 (2) The board may impose a fine not to exceed one thousand
10 dollars (\$1,000) per incident for a violation of this section.

11 (b)(1) A person licensed under this chapter shall satisfactorily
12 demonstrate one (1) or more of the following qualification criteria:

13 (A) Certification as a Certified Industrial Hygienist by
14 the American Industrial Hygiene Association;

15 (B) Certification as a Certified Microbial Consultant by
16 the American Indoor Air Quality Council;

17 (C) Successful completion of at least 20 (twenty) hours of
18 college-level microbiology.

19 (2) A person licensed under this chapter shall not confirm or
20 refute the presence of mold in a residential or commercial building without
21 having first:

22 (A) Performed an onsite investigation of the premises
23 conducted under the best practices set forth in the guidelines established by
24 the American Conference of Governmental Industrial Hygienists and the
25 American Industrial Hygiene Association, as they existed on January 1, 2009;
26 or

27 (B) If air samples or bulk samples of any kind are taken
28 from a residence or commercial building for culture or appropriate
29 examination by a commercial laboratory, the analysis shall be performed by a
30 laboratory accredited by and actively participating in the American
31 Industrial Hygiene Association's Environmental Microbiology Laboratory
32 Accreditation Program.

33 (3) A written copy of an analysis from the laboratory under this
34 chapter shall be provided to the person or entity that has retained the
35 services of the mold investigator.

36 (c) A licensed mold investigator shall not interpret the results of a

1 laboratory analysis or make recommendations based on the laboratory analysis
2 unless the licensed mold investigator has at least one (1) of the credentials
3 listed in subdivision (b)(1) of this section.

4 (d) A licensed mold investigator shall not perform services to
5 remediate mold.

6
7 17-54-104. Mold investigator licensure.

8 (a) The State Plant Board shall administer and enforce the licensure
9 of mold investigators in this state.

10 (b) The board shall adopt rules necessary to implement this chapter,
11 including without limitation:

12 (1) Initial registration and annual renewal procedures for
13 licensure of mold inspectors;

14 (2) Collection of an annual license fee not to exceed one
15 hundred fifty dollars (\$150) per person;

16 (3) Collection of fines under § 17-54-103;

17 (4) Establishment of standards of practice and a code of ethics
18 for mold inspectors; and

19 (5) Enforcement of procedures in accordance with the Arkansas
20 Administrative Procedures Act, § 25-15-201, et seq., for the suspension and
21 revocation of mold inspector licenses and for appeals of suspension and
22 revocation actions.

23 (c) Funds received by the board under this chapter shall be deposited
24 into the State Treasury to the credit of the State Plant Board Operations and
25 Facilities Construction Fund and shall be utilized for the general operations
26 of the board.

27 (d) A person licensed under this chapter shall not be granted an
28 initial license without having first attended a comprehensive mold
29 identification and sampling course that has been certified by the board.