

1 State of Arkansas As Engrossed: H3/16/21 H3/22/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1369

4

5 *By: Representative Slape*

6 By: Senator J. English

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For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE CREATION AND ADMINISTRATION
 10 OF A REGULATORY DIVISION OF THE DEPARTMENT OF FINANCE
 11 AND ADMINISTRATION AND THE APPOINTMENT OF A
 12 REGULATORY ADMINISTRATOR OF THE REGULATORY DIVISION
 13 OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO
 14 PROVIDE FOR THE ASSIGNMENT OF ENFORCEMENT AGENTS FOR
 15 THE REGULATORY DIVISION OF THE DEPARTMENT OF FINANCE
 16 AND ADMINISTRATION; TO AMEND THE LAW CONCERNING
 17 ENFORCEMENT AGENTS FOR STATE AGENCIES WITHIN THE
 18 REGULATORY DIVISION OF THE DEPARTMENT OF FINANCE AND
 19 ADMINISTRATION; AND FOR OTHER PURPOSES.

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Subtitle

23 TO PROVIDE FOR THE CREATION OF A
 24 REGULATORY DIVISION OF THE DEPARTMENT OF
 25 FINANCE AND ADMINISTRATION, THE
 26 APPOINTMENT OF A REGULATORY
 27 ADMINISTRATOR, AND THE ASSIGNMENT OF
 28 ENFORCEMENT AGENTS.

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

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33 SECTION 1. Arkansas Code Title 25, Chapter 8, Subchapter 1, is amended
 34 to add an additional section to read as follows:

35 25-8-111. Regulatory Division – Regulatory Administrator.

36 (a) The Regulatory Division is created within the Department of



1 Finance and Administration and is designated as a law enforcement agency.

2 (b)(1) Notwithstanding § 25-8-101(b), the Governor shall appoint a
3 Regulatory Administrator of the Regulatory Division.

4 (2) The Regulatory Administrator shall:

5 (A) Serve at the pleasure of the Governor;

6 (B) Report to the Secretary of the Department of Finance
7 and Administration;

8 (C) Maintain oversight of the Regulatory Division, which
9 shall consist of:

10 (i) The Alcoholic Beverage Control Division;

11 (ii) The Alcoholic Beverage Control Enforcement
12 Division;

13 (iii) Arkansas Tobacco Control; and

14 (iv) The Arkansas Racing Commission; and

15 (D)(i) Assign personnel as enforcement agents of the
16 Regulatory Division.

17 (ii) An enforcement agent assigned under this
18 section:

19 (a) Shall be considered a full-time law
20 enforcement officer after meeting standards established by the Arkansas
21 Commission on Law Enforcement Standards and Training under § 12-9-101 et
22 seq.;

23 (b) Has statewide law enforcement authority;
24 and

25 (c) Has the right to enter, inspect records,
26 and seize contraband in or on any licensed premises as a condition of the
27 license or permit.

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29 SECTION 2. Arkansas Code § 3-2-210 is repealed.

30 ~~3-2-210. Authority of enforcement agent—Deputy Director of Education~~
31 ~~—Law enforcement officer.~~

32 ~~(a) The right of any enforcement agent, law enforcement officer, or~~
33 ~~the Deputy Director of Education of the Alcoholic Beverage Control Division,~~
34 ~~when duly designated by the Director of the Alcoholic Beverage Control~~
35 ~~Enforcement Division, to enter, inspect records, and seize contraband in or~~
36 ~~on any licensed premises shall be deemed to be a condition of the license or~~

1 ~~permit to sell alcoholic beverages granted by this state.~~

2 ~~(b) A duly designated enforcement agent or the deputy director shall~~
3 ~~have all powers, rights, and protection provided to all other law enforcement~~
4 ~~officers by the laws of this state, specifically including the power of~~
5 ~~arrest and service of warrants and the right to bear arms in the line of~~
6 ~~duty.~~

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8 SECTION 3. Arkansas Code § 26-57-266 is repealed.

9 ~~26-57-266. Enforcement agents—Selection—Qualifications—~~
10 ~~Authority.~~

11 ~~(a) Arkansas Tobacco Control is designated as a law enforcement~~
12 ~~agency.~~

13 ~~(b) The Director of Arkansas Tobacco Control shall assign personnel as~~
14 ~~agents of Arkansas Tobacco Control to conduct investigations of violations of~~
15 ~~tobacco laws in this state.~~

16 ~~(c) Personnel assigned as agents of Arkansas Tobacco Control shall:~~

17 ~~(1) Be considered fulltime law enforcement officers by the~~
18 ~~Arkansas Commission on Law Enforcement Standards and Training under § 12-9-~~
19 ~~101 et seq.; and~~

20 ~~(2) Have statewide law enforcement authority.~~

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22 */s/Slape*
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