1	State of Arkansas	111	
2	93rd General Assembly	A Bill	
3	Regular Session, 2021		HOUSE BILL 1216
4			
5	By: Representative Dotson		
6	By: Senator J. Dismang		
7			
8	I	For An Act To Be Entitled	
9	AN ACT TO AMENI	O ARKANSAS LAW CONCERNING T	THE
10	CODIFICATION OF	F ADMINISTRATIVE RULES; TO	REVISE
11	CERTAIN ARKANSA	AS LAWS CONCERNING ADMINIST	RATIVE RULES
12	TO ALLOW FOR TH	HE DEVELOPMENT OF THE CODE	OF ARKANSAS
13	RULES; AND FOR	OTHER PURPOSES.	
14			
15			
16			
17		Subtitle	
18	TO REVISE	CERTAIN ARKANSAS LAWS	
19	APPLICABL	E TO ADMINISTRATIVE RULES T	О
20	ALLOW FOR	THE DEVELOPMENT OF THE COL	DE OF
21	ARKANSAS	RULES.	
22			
23			
24	BE IT ENACTED BY THE GENERA	AL ASSEMBLY OF THE STATE OF	ARKANSAS:
25			
26	SECTION 1. Arkansas	Code § 1-2-124 is amended	to read as follows:
27	1-2-124. Respectful I	language — Disabilities — D	efinition.
28	(a)(l) The General A	Assembly recognizes that la	nguage used in reference
29	to individuals with disabil	lities shapes and reflects	society's attitudes
30	toward people with disabili	ities. Many of the terms cu	rrently used demean the
31	humanity and natural condit	ion of having a disability	. Certain terms are
32	demeaning and create an inv	visible barrier to inclusio	n as equal community
33	members.		
34	(2) The Genera	al Assembly finds it necess	ary to clarify preferred
35	language for new and revise	ed laws <u>and administrative</u>	rules by requiring the
36	use of terminology that put	s the person before the di	sability.

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1
           (b)(1) In any bill or resolution, the Bureau of Legislative Research
 2
     shall avoid all references to:
 3
                       (A)
                            "Disabled":
 4
                       (B) "Developmentally disabled";
 5
                       (C)
                            "Mentally disabled";
 6
                       (D) "Mentally ill";
 7
                       (E) "Mentally retarded";
                       (F) "Handicapped";
 8
 9
                       (G) "Cripple"; and
10
                       (H) "Crippled".
11
                 (2) The Arkansas Code Revision Commission shall change such
12
     references in any existing statute or resolution as sections including these
13
     references are republished or otherwise amended by law.
14
                 (3) The Bureau of Legislative Research and the Arkansas Code
15
     Revision Commission shall replace the inappropriate terms in subdivision
16
     (b)(l) of this section with the following terms:
17
                       (A) "Individuals with disabilities";
18
                       (B) "Individuals with developmental disabilities";
19
                       (C) "Individuals with mental illness"; and
                       (D) "Individuals with intellectual disabilities".
20
           (c)(1) In any administrative rule, a state agency shall avoid the
21
22
     inappropriate terms in subdivision (b)(1) of this section and shall use the
23
     terms in subdivision (b)(3) of this section.
24
                 (2) The Bureau of Legislative Research shall:
25
                       (A) Replace in the Code of Arkansas Rules the
26
     inappropriate terms in subdivision (b)(1) of this section with the terms in
     subdivision (b)(3) of this section when:
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28
                             (i) A section of the Code of Arkansas Rules is
29
     created or amended and the state agency did not make the change during the
30
     promulgation process; or
31
                             (ii) The Bureau of Legislative Research identifies
32
     in a section of the Code of Arkansas Rules an inappropriate term in
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     subdivision (b)(1) of this section; and
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                       (B) Consult with the state agency that promulgated the
35
     section of the Code of Arkansas Rules that contains the inappropriate term in
36
     subdivision (b)(1) of this section when making the change.
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1	$\frac{(2)}{(3)}$ If a state agency identifies a use of an inappropriate				
2	term under subdivision (b)(l) of this section in a rule, the state agency				
3	shall <u>:</u>				
4	(A) promulgate Promulgate a revision to the rule to				
5	replace the inappropriate term with a term under subdivision (b)(3) of this				
6	section; and				
7	(B) Request the Bureau of Legislative Research to make the				
8	change in the Code of Arkansas Rules under subdivision (c)(2) of this				
9	section.				
10	$\frac{(3)}{(4)}$ As used in this subsection, "state agency" means any				
11	office, board, commission, department, council, bureau, or other agency of				
12	state government having authority by statute enacted by the General Assembly				
13	to promulgate or enforce administrative rules.				
14	(d) A statute, resolution, or rule is not invalid because it does not				
15	comply with this section.				
16					
17	SECTION 2. Arkansas Code § 25-15-202(9)(B), concerning exceptions to				
18	the definition of "rule" under the Arkansas Administrative Procedure Act, is				
19	amended to read as follows:				
20	(B) "Rule" does not mean:				
21	(i) A statement that concerns the internal				
22	management of a state agency and that does not affect the private rights or				
23	procedures available to the public;				
24	(ii) A declaratory order or ruling issued under §				
25	25-15-206 or other provision of law applicable to the state agency issuing				
26	the declaratory order or ruling;				
27	(iii) Intra-agency memoranda; or				
28	(iv) A medical code within the Arkansas Medicaid				
29	Program that is issued by the Centers for Medicare and Medicaid Services,				
30	including without limitation:				
31	(a) Current Procedural Terminology codes;				
32	(b) Healthcare Common Procedure Coding System				
33	codes;				
34	(c) International Classification of Diseases				
35	codes;				
36	(d) National Uniform Billing Committee				

1	Official UB-04 Specifications Manual codes; and		
2	(e) National Correct Coding Initiative codes;		
3	(v) The addition of formatting to one (1) or more		
4	rules, including without limitation one (1) or more sections of the Code of		
5	Arkansas Rules, in order to create a handbook, manual, pamphlet, or other		
6	similar publication for the purpose of packaging or distributing materials		
7	for public use, including without limitation the addition of:		
8	(a) A cover or title page;		
9	(b) A table of contents; or		
10	(c) An index;		
11	(vi) A technical correction under § 25-15-218; or		
12	(vii)(a) Unless required by law to be promulgated as		
13	a rule, a form developed by an agency to implement or interpret a rule.		
14	(b) A form under subdivision		
15	(9)(B)(vii)(a) of this section shall not contain language that otherwise		
16	meets the definition of a rule under subdivision (9)(A) of this section		
17	unless:		
18	(1) The language is derived from		
19	an existing law or rule; and		
20	(2) A citation to the existing law		
21	or rule is included on the form; and		
22			
23	SECTION 3. Arkansas Code § 25-15-218 is amended to add an additional		
24	subsection to read as follows:		
25	(f)(1) The bureau may make a technical correction to a rule codified		
26	in the Code of Arkansas Rules:		
27	(A) Pursuant to the request of an agency; or		
28	(B)(i) Upon the bureau's own initiative.		
29	(ii)(a) Before making a technical correction under		
30	subdivision (f)(l)(B)(i) of this section, the bureau shall consult with the		
31	agency that promulgated the rule for which the correction is necessary.		
32	(b) An agency that objects to a technical		
33	correction made by the bureau under subdivision (f)(l)(B)(i) of this section		
34	may appeal the technical correction in the same manner that an agency may		
35	appeal the form of a codification of a rule under subdivision (a)(1)(C)(ii)		
36	of this section.		

1	(2) Technical corrections under this subsection (1) may include			
2	without limitation changes to:			
3	(A) A website address;			
4	(B) A physical address;			
5	(C) A phone number; and			
6	(D) Contact information.			
7	(3) When making a technical correction under this subsection,			
8	the bureau shall not change the substance or meaning of a rule.			
9				
10	SECTION 4. Uncodified Section 6 of Acts 2019, No. 662, is amended to			
11	read as follows:			
12	SECTION 6. DO NOT CODIFY. (a) No later than December 31, 2019, each			
13	agency subject to § 25-15-218 shall transmit to the Bureau of Legislative			
14	Research an electronic version of each rule that has been adopted and is			
15	currently in effect.			
16	(b) The Bureau of Legislative Research shall:			
17	(1) Inform each agency of the format in which rules shall be			
18	transmitted under subsection (a) of this section;			
19	(2) Submit a report on the status of the codification to the			
20	Legislative Council on January 1, April 1, July 1, and October 1 of each year			
21	until the codification is complete; and			
22	(3)(A) Complete the codification of the Code of Arkansas Rules			
23	required in this act by January 1, $\frac{2023}{2024}$.			
24	(B) The Legislative Council may extend the date under			
25	subdivision (b)(3)(A) of this section.			
26	(c)(1) To promote the efficient development of a Code of Arkansas			
27	Rules, the Bureau of Legislative Research shall work with the Governor's			
28	Office to coordinate and direct agencies in the effort to develop the Code of			
29	Arkansas Rules.			
30	(2) The Bureau of Legislative Research may establish a phased			
31	approach which requires agencies to submit portions of their rules before			
32	December 31, 2019.			
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35				
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