

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1355

5 By: Representative B. Wilkins  
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## For An Act To Be Entitled

8 AN ACT TO ALIGN ARKANSAS'S PENALTIES RELATED TO  
9 VIOLATIONS OF LEAD-BASED PAINT RULES WITH THOSE  
10 REQUIRED BY FEDERAL LAW; AND FOR OTHER PURPOSES.  
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## Subtitle

12 TO ALIGN ARKANSAS'S PENALTIES RELATED TO  
13 VIOLATIONS OF LEAD-BASED PAINT RULES WITH  
14 THOSE REQUIRED BY FEDERAL LAW.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 20-27-2504 is amended to read as follows:  
22 20-27-2504. Criminal, civil, and administrative penalties.

23 ~~A person or entity that violates this subchapter, commits any unlawful~~  
24 ~~act under this subchapter, or violates any rule or order of the State Board~~  
25 ~~of Health under this subchapter is subject to the penalty provisions under §~~  
26 ~~20-7-101 et seq.~~

27 (a)(1) A firm, person, or corporation that violates this subchapter or  
28 an order or rule adopted under this subchapter commits a misdemeanor  
29 punishable by a fine of not less than one hundred dollars (\$100) nor more  
30 than five hundred dollars (\$500) or by imprisonment not exceeding one (1)  
31 month, or both.

32 (2) Each day of violation under subdivision (a)(1) of this  
33 section is a separate offense.

34 (b)(1)(A)(i) A firm, person, or corporation that violates a rule  
35 adopted by the State Board of Health or who violates a condition of a  
36 license, permit, certificate, or another type of registration issued by the



1 board may be assessed a civil penalty by the board.

2 (ii) A penalty assessed under subdivision  
 3 (b)(1)(A)(i) of this section shall not exceed five thousand dollars (\$5,000)  
 4 for each violation.

5 (iii) Each day of a continuing violation may be  
 6 deemed a separate violation for purposes of penalty assessments under this  
 7 subdivision (b)(1)(A).

8 (B) However, a civil penalty shall not be assessed until  
 9 the person charged with the violation has been given an opportunity for a  
 10 hearing on the violation.

11 (2) A civil penalty collected under this section shall be  
 12 deposited into the State Treasury and credited to the Public Health Fund to  
 13 be used to defray the costs of administering this subchapter.

14 (3) Subject to rules implemented by the Chief Fiscal Officer of  
 15 the State, the disbursing officer for the Department of Health may require  
 16 unexpended funds from civil penalties collected under this section, as  
 17 certified by the Chief Fiscal Officer of the State, to be carried forward and  
 18 made available for expenditures for the same purpose for the following fiscal  
 19 year.

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