

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas  
87th General Assembly  
Regular Session, 2009

As Engrossed: S3/18/09

# 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)(i) "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.

(ii) "Mold investigation" does not include an



employee of an insurance company or an adjuster when the employee or adjuster is adjusting a claim under an insurance policy.

(B) A service performed under subdivision (3)(A)(i) of this section may be offered as a singular service or combined with any other services.

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

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

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

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

(A) Certification as a Certified Industrial Hygienist by the American Board of Industrial Hygiene;

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

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

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

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

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

(3) A written copy of an analysis from the laboratory under this

1 chapter shall be provided to the person or entity that has retained the  
2 services of the mold investigator.

3 (c) A licensed mold investigator shall not interpret the results of a  
4 laboratory analysis or make recommendations based on the laboratory analysis  
5 unless the licensed mold investigator has at least one (1) of the credentials  
6 listed in subdivision (b)(1) of this section.

7 (d) A licensed mold investigator shall not perform services to  
8 remediate mold.

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10 17-54-104. Mold investigator licensure.

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

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

15 (1) Initial registration and annual renewal procedures for  
16 licensure of mold inspectors;

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

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

20 (4) Establishment of standards of practice and a code of ethics  
21 for mold inspectors; and

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

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

30 (d) This chapter does not apply to employees of the state performing  
31 work within the scope of their official duties.

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33 */s/ Madison*  
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