

SUMMARY OF GENERAL LEGISLATION

.....

93RD GENERAL ASSEMBLY OF THE STATE OF ARKANSAS

2021

Regular Session

January 11, 2021 – April 28, 2021*



Bureau of Legislative Research
June 2021

*Under HCR1015 of 2021, the Regular Session is extended until such time that the Ninety-Third General Assembly is able to complete its work on congressional redistricting.

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REGULAR SESSION ACTS

AGRICULTURE

AGRICULTURE DEPARTMENT

Agricultural Land Reporting - Foreign Person

[ACT 1046](#) (SB312) requires a foreign person required to make a report to the United States Department of Agriculture under the Agricultural Foreign Investment Disclosure Act to also file a copy of the report with the Secretary of the Department of Agriculture.

Boards, Commissions, and Committees - Repeal

[ACT 501](#) (HB1658) amends the laws concerning boards, commissions, and committees within the Department of Agriculture by repealing the Arkansas Fire Ant Advisory Board, the litter utilization committee, and the Wetlands Technical Advisory Committee. The act also corrects a transfer error from Acts 2019, No. 910 that transferred the Red River Compact Commission as a state agency to the Department of Agriculture instead of the Red River Commission.

Fair-Funding Program

[ACT 700](#) (SB613) establishes a fair-funding program within the Department of Agriculture. The act repeals existing law regarding livestock shows and fairs and establishes the Agri Fair Fund.

AGRONOMY

Abandoned Agricultural Pesticide Disposal Act

[ACT 364](#) (HB1471) amends the Abandoned Agricultural Pesticide Disposal Act to clarify the responsibilities of the Department of Agriculture and the State Plant Board and to amend the amount of the abandoned pesticide disposal fee.

Plant Industries

[ACT 557](#) (HB1679) amends laws related to plant industries regarding pesticide control, fertilizer registration, and lime vendor licensing by moving certain duties to the Department of Agriculture from the State Plant Board and eliminating the lime vendor license.

CROPS

Industrial Hemp

[ACT 565](#) (HB1640) amends the law regarding industrial hemp production to repeal the Arkansas Industrial Hemp Act and to establish the Arkansas Industrial Hemp Production Act. The act requires the Department of Agriculture to develop a plan to monitor and regulate the industrial hemp production program in the state and to submit the state plan to the United States Secretary of Agriculture. The act requires the State Plant Board to adopt rules to implement the act and address the licensure, records, inspection and sampling, testing, reporting, transportation, and eligibility to participate related to the industrial hemp production program.

LIVESTOCK AND POULTRY

Artificial Insemination

[ACT 131](#) (HB1142) recognizes artificial insemination of livestock and animals as a routine animal husbandry practice.

Feral Hogs

[ACT 692](#) (HB1636) amends the law regarding feral hogs. The act deems a feral hog an imminent threat to public health and safety and amends the law regarding the capturing and killing of feral hogs. The act amends the law regarding releasing feral hogs into the wild and clarifies the powers and duties of the Arkansas Livestock and Poultry Commission related to feral hogs.

AGRICULTURE

LIVESTOCK AND POULTRY

Fowl Carcasses

[ACT 716](#) (HB1575) removes extrusion and cooking for swine feed as acceptable methods for disposal of fowl carcasses.

State Meat Inspection Program

[ACT 418](#) (HB1315) creates a State Meat Inspection Program to inspect livestock slaughtered, livestock carcasses, parts of livestock carcasses, meat, and meat food products processed from livestock slaughtered for human food within the state; creates the State Meat Inspection Program Fund; amends the Arkansas Meat and Meat Products Inspection Act and the Arkansas Meat and Meat Products Certification Act; and transfers authority over meat inspection to the Department of Agriculture. The act declares an emergency and is effective on and after March 23, 2021.

Tax - Sales and Use Tax Exemption

[ACT 970](#) (HB1196) exempts the purchase of water from sales and use tax when the water is used exclusively in the operation of a poultry farm. The act also requires the Department of Finance and Administration to promulgate rules to administer the act. The act is effective on and after October 1, 2021.

PLANT BOARD

Makeup - Membership

[ACT 361](#) (HB1210) amends the makeup of the State Plant Board, increases the board's membership, and requires Governor appointment and Senate confirmation of potential members.

PRODUCTS - PROCESSING, LABELING, AND MARKETING

Dairy Pricing

[ACT 521](#) (HB1729) amends the powers and duties of the Arkansas Milk Stabilization Board and sets the price to be paid for milk produced and sold in Arkansas.

TECHNICAL CORRECTIONS - AGRICULTURE

Title 2

[ACT 464](#) (SB422) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 2 of the Arkansas Code.

ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL DIVISION

Alcoholic Beverage Control Board - Authority

[ACT 788](#) (HB1422) repeals the authority of the Alcoholic Beverage Control Board to establish written policies for enforcement by the Alcoholic Beverage Control Division of laws and rules affecting alcoholic beverages and the power of review over the actions of the head of the enforcement division and its employees.

Expanding Outdoor Dining

[ACT 705](#) (SB479) authorizes the expansion of outdoor dining by restaurants without prior approval from the Alcoholic Beverage Control Division and delays the payment of restaurant sales taxes. The act declares an emergency and is effective on and after April 14, 2021.

BEER AND WINE

Direct Shipment of Vinous Liquor Act - Mead

[ACT 271](#) (HB1370) amends the Direct Shipment of Vinous Liquor Act to include an establishment that produces mead in the definition of "small farm winery", provides for the taxation of mead in the same manner as wine, and allows the direct shipment of mead to consumers.

ALCOHOLIC BEVERAGES

DISTILLERS

Native Brandy

[ACT 409](#) (HB1656) clarifies that native brandy is manufactured from agricultural or horticultural products produced solely within Arkansas.

Self-Distribution Authorized

[ACT 706](#) (HB1763) amends the law regarding Arkansas distilleries to authorize self-distribution up to a certain amount. The act declares an emergency and is effective on and after April 14, 2021.

DISTRIBUTION

Ready-to-Drink Products

[ACT 578](#) (SB554) authorizes beer wholesalers to distribute ready-to-drink products containing spirituous liquor with a final finished product of no greater than fifteen percent (15%) alcohol by weight. The act requires the Alcoholic Beverage Control Division to promulgate rules regarding the distribution of ready-to-drink products containing spirituous liquor with a final finished product of no greater than fifteen percent (15%) alcohol by weight by July 1, 2022. The act requires that the rules promulgated under the act shall not be effective before July 1, 2022.

ON-PREMISES CONSUMPTION

Private Clubs - Designated Entertainment District

[ACT 874](#) (HB1228) authorizes a designated entertainment district in an area with established entities authorized to sell alcoholic beverages and amends a definition related to on-premises consumption of alcoholic beverages to include consumption within the boundaries of a designated entertainment district that is contiguous with the premises.

PERMITS

Delivery to Private Residence

[ACT 158](#) (SB32) authorizes retail liquor, microbrewery-restaurant, and small brewery permit holders to deliver alcoholic beverages to the private residence of a consumer who is twenty-one (21) years of age or older in a wet county or territorial subdivision during legal operating hours by an employee of the permit holder.

Excursion Train Permit

[ACT 68](#) (SB76) establishes an excursion train permit and authorizes an excursion train permit holder to sell and serve alcoholic beverages to a ticketed passenger or to an individual of legal age attending a chartered event on the excursion train.

Hard Cider Manufacturer - Delivery

[ACT 1060](#) (SB631) authorizes a hard cider manufacturer to deliver hard cider directly to a private residence of a consumer in a wet county or territorial subdivision.

Microbrewery-Restaurant Private Club - Advertising

[ACT 885](#) (HB1845) authorizes a microbrewery-restaurant private club located in a wet county or area to advertise.

Restaurant - Alcohol Delivery

[ACT 703](#) (SB339) authorizes a restaurant holding a valid alcoholic beverage permit to sell alcoholic beverages directly to a consumer to be consumed off-premises or delivered to the consumer at a location off-premises. The act requires the Alcoholic Beverage Control Division to adopt rules to implement and administer the act.

CHILDREN

ABUSE AND NEGLECT

Blue Ribbon Task Force to End Child Abuse

ACT 920 (HB1894) creates the Blue Ribbon Task Force to End Child Abuse, which is charged with taking a systematic and holistic approach to eliminating child abuse in the state. The act provides that the task force expires on December 31, 2022.

CHILD ADVOCACY CENTERS

Arkansas Child Safety Center Act

ACT 975 (HB1499) amends the Arkansas Child Safety Center Act to transfer certain duties and responsibilities of the Arkansas Child Abuse/Rape/Domestic Violence Commission concerning child safety centers and multidisciplinary teams to the Children's Advocacy Centers of Arkansas.

CHILD CARE

Childcare Facility - Notice Concerning Sex Offender

ACT 828 (HB1098) provides that, if an owner, operator, lessee, or administrator of a childcare facility is married to a sex offender, the owner, operator, lessee, or administrator shall provide notification in writing or by email to the parent, legal guardian, person having lawful control, or person standing in loco parentis of a child who attends the childcare facility that the owner, operator, lessee, or administrator is married to a sex offender and the sex offender will not be present on the premises of the childcare facility while children are present. The act also defines "sex offender".

CHILD WELFARE

Child Maltreatment Act - Investigative Determinations - Closure of Investigations

ACT 270 (HB1278) provides that the Department of Human Services and the Division of Arkansas State Police may consider a report of suspected child maltreatment inactive and unable to be completed if a true or unsubstantiated determination cannot be established without interviewing the alleged offender or alleged victim and the Department of Human Services and the Division of Arkansas State Police are unable to locate or identify the alleged offender or alleged victim.

Child Maltreatment Act - Mandated Reporters

ACT 556 (HB1100) provides that a full-time or part-time employee of a public school or private school, including a school counselor, a school official, a teacher, and a coach or director of a public or private athletic or nonathletic organization, team, or club, is a mandated reporter. The act also provides that a person employed as a school official in an institution of higher education and a person who is at least twenty-one (21) years of age and volunteers in a public school or private school as a coach or director of a public or private athletic or nonathletic organization, team, or club are mandated reporters.

Child Maltreatment Act - Physical Examination of Alleged Victim

ACT 976 (HB1405) provides that an alleged offender may, for the purpose of obtaining a second opinion, request that the alleged victim be examined by a licensed healthcare provider who did not perform the initial examination, test, or procedure and who routinely provides medical care to pediatric patients. The act provides that an alleged offender may, for the purpose of ruling out a possible differential diagnosis, request that a licensed healthcare provider who routinely provides medical care to pediatric patients examine the alleged victim to determine whether the alleged victim has certain medical conditions. The act provides that a licensed healthcare provider examination shall not be requested for the purpose of obtaining a second opinion on whether an alleged victim has been a victim of sexual abuse.

CHILDREN**CHILD WELFARE*****Child Maltreatment Act - Removal of Name from Child Maltreatment Central Registry***

ACT 896 (SB561) requires an adult offender to permanently remain on the Child Maltreatment Central Registry if the adult offender is convicted of a criminal offense for an act or omission that constitutes child maltreatment and for which the adult offender is named in the Child Maltreatment Central Registry, the conviction for the criminal offense has not been reversed or vacated, and the adult offender's name is placed in the registry for severe maltreatment. The act prohibits an offender's name from being removed from the registry if the offender is convicted of a felony as an adult for an act or omission that is the same act or omission for which the offender is named in the registry, the conviction for the felony described has not been reversed or vacated, and the offender's name is placed in the registry for severe maltreatment.

Child Welfare Agency - Corporal Discipline

ACT 673 (HB1797) repeals the law concerning the authority of the Child Welfare Agency Review Board to promulgate or enforce a rule that has the effect of prohibiting the use of corporal discipline.

Child Welfare Agency - Psychiatric Residential Treatment Facilities

ACT 772 (SB466) requires a licensee that is operating at or below the capacity licensed by the Child Welfare Agency Review Board as of March 1, 2021, to obtain a permit from the Health Services Permit Agency or the Health Services Permit Commission for any increase in capacity. The act provides that the Department of Human Services may recommend to the board the revocation, suspension, or termination of a license for any basis provided by law or rule, including without limitation the failure to be in operation or in substantial compliance for a consecutive six-month period.

Child Welfare Agency Licensing - Criminal Background and Child Maltreatment Checks

ACT 269 (HB1270) requires an adult working in a childcare institution to undergo a state and federal criminal background check and Child Maltreatment Central Registry check and repeals the requirement for persons in a child welfare agency to undergo a federal criminal background check only if they did not live in Arkansas continuously for the past five (5) years. The act also provides that every person in a child welfare agency is required to undergo a federal criminal background check.

Family in Need of Services - Relocation of Child

ACT 816 (HB1809) requires a school district to notify the prosecuting authority if the school district receives information indicating that a student with excessive unexcused absences has relocated to a county in another judicial district. The act provides that a prosecuting authority may file a motion to transfer a family in need of services case involving the student if the prosecuting authority knows the address of the student in the county to which the student has relocated and either receives the notice from the school district or receives information indicating that the student has relocated to a county in another judicial district. The act requires an adult or family member who files a family in need of services petition to file a motion to transfer if the adult or family member receives information indicating that the juvenile involved in the case has relocated to a county in another judicial district and knows the address of the juvenile in the county to which the juvenile has relocated.

FOSTER CARE***Legislative Study - Reducing Number of Children in Foster Care***

ACT 574 (SB204) requires the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth to meet jointly to conduct a study of the best practices for reducing the number of children in foster care and to report on their findings and recommendations to the Legislative Council.

CHILDREN

FOSTER CARE

Release of Confidential Information to Foster Care Parent

ACT 317 (HB1359) allows confidential information concerning a child that is compiled or received by a licensee or a state agency engaged in placing the child to be released to a currently or previously licensed foster parent. The act provides that a foster parent shall receive only records that concern a child who was previously placed in the home of the foster parent, that are relevant to the period of time in which the child was placed in the home of the foster parent, and for which the foster parent has a legitimate need.

JUVENILE LAW

Pregnant or Recently Pregnant Juvenile Detainees

ACT 422 (HB1470) provides that a pregnant or recently pregnant person may not be placed in solitary confinement in a detention facility absent compelling circumstances.

CITIES AND COUNTIES

BOARDS AND COMMISSIONS

Membership - Electronic Recording Commission

ACT 78 (SB123) modifies the membership of the Electronic Recording Commission to include a member from the banking, title, or real estate industry.

Municipal Port Authorities - Warehouse Leasing Procedures

ACT 515 (HB1629) requires that leases of warehouse facilities of municipal port authorities be publicly bid and that the proposal that is most commercially reasonable and in the best interest of the authority be accepted.

Municipal Zoning - Appeals

ACT 930 (HB1660) provides that municipal zoning decisions are appealed to circuit court unless the municipality determines by ordinance that the municipal governing body shall first hear appeals.

ELECTED OFFICERS

Coroner Procedures - Criminal Investigation Matters

ACT 708 (HB1722) allows a coroner to issue a subpoena to secure antemortem blood, urine, or other biological fluids or toxicological samples relevant to the determination of the cause and manner of death when the coroner is required by law to conduct an investigation. The act also allows a physician, hospital, or other healthcare provider to make biological fluids and toxicological samples available to the coroner without a subpoena or court order.

Counties - Terms of Office

ACT 314 (HB1328) modifies certain county election statutes to reflect that county officers serve a term of four (4) years and clarifies the timing of pay decreases and alternative county organization plan referenda.

County Procedures - Vacancy, Suspension, Removal, and Temporary Appointments

ACT 255 (SB20) provides that vacancies in county elective offices shall be filled by the quorum court within thirty (30) days of the declaration of the vacancy and clarifies the procedures for suspension, removal, and temporary replacements.

County Sheriff and Tax Collector - Separate

ACT 402 (HB1318) separates the offices of sheriff and tax collector in Yell County, Arkansas, effective January 1, 2023.

Deputy Coroners - Training

ACT 60 (HB1025) provides that after January 1, 2021, a person employed as a deputy coroner shall complete required training. The act declares an emergency and is effective on and after February 4, 2021.

CITIES AND COUNTIES

ELECTED OFFICERS

Municipal Vacancy Procedures

ACT 339 (HB1331) amends the law to make the vacancy procedures for certain positions in cities of the first class and incorporated towns consistent and amends the powers of a mayor in an incorporated town.

Public Facilities Boards - Membership Qualifications

ACT 943 (SB506) prohibits a member of a public facilities board from holding a position at the same time on the governing body of the municipality or county that created the board.

ENTERTAINMENT DISTRICTS

Establishment

ACT 874 (HB1228) authorizes a designated entertainment district in an area with established entities authorized to sell alcoholic beverages and amends a definition related to on-premises consumption of alcoholic beverages to include consumption within the boundaries of a designated entertainment district that is contiguous with the premises.

FINANCE

Competitive Bidding

ACT 435 (SB456) modifies municipal and county competitive bidding procedures to require bidding for purchases over thirty-five thousand dollars (\$35,000), requires that the amount be adjusted to reflect the percent increase in the Consumer Price Index annually beginning January 1, 2025, and revises municipal and county commodity purchase statutes.

Counties - Appropriation Procedures

ACT 752 (HB1860) provides county appropriation procedures for private benefactor grants, federal financial assistance, and reimbursements.

Counties - Evidence of Payment of Payroll Taxes and Retirement System Contributions

ACT 312 (HB1036) requires counties to provide evidence of payment of payroll taxes and retirement system contributions to the county judge, county clerk, and county treasurer within thirty (30) days of payment.

Counties - Payments and Electronic Records

ACT 258 (HB1183) allows counties to accept certain payments through an approved credit card or debit card, allows district courts and circuit courts to accept fine payments by personal check, and allows a circuit clerk to keep a book record of certain liens electronically.

Counties - Procedures

ACT 66 (SB70) updates the law concerning certain county financial procedures, including record retention, payroll and jury duty matters, checks, electronic funds, and debit and credit card payments.

Highway Revenues - Distribution

ACT 438 (SB416) provides that if a municipality incorporates during a year in which a federal decennial census is being conducted, then, until the data from the federal decennial or special census is made available, the municipality's population estimate is based on the most recent federal decennial census as calculated by the Arkansas Geographic Information Systems Office. The act also provides that, until the official data from the federal decennial or special census is made available, the office's calculation is the basis for the distribution of highway revenues to that municipality. The act declares an emergency and is effective on and after March 24, 2021.

CITIES AND COUNTIES**FINANCE*****Telecommunications***

ACT 67 (SB74) amends the Telecommunications Regulatory Reform Act of 2013; allows a government entity to purchase from a private provider and provide voice, data, broadband, video, or wireless telecommunications services; adds a consolidated utility district to the definition of a "government entity" under the Telecommunications Regulatory Reform Act of 2013; and provides that, if certain government entities issue bonds to acquire equipment to provide the allowable services, the government entity shall partner, contract, or otherwise affiliate with an entity that is experienced in the operation of the facilities to be acquired, conduct due diligence, provide notice of at least ten (10) days before a public hearing is held on the project, conduct a public hearing on the project, and hold an election as required by law concerning the issuance of bonds. The act declares an emergency and is effective on and after February 4, 2021.

Utilities

ACT 903 (SB689) allows a municipal electric utility to finance costs associated with storms and related perils; allows a municipal electric utility to finance costs to purchase gas, fuel, or power in preparation for or in response to a storm; and authorizes municipal electric utilities to issue bonds to pay costs associated with severe storms if the Arkansas Public Service Commission has similarly authorized the issuance of bonds by an electric utility or a gas utility under the Arkansas Electric Utility and Gas Utility Storm Recovery Securitization Act. The act declares an emergency and is effective on and after April 26, 2021.

GENERALLY***Arkansas Sovereignty Act of 2021***

ACT 1012 (HB1957) provides that all acts, laws, orders, rules, and regulations of the United States Government that were enacted on or after January 1, 2021, that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Arkansas Constitution, Article 2, § 5, are invalid in this state, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state. The act also provides that a public officer or employee of this state or a representative, agent, or employee of a municipality, a county, or the state, acting under the color of law, with all the rights, grants, and assignments of a law enforcement officer in the state, shall not enforce or assist federal agencies or officers in the enforcement of any federal statute, executive order, or federal agency directive that conflicts with Arkansas law. Further, the act does not prohibit or otherwise limit a state law enforcement officer, state employee, or employee of a political subdivision of the state from cooperating, communicating, or collaborating with a federal agency if the primary purpose is not law enforcement activity related to a federal ban or the investigation of a violation of a federal ban.

Libraries - Debit and Credit Card Payments

ACT 380 (SB127) provides that a library operated as an entity of the state, a county, or a municipality may accept a legal payment for fines, charges, donations, or purchases and any associated costs through a debit card or credit card in accordance with applicable state and federal law. The act provides that a library may enter into a contract with a debit card or credit card company and pay any fees normally charged by the debit card or credit card company for allowing the library to accept the debit card or credit card as payment. The act provides that when a payment is made through a debit card or credit card, the library shall assess a transaction fee equal to the amount charged to the library by the debit card company or credit card company, which may be added to the payment amount.

CITIES AND COUNTIES**HIGHWAY REVENUES*****Misused Funds - Repayment***

ACT 709 (HB1690) requires a city or incorporated town to repay any funds credited to the street fund in a manner inconsistent with Arkansas law by the end of the following fiscal year or the city or incorporated town may become ineligible to receive future highway revenues. The act also allows a city or incorporated town to pass an ordinance or a resolution committing to pay ten percent (10%) of the city or incorporated town's general revenue to the street fund each year until the funds owed are repaid.

Reporting Requirement

ACT 517 (HB1699) repeals the requirement that a city or municipality submit an annual report to the House Committee on Public Transportation and the Senate Committee on Public Transportation, Technology, and Legislative Affairs providing information concerning the use of highway revenue if the county or municipality receives a highway revenue distribution of two million dollars (\$2,000,000) or more.

ORDINANCES***Public Sale of Nonalcoholic Beverages by Minor***

ACT 256 (SB169) prohibits a municipality, county, or other local public health authority from adopting or enforcing an ordinance, order, resolution, policy, or rule that prohibits or regulates, including by requiring a license, permit, or fee, the occasional outdoor sale of nonalcoholic beverages by a minor from a stand on private property.

PROCEDURES***Auxiliary Containers - Restrictions Prohibited***

ACT 751 (HB1704) defines "auxiliary containers", prohibits municipalities and counties from restricting the use of auxiliary containers, and provides exceptions for recycling programs, composting programs, solid waste disposal programs, and auxiliary containers used on municipal or county property.

Discrimination Prohibited

ACT 308 (SB137) prohibits discrimination by a local government on the basis of the energy source of a utility service and clarifies that a local government shall not enact or adopt any ordinance, policy, or action that infringes, prohibits, or otherwise impairs the right of a customer to purchase, use, connect, or reconnect to a utility service or to install equipment for the purpose of purchasing a utility service.

Home-Based Work

ACT 659 (HB1416) provides that a local government may license home-based work and be restrictive only as to advertising; nuisances; health, fire, and safety codes; traffic and parking; building and maintenance codes; protections for children, elderly, and the infirm; limitations on the number of staff, customers, and tenants; prohibitions or limitations related to public health, safety, and welfare; and licenses and regulations that apply to businesses without regard to location. The act provides that it does not supersede agreements between a homeowners' association and a homeowner or any valid deed restrictions and clarifies that county zoning ordinances shall conform to the law regarding home-based work.

Municipal Charter Revocation - Pleadings

ACT 938 (HB1627) clarifies funding matters during a municipal corporation charter revocation proceeding and gives the Legislative Joint Auditing Committee the discretion to address the failure of the Attorney General to file required pleadings to revoke the charter.

Municipal Police Departments

ACT 714 (HB1633) requires cities of the first class and authorizes cities of the second class and incorporated towns to establish a municipal police department or contract for law enforcement services.

CITIES AND COUNTIES

PROCEDURES

Municipal Police Departments - Sick Leave

[ACT 655](#) (HB1717) gives municipalities the discretion to determine what a "working day" means for purposes of sick leave administration and what the maximum accumulation of sick leave time is in municipal police departments.

Municipal Pro-Life Designation

[ACT 392](#) (HB1544) provides that a municipality may declare by resolution that the municipality is a "Pro-Life City".

Municipal Regulation Prohibited - Working Animals

[ACT 1091](#) (HB1883) provides that the right to utilize a working animal is guaranteed against municipal regulation and defines "working animal".

Municipal Residential Building Design Regulation

[ACT 806](#) (HB1463) clarifies the law concerning the municipal regulation of certain residential building design elements for property in which residential design elements were regulated on or before February 28, 2019.

Newspaper Publications

[ACT 954](#) (SB610) requires certain newspaper publications made by cities and counties to include information concerning the entity that paid for the publication.

Public Records - Bulk Electronic Records

[ACT 1075](#) (HB1884) amends the law governing a county's obligations regarding the production of electronic public records in bulk by requiring third-party contractors who provide the county with electronic-records services to provide the county, upon request, with a written list of all file formats in which electronic records are stored. The act also requires a county to produce, upon request, nonexempt public records in bulk in a common file format that does not impair the data's usability or accessibility.

Self-Insured Fidelity Bond Program

[ACT 367](#) (HB1238) modifies the Self-Insured Fidelity Bond Program to clarify the applicability of the bonds to fraudulent or dishonest acts committed by state employees or officials and clarifies fidelity bond requirements under the Self-Insured Fidelity Bond Program.

PROPERTY

Airport - Regulation of Ground Transportation

[ACT 1042](#) (SB686) amends the law concerning motor carriers; clarifies that an airport has the authority to regulate ground transportation, including peer-to-peer car-sharing programs, at airports; and regulates ground transportation at municipal airports and regional airports.

Carrying of Concealed Handguns

[ACT 1024](#) (SB573) provides for a concealed handgun to be lawfully carried in certain places owned, controlled, or operated by a local unit of government.

Concealed Carry in Municipal Parks

[ACT 638](#) (SB306) provides that a person with a license to carry a concealed handgun may carry a concealed handgun in a municipally owned or operated park.

Pole Attachments

[ACT 377](#) (SB263) regulates the attachment of signs or the temporary attachment of a flag of the United States, the state flag, or a flag of a municipality to a pole owned by the municipality.

CITIES AND COUNTIES

ROADWAYS, BRIDGES, AND PARKING

Arkansas Unpaved Roads Program

ACT 901 (SB637) amends the Arkansas Unpaved Roads Program Act to transfer duties to the Department of Agriculture and to authorize the department to promulgate rules and award grant funds.

Golf Carts - County Roads

ACT 188 (HB1269) allows counties to authorize by ordinance the operation of a golf cart on county roads. The act declares an emergency and is effective on and after April 15, 2021.

Personal Delivery Device - Local Ordinances

ACT 926 (HB1767) authorizes the operation of a personal delivery device upon pedestrian areas and on certain county streets or roads or municipal streets or roads. The act also authorizes a county or municipality to pass an ordinance to prohibit the operation of a personal delivery device upon any pedestrian area, street, or road where the operation of a personal delivery device would constitute a safety hazard and prohibits ordinances relating to the design, manufacture, maintenance, certification, licensing, registration, taxation, assessment, insurance requirements, or cargo of a personal delivery device.

Surplus Road Millings

ACT 983 (HB1827) requires the Arkansas Department of Transportation to offer road millings and surplus millings material in certain situations to the county within which the road millings or surplus millings material were generated or to adjacent counties.

SOLID WASTE

Joint Systems - Budgetary Approval

ACT 677 (HB1688) amends the Joint County and Municipal Solid Waste Disposal Act to require county and municipal members to have budgetary approval authority.

Municipal Sewer Systems - Competitive Bidding Requirements

ACT 432 (SB454) amends the competitive bidding requirements for a municipal sewer system to coincide with the competitive bidding requirements for public improvements.

Sewage Disposal Systems - Local Standards

ACT 906 (SB669) amends the Arkansas Sewage Disposal Systems Act to authorize local standards for sewage disposal systems.

TAXES

Local Sales and Use Taxes - Monthly Electronic Report

ACT 1059 (HB1868) requires the Secretary of the Department of Finance and Administration to give a monthly electronic report to any city or county that requests it showing the amount of sales and use taxes generated within the boundaries of the city or county. The act exempts the electronic report received by the city or county from disclosure under the Freedom of Information Act of 1967. The act is effective on and after January 1, 2022.

Sales and Use Tax Credits and Rebates - Disclosure by State

ACT 776 (SB528) amends the law concerning the confidentiality of tax records to allow for the disclosure of certain information related to sales and use tax credits and rebates to impacted local governments. The act is effective on and after January 1, 2022.

TECHNICAL CORRECTIONS - LOCAL GOVERNMENT

Title 14

ACT 473 (SB431) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 14 of the Arkansas Code.

WATER AND WASTEWATER

Auditing Requirements

ACT 907 (SB647) increases the number of service connections required to trigger certain auditing requirements for water and sewer systems.

CIVIL LAW AND PROCEDURE**ACTIONS AGAINST THE STATE*****Arkansas State Claims Commission***

ACT 494 (SB281) provides that representation by an attorney licensed to practice law in this state before the Arkansas State Claims Commission is not required if the amount of money at issue is less than two thousand dollars (\$2,000) or if the claim is an uncontested claim for the reissuance of a warrant for the refund of a liquor license permit application fee.

CAUSES OF ACTION***Commercial Website Operators***

ACT 1045 (SB381) creates a cause of action against a commercial website operator that posts incorrect or inaccurate background information about a person.

Fertility Fraud

ACT 609 (SB474) creates the criminal offenses of fertility treatment abuse and fertility treatment fraud. The act also creates the civil action of fertility fraud.

Removal of Booking Photograph from Website

ACT 450 (HB1437) provides the procedures a person shall use to request that his or her booking photograph be removed from a publish-for-pay website. The act also creates a cause of action against a publish-for-pay website that fails or refuses to remove the person's booking photograph after a lawful request.

Student-Athlete Publicity Rights

ACT 810 (HB1671) creates a publicity right for a student-athlete. The act provides for a student-athlete to receive compensation for the commercial use of the student-athlete's publicity rights so long as the contract does not require the student-athlete to promote information regarding a third-party licensee or commercial entity during a varsity intercollegiate athletic practice, competition, or other activity; conflict with a term or condition of a contract, policy, rule, regulation, or standard of the institution of higher education where the student-athlete is enrolled; or involve the student-athlete's performance or lack of performance in an athletic competition. The act also creates a civil remedy if a student-athlete is adversely affected by an act or omission of an agent or third-party licensee in violation of the Arkansas Student-Athlete Publicity Rights Act that results in the student-athlete or institution of higher education being suspended or disqualified from participating in an intercollegiate sport or suffering financial damage. The act is effective on and after January 1, 2022.

IMMUNITY***Coronavirus 2019 (COVID-19) Tort Immunity***

ACT 559 (HB1487) provides that a person or a person's employee, agent, or officer is immune from civil liability for damages or injuries caused by or resulting from exposure of an individual to COVID-19 on business premises owned or operated by the person or during an activity managed by the person. The act also provides that the immunity from civil liability is in addition to any other immunity provided by state or federal law and applies to a claim brought in state or federal court or before the Arkansas State Claims Commission. The act provides exceptions to the grant of immunity and establishes a presumption that a person or a person's employee, agent, or officer is not committing willful, reckless, or intentional misconduct if the person or the person's employee, agent, or officer is substantially complying with health and safety directives or guidelines issued by the Governor, the Secretary of the Department of Health, the Centers for Disease Control and Prevention, or the Centers for Medicare & Medicaid Services concerning COVID-19 or is acting in good faith while attempting to comply with health and safety directives or guidelines issued by the Governor or the secretary concerning COVID-19. The act expires on May 1, 2023. The act declares an emergency and is effective on and after April 5, 2021.

CIVIL LAW AND PROCEDURE

IMMUNITY

Public and Private Institutions of Higher Education

[ACT 627](#) (SB494) extends qualified immunity to law enforcement agencies for and certified law enforcement officers employed by a public or private institution of higher education.

JUDGMENTS

Execution

[ACT 981](#) (HB1791) repeals obsolete language concerning the execution of a civil judgment.

Insurance Policy Proceeds

[ACT 879](#) (HB1590) provides that the statutory exemption concerning the proceeds of life, health, accident, and disability insurance payments does not apply to a writ, order, seizure, or other judicial process that arises from a judgment for damages for personal injury involving a felony offense for which the beneficiary has been convicted in a federal or state court. The act declares an emergency and is effective on and after April 25, 2021.

LIMITATIONS

Justice for Vulnerable Victims Act

[ACT 1036](#) (SB676) creates the Justice for Vulnerable Victims Act, which provides that, before a person reaches fifty-five (55) years of age, he or she may bring a civil action against any party who committed sexual abuse against the person when he or she was considered a vulnerable victim or whose tortious conduct caused the person to be a victim of sexual abuse.

Medical Debt

[ACT 1032](#) (SB640) provides that if the federal Consumer Protection for Medical Debt Collections Practices Act becomes law on or before January 1, 2026, the statute of limitations for collection of a debt for medical services shall be extended from two (2) years to five (5) years.

REMEDIES

Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act

[ACT 420](#) (HB1645) adopts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, which provides a cause of action and remedies to a victim who has had his or her intimate image made public without his or her consent.

COMMERCIAL LAW

BUSINESS ORGANIZATIONS

Franchise Tax - Administration and Collection

[ACT 523](#) (SB525) reverses changes made under Act 819 of 2019 by returning the administration and collection of the franchise tax to the Secretary of State. The act declares an emergency and is effective on and after April 1, 2021.

Remote Shareholders' Meetings

[ACT 253](#) (SB11) allows Arkansas corporations to hold annual or special shareholder meetings through remote communication; requires guidelines and procedures governing remote shareholders' meetings; and provides verified shareholders and proxy holders who are not physically present at a shareholders' meeting to have a reasonable opportunity to participate in the meeting, be deemed present at the meeting, and be permitted to vote on matters submitted at the meeting. The act declares an emergency and is effective on and after March 4, 2021.

Uniform Limited Liability Company Act

[ACT 1041](#) (SB601) repeals the Small Business Entity Tax Pass Through Act and establishes the Uniform Limited Liability Company Act, which regulates the formation and operation of limited liability companies. The act is effective on and after September 1, 2021.

COMMERCIAL LAW**BUSINESS TRANSACTIONS*****Direct Healthcare Agreements***

ACT 381 (SB168) modifies the exemptions of certain entities from insurance regulation and renames "direct primary care agreements" as "direct healthcare agreements" as used in statutes excepting certain entities from insurance regulation.

Money Services

ACT 532 (SB150) amends the Uniform Money Services Act; amends definitions to include prepaid access and virtual currency; amends definitions and adds a definition of "virtual currency"; clarifies the use of virtual currency for exclusions; clarifies that the necessary information for an application for a license concerning a responsible individual includes criminal background check information; modifies the issuance of a license for a money transmitter; modifies the renewal of a license; clarifies the application procedure for a currency exchange license; clarifies the necessary information to include in a renewal report; modifies the notice required to be given to authorized delegates if a licensee fails to renew a license; clarifies the authority of the Securities Commissioner; provides that reports are to be in a form acceptable to the Securities Commissioner; repeals the proposed transaction request requirements for a change in control; alters the length of the records requirements; adds provisions concerning virtual currency; adds policy and procedure requirements addressing physical security and cybersecurity for a money transmitter or currency exchanger license; and modifies the maintenance and types of permissible investments.

Notary Public

ACT 1047 (SB340) regulates the witnessing of certain documents by a notary public under the Arkansas Electronic Notary Public Act; allows for certain notarial acts to be recognized during a public emergency; and allows for remote witnessing of certain documents by a notary public under the Arkansas Electronic Notary Public Act. Section 1 of the act concerning the public emergency exceptions is retroactive to March 30, 2020, and is effective until Executive Order No. 21-07 expires or the Governor terminates the declared state of emergency under Executive Order No. 21-07 unless the declared state of emergency under Executive Order No. 21-07 is renewed by the Governor. The act declares an emergency and is effective on and after April 29, 2021.

Online Marketplace

ACT 555 (SB470) establishes the Online Marketplace Consumer Inform Act, which requires an online marketplace to verify a high-volume third-party seller with identifiable information, including bank account information, contact information, business tax identification number or tax identification number, and advertising information; regulates online marketplaces to stop organized retail crime; and provides for a reporting mechanism of suspicious marketplace activity.

Security Interest

ACT 313 (HB1255) regulates cross-collateralization clauses and clarifies that a cross-collateralization clause that grants a security interest for a personal, family, household, or commercial purpose is valid and enforceable, whether the clause is specific or general, lists or identifies existing debts or obligations, or secures debts incurred for the same purpose as the original debt. The act also provides that a cross-collateralization clause is invalid if it does not identify the preexisting debt, value, or obligation. The act is effective on and after September 1, 2021.

COMMERCIAL LAW

CONTRACTS

Temporary Hospital Facility

ACT 723 (SB603) establishes the Temporary Hospital Facility Act, which clarifies the law concerning a healthcare insurer's contracting with a temporary hospital facility, regulates healthcare contracts to require good-faith cooperation, and clarifies the obligations of a healthcare insurer in negotiations and contracting that are applicable to ambulatory surgery centers that participate in the Centers for Medicare & Medicaid Services' Hospitals Without Walls Program.

FINANCIAL INSTITUTIONS

Arkansas Securities Act

ACT 533 (SB151) amends the Arkansas Securities Act; clarifies that every person making a notice filing under the Arkansas Securities Act, every exempt reporting adviser, and every investment adviser to a private fund is required to pay an initial and renewal registration filing fee; clarifies that filing fees are nonrefundable; clarifies the process for an applicant, issuer, broker-dealer, or investment adviser to pay an examination fee; adds and modifies definitions under the Arkansas Securities Act; and provides for certain confidential information to be shared during an investigation for the protection of vulnerable adults from financial exploitation under the Arkansas Securities Act.

Broker of Savings and Loan Associations

ACT 576 (SB511) amends the law concerning a broker of a savings and loan association; removes the licensure requirements to act as a broker of a savings and loan association; and amends the law concerning foreign savings and loan associations.

Financial Exploitation

ACT 1015 (HB1391) amends the law concerning consumer protection of elder adults or vulnerable adults from predatory practices; clarifies the notification process available to financial services providers to prevent the financial exploitation of elder adults or vulnerable persons; requires the Arkansas Adult Protective Services Unit to refer suspected cases of exploitation and financial exploitation if it concerns an elderly or vulnerable person; and allows the Attorney General to petition for an order to delay or extend a delay of disbursement of funds to protect consumers from financial exploitation.

Remote Shareholders' Meetings

ACT 253 (SB11) allows Arkansas banks to hold annual or special shareholder meetings through remote communication; requires guidelines and procedures governing remote shareholders' meetings; and provides verified shareholders and proxy holders who are not physically present at a shareholders' meeting to have a reasonable opportunity to participate in the meeting, be deemed present at the meeting, and be permitted to vote on matters submitted at the meeting. The act declares an emergency and is effective on and after March 4, 2021.

COMMERCIAL LAWPERSONAL PROPERTY***Student-Athlete Publicity Rights***

ACT 810 (HB1671) creates a publicity right for a student-athlete. The act provides for a student-athlete to receive compensation for the commercial use of the student-athlete's publicity rights so long as the contract does not require the student-athlete to promote information regarding a third-party licensee or commercial entity during a varsity intercollegiate athletic practice, competition, or other activity; conflict with a term or condition of a contract, policy, rule, regulation, or standard of the institution of higher education where the student-athlete is enrolled; or involve the student-athlete's performance or lack of performance in an athletic competition. The act also creates a civil remedy if a student-athlete is adversely affected by an act or omission of an agent or third-party licensee in violation of the Arkansas Student-Athlete Publicity Rights Act that results in the student-athlete or institution of higher education being suspended or disqualified from participating in an intercollegiate sport or suffering financial damage. The act is effective on and after January 1, 2022.

PROFESSIONS AND OCCUPATIONS***Home-Based Work***

ACT 659 (HB1416) provides that a local government may license home-based work and be restrictive only as to advertising; nuisances; health, fire, and safety codes; traffic and parking; building and maintenance codes; protections for children, elderly, and the infirm; limitations on the number of staff, customers, and tenants; prohibitions or limitations related to public health, safety, and welfare; and licenses and regulations that apply to businesses without regard to location. The act provides that it does not supersede agreements between a homeowners' association and a homeowner or any valid deed restrictions and clarifies that county zoning ordinances shall conform to the law regarding home-based work.

SECURITIES***Arkansas Securities Act***

ACT 533 (SB151) amends the Arkansas Securities Act; clarifies that every person making a notice filing under the Arkansas Securities Act, every exempt reporting adviser, and every investment adviser to a private fund is required to pay an initial and renewal registration filing fee; clarifies that filing fees are nonrefundable; clarifies the process for an applicant, issuer, broker-dealer, or investment adviser to pay an examination fee; adds and modifies definitions under the Arkansas Securities Act; and provides for certain confidential information to be shared during an investigation for the protection of vulnerable adults from financial exploitation under the Arkansas Securities Act.

TECHNICAL CORRECTIONS - BUSINESS AND COMMERCIAL LAW***Title 4***

ACT 465 (SB423) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 4 of the Arkansas Code.

UNIFORM COMMERCIAL CODE***Virtual Currency***

ACT 1078 (HB1926) amends the law concerning the Uniform Commercial Code - Secured Transactions; clarifies the control and the perfection of control of virtual currency and the priority of rights of virtual currency under the Uniform Commercial Code - Secured Transactions; establishes the Uniform Commercial Code - Virtual Currency of Arkansas; clarifies that filing a financing statement under Article 9 is not notice of an adverse claim to a virtual currency; and establishes that to control virtual currency, a person has to have the power to derive substantially all the benefit, subject to certain conditions and to the exclusion of others, and have the exclusive power to transfer or assign control to another person.

CONSTITUTIONAL OFFICERSATTORNEY GENERAL***Election Law Violation Hotline***

ACT 974 (SB644) provides for the creation of an election law violation hotline through the Attorney General's office and states a person convicted of a misdemeanor or felony related to elections is barred from serving as an election official in subsequent elections. The act also creates a process for the Joint Performance Review Committee to investigate allegations of violations of election law referred by the Attorney General's office and authorizes the committee to make reports of its findings and recommendations to the State Board of Election Commissioners.

Notice and Opportunity to Intervene - Federal False Claims Act

ACT 616 (HB1623) provides the Attorney General with notice of and the opportunity to intervene in all qui tam lawsuits involving state funds brought under the federal False Claims Act.

AUDITOR OF STATE***Deposit of Funds***

ACT 86 (HB1109) requires the Auditor of State to transfer to the general revenues of the state eighteen million dollars (\$18,000,000) from the remaining unclaimed property funds that have been collected and held for three (3) years, less the amount transferred to the State Central Services Fund.

ETHICS***Self-Insured Fidelity Bond Program***

ACT 367 (HB1238) modifies the Self-Insured Fidelity Bond Program concerning fraudulent or dishonest acts committed by state employees or officials and clarifies fidelity bond requirements under the Self-Insured Fidelity Bond Program.

GOVERNOR***Statewide State of Disaster Emergency Related to Public Health***

ACT 403 (SB379) authorizes the Governor to declare a statewide state of disaster emergency related to public health, which shall not continue for longer than sixty (60) days unless renewed by the Governor, so long as the Legislative Council does not vote to deny the request for renewal. Under the act, if the Governor declares a statewide state of disaster emergency related to public health, the House of Representatives and the Senate shall each convene as a committee of the whole within eight (8) business days of the declaration to vote upon and debate a concurrent resolution to terminate the declaration. The act provides that if the Governor notifies the Legislative Council of his or her desire to renew a statewide state of disaster emergency related to public health, he or she may also request the renewal of an executive order or proclamation issued to meet or mitigate dangers to the people and property of the state presented or threatened by a statewide state of disaster emergency related to public health. Under the act, the Legislative Council may terminate an executive order or proclamation issued after a statewide state of disaster emergency related to public health has been renewed. The act provides that a directive of the State Board of Health or its designee related to a statewide state of disaster emergency related to public health and imposing restrictions upon individuals, commerce, or travel is subject to review and termination by the Executive Subcommittee of the Legislative Council, which shall meet within four (4) business days of the issuance of the directive. The act provides that a directive shall not continue for longer than thirty (30) days unless renewed by the board or its designee, so long as the Legislative Council does not deny the request for renewal. The act declares an emergency and is effective on and after March 19, 2021.

CONSTITUTIONAL OFFICERS

SECRETARY OF STATE

Administration of Franchise Tax

[ACT 523](#) (SB525) reverses changes made under Act 819 of 2019 by returning the administration and collection of the franchise tax to the Secretary of State. The act declares an emergency and is effective on and after April 1, 2021.

Electronic Report Filing

[ACT 1029](#) (SB699) provides that a candidate is not required to provide a reason for submitting paper campaign contribution expenditure reports and requires the Secretary of State to develop criteria for an updated and simplified electronic campaign finance online reporting system. The act declares an emergency and is effective on and after April 29, 2021.

CONSUMER PROTECTION

DECEPTIVE TRADE PRACTICES

Arkansas Fair Food Delivery Act

[ACT 969](#) (HB1426) establishes the Arkansas Fair Food Delivery Act, which prohibits a food delivery platform from arranging for the delivery of a food order from a food facility without first entering into an agreement with the food facility expressly authorizing the food delivery platform to take food orders and deliver food orders prepared by the food facility to consumers and allows for civil remedies to enjoin and fine a food delivery platform. The act is effective on and after January 1, 2022.

Financial Exploitation

[ACT 1015](#) (HB1391) amends the law concerning consumer protection of elder adults or vulnerable adults from predatory practices; clarifies the notification process available to financial services providers to prevent the financial exploitation of elder adults or vulnerable persons; requires the Arkansas Adult Protective Services Unit to refer suspected cases of exploitation and financial exploitation if it concerns an elderly or vulnerable person; and allows the Attorney General to petition for an order to delay or extend a delay of disbursement of funds to protect consumers from financial exploitation.

Online Marketplace Consumer Inform Act

[ACT 555](#) (SB470) establishes the Online Marketplace Consumer Inform Act, which requires an online marketplace to verify a high-volume third-party seller with identifiable information, including bank account information, contact information, business tax identification number or tax identification number, and advertising information; requires the disclosure of information by online marketplaces to better inform consumers; regulates online marketplaces to stop organized retail crime; provides for a reporting mechanism of suspicious marketplace activity; allows for a violation of the Online Marketplace Consumer Inform Act to be an unfair and deceptive act or practice; and clarifies that a local government or any political subdivision of the state shall not establish or mandate an online marketplace to verify or disclose information of a high-volume third-party seller.

Unfair Cigarettes Sales Act

[ACT 942](#) (SB551) amends the Unfair Cigarette Sales Act; defines "rebate" to mean a payment made by a seller of cigarettes to a purchaser of cigarettes after the sale that serves as a discount or return of part of an amount previously given in payment by the purchaser of cigarettes; clarifies that it is not unlawful for a wholesaler to give a rebate if the rebate is paid by check or electronic direct deposit and does not result in a sale at less than the cost to the wholesaler, less discounts that are received by the wholesaler from the manufacturer; and removes rebates or concessions of any kind from consideration of a retail dealer as an inducement for the purchase of cigarettes at a price less than cost to the wholesaler.

CONSUMER PROTECTIONHEALTH CARE***Pharmaceutical Manufacturer Discount***

ACT 1104 (HB1709) provides guidelines regarding how rebates are offered by a pharmaceutical manufacturer that sells insulin in this state; prohibits a pharmaceutical manufacturer or an affiliate of a pharmaceutical manufacturer from providing a pharmaceutical manufacturer discount on any insulin product unless the pharmaceutical manufacturer discount is provided directly to the end user in the form of a pharmaceutical manufacturer discount card and adjudicated in real time using the National Council for Prescription Drug Programs claims transmission standard; and allows investigations by the Attorney General into pharmaceutical manufacturers. The act is effective on and after January 1, 2022.

Pharmacy - Drug Pricing

ACT 1103 (HB1881) establishes the 340B Drug Pricing Nondiscrimination Act. The act prohibits a third party from engaging in discriminatory practices against a pharmacy that participates in the 340B drug pricing; requires a third party to inform a patient that the patient is not required to use a mail-order pharmacy, obtain a signed waiver from a patient before allowing the use of a mail-order pharmacy, make drug formulary and coverage decisions based on the third party's normal course of business, allow a patient the choice of provider and pharmacy, and eliminate discriminatory contracting related to 340B drug pricing; and prohibits a third party from coercing or requiring a patient to use a mail-order pharmacy, discriminating against a pharmacy for participating in 340B drug pricing, requiring a pharmacy to alter a 340B drug pricing claim unless in normal course of business and not related to 340B drug pricing, requiring a billing modifier for 340B drug pricing, modifying a patient's copayment based on a pharmacy's participating in 340B drug pricing, excluding a pharmacy from a network based on participating in 340B drug pricing, establishing network adequacy requirements based on 340B drug pricing, or prohibiting an entity that participates in 340B drug pricing from participating in the third party's provider network. The act also prohibits a pharmaceutical manufacturer from prohibiting a pharmacy from contracting or participating with an entity that participates in 340B drug pricing by denying access to drugs and clarifies that all pharmacy claims processed by a pharmacy that participates in 340B drug pricing are final at the point of adjudication.

INSURANCE***Policy Cancellation***

ACT 994 (HB1243) modifies the definition of "policy cancellation" as used in the business of insurance and clarifies the minimum notice requirements for cancellation of certain property and casualty policies.

CONSUMER PROTECTION

LENDERS AND LENDING

Loan Officers

ACT 531 (SB149) amends the Fair Mortgage Lending Act; modifies definitions of "branch office", "managing principal", and "mortgage servicer" under the Fair Mortgage Lending Act; clarifies that the license of a loan officer or a transitional loan officer terminates when the employment or relationship with a mortgage broker or mortgage banker terminates; clarifies the information required by an applicant for a license under the Fair Mortgage Lending Act; requires each applicant for a license as a mortgage broker, mortgage banker, or mortgage servicer to designate a managing principal; modifies the qualifications of a loan officer; clarifies the renewal of an initial loan officer license; provides that the Securities Commissioner can, by rule or order, impose the terms and conditions under which a loan officer may conduct business from an unlicensed location; clarifies the procedure for notice of a change of address that is required by a mortgage broker, mortgage banker, or mortgage servicer; amends the duties of a licensee to implement, update, and enforce written physical security or cybersecurity policies and procedures under the Fair Mortgage Lending Act; and clarifies the authority of the Securities Commissioner to require an applicant or licensee to pay a fee for an examination.

Protecting Vulnerable Adults from Financial Exploitation

ACT 533 (SB151) amends the Arkansas Securities Act; modifies the definition of "eligible adult" to "vulnerable adult"; adds definition of a "person reasonably associated with the vulnerable adult" and "qualified individual" to the Arkansas Securities Act; and provides for certain confidential information to be shared during an investigation for the protection of vulnerable adults from financial exploitation under the Arkansas Securities Act.

MOTOR VEHICLES

New Motor Vehicle Quality Assurance - Definition of "Motor Vehicle"

ACT 92 (HB1230) amends the New Motor Vehicle Quality Assurance Act to exclude vehicles with a gross vehicle weight rating of over fourteen thousand pounds (14,000 lbs.) from the definition of "motor vehicle."

WEBSITE OPERATORS

Removal of Booking Photograph from Website

ACT 450 (HB1437) provides the procedures a person shall use to request that his or her booking photograph be removed from a publish-for-pay website. The act also creates a cause of action against a publish-for-pay website that fails or refuses to remove the person's booking photograph after a lawful request.

CORRECTIONS

DEPARTMENT OF CORRECTION

Administration

ACT 152 (SB228) makes technical amendments to statutes governing the administration of the Division of Correction and the Division of Community Correction.

Arkansas Correctional School District

ACT 493 (SB264) provides for the renaming of the school district operated by the Division of Correction to the "Arkansas Correctional School District".

Award of Service Weapon

ACT 329 (SB294) provides that a survivor of an employee of the Department of Corrections who dies while still employed with the department and an employee of the department who retires from service with at least twenty (20) years of service or retires due to an injury obtained in the line of duty may be awarded the service weapon carried by the employee at the time of his or her retirement from service or death.

CORRECTIONS

DEPARTMENT OF CORRECTION

Career and Technical Education

ACT 497 (SB265) reorganizes the former Riverside Vocational and Technical School into the Arkansas Correctional School District.

Consultation with Parole Board

ACT 148 (SB227) requires that the chair of the Parole Board work in consultation with the Secretary of the Department of Corrections when exercising his or her duties with regard to the board.

Criminal Detention Facilities Review

ACT 685 (HB1120) requires a Criminal Detention Facilities Review Coordinator to be hired and employed by the Secretary of the Department of Corrections and amends the powers and duties of a criminal detention facility review committee.

Division of Correction Farm Fund

ACT 284 (HB1117) provides that the Division of Community Correction may make payment to the Division of Correction Farm Fund in an amount not to exceed fifty cents (50¢) on each dollar's worth of food produced on the Division of Correction's farm for consumption by inmates in the custody of the Division of Community Correction.

Sex Offender Assessment Committee

ACT 683 (HB1691) amends the administration of the sex offender assessment committee by requiring the Secretary of the Department of Corrections or his or her designee to serve as the executive secretary of the committee and establishing that the administrative functions of the committee are the responsibility of the Department of Corrections.

INMATES

Costs of Inmate Phone Call

ACT 702 (SB550) establishes the costs and fees that may be levied for a telephone call made by an inmate in a state, regional, or local detention facility.

Medical Exams

ACT 1107 (HB1793) requires a correctional or detention facility operated by the Department of Corrections to establish a policy to offer mammograms and physician consultations to female inmates and detainees of certain ages and to offer prostate exams and physician consultations to male inmates and detainees of certain ages.

Pregnant or Recently Pregnant Inmates and Detainees

ACT 422 (HB1470) provides that a pregnant or recently pregnant person may not be placed in solitary confinement in a detention facility absent compelling circumstances.

LOCAL JAILS

Employees of Detention Center - Glucagon or Insulin

ACT 439 (SB344) allows employees of a city or county detention center who do not have a nursing license to draw and measure glucagon or insulin for a person who is incarcerated or in custody.

Public Safety Equipment Grant Program

ACT 786 (SB292) establishes the Public Safety Equipment Grant Program, which provides for grants to law enforcement agencies, detention centers, and corrections agencies for equipment that aids in improving trust and relationships between law enforcement agencies, detention centers, and corrections agencies and the communities that they serve. The act declares an emergency and is effective on and after April 20, 2021.

PROBATION AND PAROLE

"Target Group" for Community Correction

ACT 878 (HB1561) amends the definition of "target group" as that term applies to community correction.

CORRECTIONS**PROBATION AND PAROLE*****Absent from Supervision***

ACT 327 (SB311) decreases the time periods required to lapse before a person under supervision is considered to have absented himself or herself from supervision, subjecting the person to a technical conditions violation or serious conditions violation.

Delayed Release

ACT 681 (SB622) delays the release from prison for certain offenders until the offender has served at least eighty percent (80%) of his or her sentence and creates penalties for false reporting to law enforcement. The act provides that delayed release is contingent upon proving that an aggravating circumstance was present. The act defines “aggravating circumstance” as the purposeful selection of the victim because the victim was a member of or was associated with a recognizable and identifiable group or class who share mental, physical, biological, cultural, political, or religious beliefs or characteristics.

No Parole - Offense of Possession of Firearm

ACT 946 (SB300) prohibits parole under certain circumstances for a person convicted of the offense of possession of a firearm by certain persons. The act declares an emergency and is effective on and after April 27, 2021.

Parole Board Chair Consultation with Secretary of Department of Corrections

ACT 148 (SB227) requires that the chair of the Parole Board work in consultation with the Secretary of the Department of Corrections when exercising his or her duties with regard to the board.

Supervision Fee

ACT 625 (HB1114) permits the Board of Correction to increase or decrease by rule the thirty-five-dollar supervision fee to be paid by a person under supervised probation or parole. However, the act prohibits the increased supervision fee from exceeding twenty percent (20%) of the current supervision fee and states that it may not be changed more than once per two (2) calendar years.

STATE PRISONS***Prison Construction Trust Fund***

ACT 224 (HB1158) provides that certain funds in the Prison Construction Trust Fund shall be segregated, held, and upon the review and approval of the Secretary of the Department of Corrections and the Board of Corrections, used by the Arkansas Development Finance Authority solely to fund or to provide for the funding of the construction, purchasing, or equipping of certain detention facilities. The act declares an emergency and is effective on and after March 2, 2021.

Public Safety Equipment Grant Program

ACT 786 (SB292) establishes the Public Safety Equipment Grant Program, which provides for grants to law enforcement agencies, detention centers, and corrections agencies for equipment that aids in improving trust and relationships between law enforcement agencies, detention centers, and corrections agencies and the communities that they serve. The act declares an emergency and is effective on and after April 20, 2021.

Voice Stress Examiners

ACT 936 (HB1843) amends the qualifications and requirements for a voice stress examiner employed by a correctional facility.

COURTSAPPELLATE COURTS***Law Clerks***

ACT 129 (HB1222) requires that Supreme Court law clerks and law clerks of the Court of Appeals be of the same grade unless the General Assembly approves a pay grade change and requires the Supreme Court and the Court of Appeals to provide notice to the other court before requesting a change to the pay grade for its law clerks.

CIRCUIT COURTS***Juror Per Diem Compensation and Mileage Reimbursement Donation***

ACT 219 (HB1058) allows a juror who is entitled to per diem compensation or mileage reimbursement to donate those funds to an eligible nonprofit organization. The act is effective on and after January 1, 2022.

Jury Service

ACT 222 (HB1159) provides that, if a member of the General Assembly is summoned for service on a petit or grand jury in circuit court within thirty (30) days preceding the convening of the General Assembly or at any time during a regular, extraordinary, or fiscal session, he or she is entitled to a deferment of that service until thirty (30) days after adjournment sine die of the General Assembly. The act also provides that a person who is eighty (80) years of age or older may voluntarily exempt himself or herself from or decline to participate in jury service at any time.

DISTRICT COURTS***Administration of Oath of Office***

ACT 424 (HB1424) provides that a district court judge may administer the oath of office to certain public officials.

First Judicial District

ACT 87 (HB1119) eliminates the district court located in Bethel Heights in the First Judicial District located in Benton County. The act declares an emergency and is effective on and after February 9, 2021.

Forty-First Judicial District

ACT 825 (HB1466) consolidates the district courts in the Forty-First Judicial District into one (1) location in Hot Springs and eliminates the department previously located in Mountain Pine.

Salaries for Certain District Court Personnel

ACT 454 (HB1550) amends the law concerning the salaries of district court judges and personnel for certain district courts.

GENERALLY***Disclosure of Taxpayer Information to Courts***

ACT 732 (HB1034) amends the law concerning the disclosure of taxpayer information to courts, at a judicial proceeding, to the Division of Workforce Services in relation to pandemic unemployment assistance, and to the Attorney General, prosecutors, and other attorneys prosecuting violations of state tax laws. The act also allows for the disclosure of taxpayer information for the purpose of tax collection in certain proceedings.

JUDGES***Carrying a Handgun***

ACT 766 (HB1327) provides that, under certain circumstances, a current or former judge may lawfully carry a handgun where carrying a handgun would otherwise be prohibited.

Travel Expenses and Payments

ACT 818 (HB1616) amends the law concerning the travel expenses and payments to a district court judge, retired circuit court judge, or retired district court judge.

COURTS

PROSECUTING ATTORNEYS

Concealed Handguns

[ACT 710](#) (HB1593) allows a retired prosecuting attorney or a retired deputy prosecuting attorney designated by the prosecuting attorney to carry a concealed handgun under certain conditions.

Disclosure of Taxpayer Information to Prosecutors

[ACT 732](#) (HB1034) amends the law concerning the disclosure of taxpayer information to courts, at a judicial proceeding, to the Division of Workforce Services in relation to pandemic unemployment assistance, and to the Attorney General, prosecutors, and other attorneys prosecuting violations of state tax laws. The act also allows for the disclosure of taxpayer information for the purpose of tax collection in certain proceedings.

RECORDS

Bail Bond Data

[ACT 991](#) (HB1900) requires the Administrative Office of the Courts to report for any court that uses case management software certain data concerning bail for defendants on the court's docket.

Court Transcripts - Payment

[ACT 1097](#) (HB1605) amends the law concerning the payment for a court transcript and provides that, if a circuit court judge utilized a substitute official court reporter for a court proceeding that the circuit court judge later determines requires a transcript, the substitute official court reporter shall receive additional compensation for producing the transcript for the circuit court judge.

Court Transcripts - Payment Before Delivery

[ACT 819](#) (HB1606) provides that a court reporter may require that payment for the remainder of the final cost of a court transcript be submitted before delivery of the court transcript to the party requesting it.

SPECIALTY COURT PROGRAMS

Veterans Treatment and Specialty Court Programs

[ACT 58](#) (HB1059) provides for the intrastate transfer of a specialty court program participant to another specialty court program. The act also creates a veterans treatment specialty court program and a driving or boating while intoxicated specialty court program.

TECHNICAL CORRECTIONS - PRACTICE, PROCEDURE, AND COURTS

Title 16

[ACT 475](#) (SB433) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 16 of the Arkansas Code.

WITNESSES

Remote Testimony by Child

[ACT 1026](#) (SB612) allows a child witness, under certain circumstances, to testify remotely using video conference technology or other technology that would enable the child to testify comfortably.

Use of Certified Facility Dogs

[ACT 824](#) (HB1497) expands the permitted use of certified facility dogs for vulnerable witnesses during a court hearing.

CRIMINAL LAW AND PROCEDUREBAIL***"No Contact" Order as a Condition of Release***

ACT 799 (HB1739) provides that a "no contact" order may be issued by the court as a condition of an arrested person's release from custody if the arrested person is charged with terroristic threatening, trafficking of persons, or false imprisonment in the first degree.

Condition of Release for Human Trafficking Offenses

ACT 798 (HB1741) provides heightened conditions for release on bail for persons accused of human trafficking and human-trafficking related offenses. Under the act, the conditions imposed may include an ankle monitor or GPS-enabled tracking device, restricted movement limited to the person's residence except in the case of a medical emergency, a restriction on internet access and access to electronic media, an agreement by the defendant to abide by certain rules, a cash bond or a secured bond requiring the defendant to put up at least fifty percent (50%) of the principal bond amount, a requirement to maintain regular reporting requirements, a requirement to obey a curfew, an agreement to relinquish all firearms to a third party, and a requirement to refrain from using an illegal controlled substance.

Release of Defendant

ACT 1039 (SB698) prohibits bail from being executed to effect the release of an arrested person without the bail bondsman being physically present.

Report by Administrative Office of the Courts

ACT 991 (HB1900) requires the Administrative Office of the Courts to report for any court that uses case management software certain data concerning bail for defendants on the court's docket.

CONTROLLED SUBSTANCES***Heroin and Fentanyl***

ACT 887 (HB1878) provides for increased penalties for controlled substance offenses when the controlled substance is heroin or fentanyl.

Medical Marijuana

ACT 1062 (HB1525) prohibits the possession, use, and transport of medical marijuana under certain circumstances.

Schedule VI Controlled Substances

ACT 514 (HB1619) provides that a prescription drug approved by the United States Food and Drug Administration is excluded from Schedule VI unless the Secretary of the Department of Health objects.

DEFENSES AND JUSTIFICATION***Use of Physical Force and Use of Deadly Physical Force***

ACT 250 (SB24) provides that a person who uses or threatens to use physical force in self-defense does not have a duty to retreat before using or threatening to use the physical force if the person is lawfully present in the location, is not engaged in criminal activity that gives rise to the need to use physical force, and is not engaged in any activity in furtherance of a criminal gang, organization, or enterprise. The act also provides that a person is not required to retreat before using deadly physical force in self-defense if the person is lawfully present, has a reasonable belief that the person against whom the deadly physical force is used is imminently threatening to cause death or serious physical injury to the person or another person, is not the initial aggressor and has not provoked the person against whom the deadly physical force is used, is not committing a felony offense of possession of a firearm with the firearm being used, unless the person is in or at the person's dwelling or in the curtilage surrounding the person's dwelling, is not engaged in criminal activity that gives rise to the need for the use of deadly physical force at the time the deadly physical force is used, and is not engaged in any activity in furtherance of a criminal gang, organization, or enterprise.

CRIMINAL LAW AND PROCEDURE**DEFENSES AND JUSTIFICATION*****Victims of Human Trafficking***

ACT 1106 (HB1554) establishes an affirmative defense for victims of human trafficking.

The act also amends the Human Trafficking Act of 2013 to modify certain definitions, amend the offense of trafficking of persons, and amend the law concerning the sealing of convictions for victims of human trafficking.

FINES AND FEES***Installment Payments***

ACT 1071 (HB1792) provides that, if a person has a felony conviction and is paying a fine or costs in installments as a result, the person may contact the entity with the responsibility to collect the fines or costs and request a lower installment payment based upon a demonstration of hardship. The act also provides that a person shall not request a lower installment payment if the person's failure to pay is attributable to his or her purposeful refusal to obey the sentence of the court or refusal or failure to make a good-faith effort to obtain the funds required for payment.

Resolution of Pending Misdemeanor Offenses by Incarcerated Person

ACT 1048 (SB353) establishes the procedures concerning the collection of all outstanding restitution, fines, fees, and court costs owed by incarcerated persons with pending charges for misdemeanors committed within the state. The act also creates the Criminal Justice Task Force on Offender Court Costs and Collections to study the methods used to assess, collect, and record fines, fees, restitution, and other financial obligations of persons in the criminal justice system. The act declares an emergency and is effective on and after April 29, 2021.

Suspension or Revocation of Driver's License

ACT 1049 (SB513) amends the law concerning the suspension or revocation of a person's driver's license for failure to pay a fine or failure to appear. The act also provides for restricted driving permits for a person whose driver's license was suspended to drive himself or herself to certain places.

Use of Federal Relief or Stimulus Funds by Incarcerated Persons

ACT 1110 (SB544) requires a person in the custody of a correctional facility to use funds received from a federal relief or federal stimulus program to first pay outstanding fines, fees, costs, and restitution. The act declares an emergency and is effective on and after May 3, 2021.

OFFENSES AGAINST PROPERTY***Damage to or Trespass upon Critical Infrastructure***

ACT 712 (HB1321) provides that a person commits the offense of criminal mischief if he or she purposely and without legal justification destroys or causes damage to any critical infrastructure. The act also provides that a person commits the offense of criminal trespass if he or she purposely enters or remains unlawfully in or upon critical infrastructure.

Defacing or Damaging a Public Building or an Object of Public Respect

ACT 713 (HB1313) provides that a person who damages a public building or an object of public respect by defacing, marring, vandalizing, or destroying certain public buildings or publicly owned monuments is guilty of a criminal offense. The act also defines "publicly owned monument" as an object on public land that commemorates a person or persons or an event that has become relevant to a social group as a part of the social group's remembrance of historic times or is part of the social group's cultural heritage due to the object's artistic, historic, social, political, technical, or architectural importance.

CRIMINAL LAW AND PROCEDURE**OFFENSES AGAINST PROPERTY*****Fraudulent Practices - Procurers***

ACT 589 (HB1573) amends the statutes concerning procurers and regulates the use of a procurer by a licensed chiropractic physician. The act prohibits a procurer from stating, implying, or otherwise communicating to another person that the procurer has an affiliation with an insurance company, that payment of an insurance claim or insurance coverage is available or otherwise affected by the person's willingness to see a specific provider, that a government entity has approved or is affiliated with the procurer, or that a specific medical facility is a preferred medical clinic or in-network provider; offering or giving anything of value in connection with a solicitation contact; using a false name or identity during a solicitation; providing or promising to provide a prescription or nonprescription medication or medical supplies unless authorized to prescribe under state law; attempting to solicit another person using a telephone number that is not registered with the Arkansas State Board of Chiropractic Examiners; or making any deceptive or misleading statement within the context of a solicitation. The act also requires registration of a procurer by a chiropractic physician with the Arkansas State Board of Chiropractic Examiners, requires a procurer to establish a telephone training program, and establishes criminal and civil penalties for violations by a procurer.

Theft of a Postal Package

ACT 340 (HB1317) provides that a person commits a Class D felony if he or she steals a postal package removed from the curtilage of a residential occupiable structure or from a delivery vehicle at any point throughout the delivery route. The act declares an emergency and is effective on and after March 15, 2021.

Utility Poles

ACT 377 (SB263) clarifies that the prohibition against attaching any sign, poster, or billboard to a pole used to provide utility, cable, telecommunication, or broadband services does not apply to a sign or to the attachment of a flag of the United States, the state flag, or a flag of a municipality to a pole owned by the municipality.

OFFENSES AGAINST PUBLIC HEALTH, SAFETY, OR WELFARE***Arkansas Unborn Child Protection Act***

ACT 309 (SB6) creates the Arkansas Unborn Child Protection Act, which abolishes abortion in Arkansas and prohibits a person from purposely performing or attempting to perform an abortion except to save the life of a pregnant woman in a medical emergency.

Boating or Driving While Intoxicated - Repeat Offenses

ACT 274 (HB1062) increases the lookback period for a boating while intoxicated or a driving while intoxicated offense to ten (10) years for up to a fifth offense and to twenty (20) years for a sixth or subsequent offense.

Carrying a Firearm in Publicly Owned Buildings or Facilities

ACT 693 (HB1598) provides that, for the purposes of the offense of carrying a firearm in publicly owned buildings or facilities, "facility" does not mean a municipally owned or maintained park, football field, baseball field, soccer field, or another similar municipally owned or maintained recreational structure or property.

Critical Infrastructure

ACT 140 (SB173) includes a food processing or manufacturing facility and a correctional or detention facility in the definition of "critical infrastructure" as it pertains to the offense of unlawful use of an unmanned aircraft system.

CRIMINAL LAW AND PROCEDURE

OFFENSES AGAINST PUBLIC HEALTH, SAFETY, OR WELFARE

Fleeing

[ACT 722](#) (SB307) provides that a person convicted of fleeing by means of a vehicle or conveyance in excess of the posted speed limit shall serve a minimum of thirty (30) days in jail.

Hoax Bombs

[ACT 351](#) (HB1506) provides that it is unlawful to knowingly deliver or cause the delivery of a hoax bomb to a governmental facility, school, business, hospital, office building, or similar facility open to the public or to a person's home, business, or place of work with the purpose of causing anxiety, unrest, fear, personal discomfort, or the evacuation of the facility.

Possession of a Firearm in Certain Locations

[ACT 433](#) (SB357) repeals a statute prohibiting the possession of a firearm in certain locations.

Possession of Drug Paraphernalia

[ACT 453](#) (HB1604) amends the offense of possession of drug paraphernalia and also amends the habitual offender statute as it applies to a person's previous felony convictions for possessing drug paraphernalia.

Public Demonstration and Riot Offenses

[ACT 1014](#) (HB1508) makes multiple amendments to the elements and penalties for riot offenses, public demonstration offenses, offenses committed against first responders, and public and private property offenses. The act also permits the Attorney General to investigate certain riot-related offenses upon a finding of probable cause.

Tear Gas or Pepper Spray

[ACT 566](#) (HB1597) provides that it is unlawful for a person to possess tear gas or pepper spray in a container with a capacity of more than three hundred milliliters (300 ml).

Weapons Offenses - Definition of "Journey" and "Vehicle"

[ACT 956](#) (HB1898) establishes that, when used in weapons-related offenses, "journey" means a person has left his or her home or the curtilage of his or her home either on foot, horseback, bicycle, or in an automobile for any purpose or duration and "vehicle" means any automobile and is considered an extension of a person's home, with any protections that conveys.

OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT

Personal Identification Documents

[ACT 1082](#) (HB1943) reduces the sentence classifications from a felony to a misdemeanor for certain offenses that involve personal identification documents and titles and registration for a motor vehicle.

OFFENSES AGAINST THE PERSON

Aggravated Assault - Law Enforcement Officer or Correctional Facility Employee

[ACT 596](#) (HB1727) amends the elements for the offense of aggravated assault upon a law enforcement officer or an employee of a correctional facility. The act declares an emergency and is effective on and after April 6, 2021.

Battery in the Second Degree

[ACT 512](#) (HB1588) provides that a person commits battery in the second degree if the person recklessly causes serious physical injury to another person who is four (4) years of age or younger. The act also provides that a person commits domestic battering in the second degree if the person recklessly causes serious physical injury to a family or household member who is four (4) years of age or younger.

CRIMINAL LAW AND PROCEDURE
OFFENSES AGAINST THE PERSON

Class Y Felony Sex Offenses

ACT 1102 (HB1934) requires that a defendant who was eighteen (18) years of age or older at the time he or she committed certain Class Y felony sex offenses be sentenced to life without the possibility of parole when the victim was less than fourteen (14) years of age at the time of the offense.

Definition of "Sexual Contact"

ACT 431 (SB464) amends the definition of "sexual contact" as it pertains to sex offenses to include urinating, defecating, or ejaculating on another person for the purpose of sexual gratification.

Fertility Treatment Abuse and Fertility Treatment Fraud

ACT 609 (SB474) creates the criminal offenses of fertility treatment abuse and fertility treatment fraud. The act also creates the civil action of fertility fraud.

Human Trafficking Act of 2013

ACT 1106 (HB1554) establishes an affirmative defense for victims of human trafficking. The act also amends the Human Trafficking Act of 2013 to modify certain definitions, amend the offense of trafficking of persons, and amend the law concerning the sealing of convictions for victims of human trafficking.

Sexual Assault by a Minor

ACT 615 (HB1651) amends the offenses of sexual assault in the second degree and sexual assault in the third degree when the offenses are committed by a minor.

Stalking

ACT 1085 (HB1668) amends the penalty for the offense of stalking in the first degree to a Class B felony and amends the penalty for the offense of stalking in the second degree to a Class C felony.

Trafficking in Persons - Commercial Motor Vehicle Driver - Penalties

ACT 160 (SB245) requires that a driver of a commercial motor vehicle who is convicted of using the commercial motor vehicle in the commission of a felony involving a severe form of trafficking in persons be disqualified from driving a commercial motor vehicle for life and provides that a disqualified driver is not eligible for reinstatement after ten (10) years.

Video Voyeurism

ACT 822 (HB1586) provides that it is unlawful for a person to use a camera, videotape, photo-optical, photoelectric, or other image recording device for the purpose of secretly observing, viewing, photographing, filming, or videotaping another person who is present in a residence, place of business, school, or other structure, or a room or particular location within that structure, if the other person has not consented to being observed, viewed, photographed, filmed, or videotaped.

Voyeurism and Video Voyeurism

ACT 597 (HB1732) provides that a person is guilty of a Class C felony if the victim of a voyeurism or video voyeurism offense is under fourteen (14) years of age.

OFFENSES INVOLVING FAMILIES AND DEPENDENTS

Class Y Felony Sex Offenses

ACT 1102 (HB1934) requires that a defendant who was eighteen (18) years of age or older at the time he or she committed certain Class Y felony sex offenses be sentenced to life without the possibility of parole when the victim was less than fourteen (14) years of age at the time of the offense.

CRIMINAL LAW AND PROCEDURE**OFFENSES INVOLVING FAMILIES AND DEPENDENTS*****Domestic Battering in the Second Degree***

ACT 512 (HB1588) provides that a person commits battery in the second degree if the person recklessly causes serious physical injury to another person who is four (4) years of age or younger. The act also provides that a person commits domestic battering in the second degree if the person recklessly causes serious physical injury to a family or household member who is four (4) years of age or younger.

Domestic Battering Offenses

ACT 1086 (HB1669) amends the sentences for the offenses of domestic battering in the second degree and domestic battering in the third degree by repealing the second or subsequent offense enhancement.

Domestic Violence - Address Confidentiality Program

ACT 913 (SB552) provides that if a person requests from the Department of Finance and Administration the residence address of a driver's license holder who participates in the address confidentiality program due to domestic violence, the department shall provide the requested information only if the person requesting the information presents a current and valid court order finding a compelling reason for access to the residence address and the person has not been convicted of domestic violence against whom the order of protection has been entered.

Doxxing of a Minor

ACT 375 (SB170) prohibits the unlawful doxxing of a minor on a social media platform, which is defined as publishing private or identifying information about a particular person on social media with a malicious purpose.

Sexual Offenses Committed Against Minors

ACT 1098 (HB1740) creates the offenses of grooming a minor for future sex trafficking and traveling for the purpose of an unlawful sex act with a minor.

PROCEDURAL RULES***Arkansas Civil Asset Forfeiture Reform Act of 2021***

ACT 1023 (SB560) creates the Arkansas Civil Asset Forfeiture Reform Act of 2021, which provides for revised steps a true owner may take to challenge the forfeiture of his or her asset that was seized by law enforcement during a criminal investigation.

Comprehensive Criminal Record Sealing Act of 2013

ACT 341 (HB1256) amends the Comprehensive Criminal Record Sealing Act of 2013 by permitting certain persons with a felony conviction to be eligible for criminal record sealing. The act also amends the timeline during which a prosecuting attorney may object to a petition to seal a person's criminal record.

Sealing - Boating or Driving While Intoxicated Conviction

ACT 1037 (SB685) provides that a person may not file a new uniform petition to seal a misdemeanor violation of driving or boating while intoxicated until after the applicable lookback periods governing the seriousness level of that offense have elapsed.

Sealing - Felony Controlled Substance Offense

ACT 690 (HB1329) amends the law concerning the sealing of the record of a felony controlled substance offense under the Comprehensive Criminal Record Sealing Act of 2013.

Statute of Limitations - Domestic Violence

ACT 800 (HB1721) creates the Arkansas Phoenix Act of 2021, which amends the statute of limitations for offenses involving domestic violence and provides for training to be given to law enforcement officers on additional topics that arise in situations in which domestic violence is suspected.

CRIMINAL LAW AND PROCEDURE**PROCEDURAL RULES*****Statutes of Limitation***

ACT 1087 (HB1670) amends the law concerning the application of the statute of limitations when the commencement of a prosecution is premised on DNA testing of an identified person.

Venous Blood Draws

ACT 990 (HB1897) establishes protocols concerning who may draw venous blood and when the blood draw may occur in regard to a criminal investigation in which the level of alcohol in a person's blood is at issue.

PUBLIC DEFENDERS***Certificate of Indigency and Substantial Financial Hardship***

ACT 502 (HB1213) amends the standards by which a defendant qualifies for a public defender under an affidavit of indigency and the information the defendant must provide to the court in order to show a substantial financial hardship.

SENTENCING AND PENALTIES***Administrative Transfer of an Inmate to the Division of Community Correction***

ACT 55 (HB1185) permits the administrative transfer of an inmate from the Division of Correction to the Division of Community Correction if certain requirements are met unless the sentencing court notes on the inmate's sentencing order that the Division of Correction may not administratively transfer the inmate.

Aggravating Circumstances

ACT 681 (SB622) delays the release from prison for certain offenders until the offender has served at least eighty percent (80%) of his or her sentence and creates penalties for false reporting to law enforcement. The act provides that delayed release is contingent upon proving that an aggravating circumstance was present. The act defines "aggravating circumstance" as the purposeful selection of the victim because the victim was a member of or was associated with a recognizable and identifiable group or class who share mental, physical, biological, cultural, political, or religious beliefs or characteristics.

Capital Murder Aggravating Circumstances

ACT 931 (HB1646) amends the definition of "person" in the Criminal Code to include an unborn child as the term applies to capital murder aggravating circumstances applied at a defendant's sentencing.

Fair Sentencing for Minors Act

ACT 1034 (SB652) provides that the parole eligibility of a person who was a minor at the time he or she committed an offense applies retroactively to a minor whose offense was committed before he or she was eighteen (18) years of age, including a minor serving a sentence of life, regardless of the original sentences that were imposed.

Habitual Offenders

ACT 821 (HB1587) requires that a person who is convicted as a habitual offender serve a period of time in prison.

Mistrial During a Capital Murder Trial

ACT 695 (HB1731) provides that if there is a mistrial declared during the sentencing phase of a capital murder trial, the prosecuting attorney may move the trial court to impose a sentence of life without parole and the trial court may impose the sentence of life without parole without a hearing or impaneling a new sentencing jury. The act also provides that a mistrial during the sentencing phase of the trial shall not result in the invalidation of the finding of guilt for a capital felony.

CRIMINAL LAW AND PROCEDURE

SENTENCING AND PENALTIES

Target Group for Community Correction

ACT 878 (HB1561) amends the definition of "target group" as that term applies to community correction.

Victim Impact Panel

ACT 500 (HB1511) amends the law concerning the victim impact panel attendance required for persons who commit an alcohol-related offense. The act includes an increase in the program fee to forty dollars (\$40.00) per enrollee who is not otherwise incarcerated in the Department of Corrections.

Voluntary Presumptive Sentencing Standards

ACT 426 (HB1276) requires that, for the purpose of computing a person's criminal history score at sentencing, the time period during which criminal records are considered includes the time up to the date of the person's sentencing.

SEX OFFENDERS

Out-of-State Sex Offenders

ACT 57 (HB1057) requires a sex offender who moves to Arkansas from another state in which he or she has been ordered to register as a sex offender to register with the local law enforcement agency that has jurisdiction in the county or municipality to which the person moved.

Residing Near Private Easement Used by a Public Park

ACT 963 (HB1625) provides that a sex offender may not generally reside near privately owned land over which an easement has been granted to the state or a county, city, or town and that is used as part of the public park system of the state or a county, city, or town.

Residing with Minor While on Probation

ACT 499 (HB1507) provides that a person who is convicted of an offense for which he or she is required to register as a sex offender and who received a sentence of probation is prohibited as a condition of his or her probation from residing in a residence with any minor unless the court makes a specific finding that the person poses no danger to a minor residing in the residence.

Sex Offender Assessment Committee

ACT 683 (HB1691) amends the administration of the sex offender assessment committee by requiring the Secretary of the Department of Corrections or his or her designee to serve as the executive secretary of the committee and establishing that the administrative functions of the committee are the responsibility of the Department of Corrections.

Termination of Obligation to Register

ACT 881 (HB1653) amends the requirements that need to be met before a sex offender can have his or her obligation to register terminated.

Water Parks

ACT 429 (HB1004) amends the definition of "water park" as it pertains to places a Level 3 or Level 4 sex offender is prohibited from knowingly entering to include a public wave pool, splash pad, water slide, or other area dedicated to an aquatic activity for children.

TECHNICAL CORRECTIONS - CRIMINAL OFFENSES

Title 5

ACT 466 (SB424) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 5 of the Arkansas Code.

CRIMINAL LAW AND PROCEDUREVICTIMS***Arkansas In-Life Photograph Act***

ACT 1096 (HB1323) creates the Arkansas In-Life Photograph Act, which permits the in-life photograph of a crime victim to be displayed under certain circumstances at the trial of a person accused of committing the homicide.

Domestic Violence - Address Information Protected

ACT 980 (HB1777) creates a mechanism to protect the address information of victims of domestic violence on all voter registration materials.

HIV Test of Accused

ACT 653 (SB308) provides that a victim of a sexual assault may request that the person arrested and charged with the offense be tested for the presence of human immunodeficiency virus (HIV) or an antibody to human immunodeficiency virus (HIV), whether or not he or she is in custody, and that the results of the tests be provided to the victim. The act also provides that the court shall require that the person be tested within forty-eight (48) hours of the information's or indictment's being presented to the person if the court finds that there is a reasonable cause to believe that the person committed the offense and the charge against the person has an element of forcible compulsion or the threat of forcible compulsion.

ECONOMIC DEVELOPMENTECONOMIC DEVELOPMENT COMMISSION (AEDC)***Consolidated Incentives - Investment Tax Incentives***

ACT 911 (SB566) amends the definition of "project costs" for purposes of the Consolidated Incentive Act of 2004 and increases the amount of the tax credits that may be applied for, and the timeframes within which they can be taken, for applications filed with the Arkansas Economic Development Commission during June 22-28, 2017.

Military Affairs Division - Military Affairs Grant Program

ACT 522 (SB163) creates the Military Affairs Division within the Arkansas Economic Development Commission to be the instrumentality to promote and support military installations in the state. The act also creates the Military Affairs Grant Program to provide grants for projects or programs that support and sustain military installations and military families in Arkansas or result in economic growth to the state, the community, and the region surrounding the military installation. The act declares an emergency and is effective on and after July 1, 2021.

Motion Picture Industry

ACT 797 (HB1743) amends the Motion Picture Industry Development Act of 2009 to authorize a production company to seek tax credits instead of rebates, extend the deadline to apply for the credits or rebates to June 30, 2032, expand the set of expenditures for which a production company can seek the credits or rebates, and regulate the process by which the Department of Finance and Administration certifies the amount of tax credits to which a production company is entitled.

SCIENCE AND TECHNOLOGY***Arts and Technology Boot Camp***

ACT 577 (SB531) creates the Arkansas Legislative Arts and Technology Boot Camp to hold one or more gatherings to discuss arts and technology in Arkansas and to create a report that contains an inventory of Arkansas's statewide arts and cultural assets; an assessment of the amount and practicability of obtaining funds needed to create, update, and maintain a statewide database that contains the inventory; and a plan to identify and leverage assets and talents in the areas of arts and technology.

ECONOMIC DEVELOPMENT

TECHNICAL CORRECTIONS - NATURAL RESOURCES AND ECONOMIC DEVELOPMENT

Title 15

ACT 474 (SB432) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 15 of the Arkansas Code.

EDUCATION - GENERAL

ADMINISTRATION - GENERALLY

College and Career Coaches Program

ACT 633 (SB61) provides that a school district may use enhanced student achievement funds to support the school district's participation in the College and Career Coaches Program. The act provides that, to participate in the program, a school district shall apply jointly with an institution of higher education, an education service cooperative, or a nonprofit organization to the Division of Career and Technical Education. The act provides that implementation of the program shall be monitored by on-site technical assistance visits at least one (1) time every two (2) years. The act also adds additional criteria for evaluating the effectiveness of the program.

BOARD OF EDUCATION

Academic Standards - Automated External Defibrillator

ACT 544 (SB64) repeals the law requiring the State Board of Education to define and publish academic standards and expected outcomes for students in prekindergarten through grade twelve (preK-12), require that the academic standards and expected outcomes be adopted by local school district boards of directors, and require that the academic standards and expected outcomes be implemented by local school districts. The act also requires the State Board of Education to promulgate rules to require that appropriate school personnel be adequately trained on an ongoing basis on the use of automated external defibrillators.

Authority - Arkansas Leadership Academy

ACT 544 (SB64) provides that the State Board of Education shall have the authority to issue requests for qualifications and to use other appropriate procurement methods if the state board determines that the operator or the location of the Arkansas Leadership Academy should be changed.

Notice of Review of Waivers

ACT 678 (HB1172) requires the State Board of Education to give a public school district superintendent and a local public school district board of directors president at least fifteen (15) business days' notice in writing and by electronic mail of the state board's intent to conduct a review of a waiver it granted to the public school district.

School Counseling Improvement Act of 2019

ACT 650 (SB120) provides that the State Board of Education may promulgate rules to implement the School Counseling Improvement Act of 2019.

School District Waivers

ACT 774 (SB251) repeals the requirement that a copy of the waivers granted to an open-enrollment public charter school be included in a school district's petition for all or some of the waivers granted to the open-enrollment public charter school. The act provides that the Division of Elementary and Secondary Education may request additional information concerning a school district's waiver petition if necessary. The act provides that if the division determines that additional information is necessary, the State Board of Education shall grant or deny, in whole or in part, the petition for a waiver within ninety (90) days of receiving the requested additional information.

EDUCATION - GENERAL

CURRICULUM

African-American History Requirement

ACT 259 (HB1029) amends the African-American history requirement for public schools to include education regarding John W. Walker.

Arkansas Tutoring Corps Act

ACT 912 (SB564) allows the Department of Education to develop a program to identify qualified tutors, identify a curriculum to support children preparing to enter kindergarten through grade six (K-6) in math and reading, ensure training modules related to math and reading are provided to qualified tutors, ensure ongoing support to qualified tutors, and coordinate with public schools to ensure tutoring is offered at qualified tutoring sites or virtually. The act declares an emergency and is effective on and after April 26, 2021.

Bilingual Education - Dual Immersion Program

ACT 663 (HB1451) allows a public school district or open-enrollment public charter school to adopt a bilingual program or a dual-immersion program approved by the Division of Elementary and Secondary Education.

Computer Science Education Advancement Act of 2021

ACT 414 (SB107) creates the Computer Science Education Advancement Act of 2021, which requires students entering ninth grade in the 2022-2023 school year to have one (1) unit of credit in an approved computer science course before graduation.

Courses and Programs - Parental Notice and Inspection

ACT 552 (SB389) requires public schools to make certain information and materials available for inspection by parents and legal guardians of public school students participating in certain courses or programs and requires public schools to provide prior written notification to parents and legal guardians of public school students participating in certain courses and programs that are not directly related to a requirement under the Arkansas academic standards.

Curriculum Framework - School District Implementation

ACT 251 (SB124) requires each local school district to establish procedures and monitoring processes to ensure that the content of each course offered by the school district is consistent with content standards and curriculum frameworks approved by the State Board of Education. The act provides that if the Division of Elementary and Secondary Education determines that a school district has failed to align the content of each class and subject area to content standards and curriculum frameworks developed and approved by the state board, the division shall take enforcement actions as outlined in the Standards for Accreditation of Arkansas Public Schools and School Districts.

Holocaust Education - Requirement

ACT 611 (SB160) requires all public schools to provide Holocaust education beginning with the 2022-2023 school year.

Licensed Practical Nurse Pathway

ACT 757 (HB1794) requires the Division of Elementary and Secondary Education, in consultation with the Division of Higher Education, to establish and implement a program by which a public school student in grades nine through twelve (9-12) may enroll in undergraduate courses required to obtain a diploma or certificate of completion as a licensed practical nurse by the date on which the student graduates or within a reasonable frame of time after the student graduates. The act declares an emergency and is effective on and after April 19, 2021.

EDUCATION - GENERAL

CURRICULUM

Parents and Legal Guardians - Access to Instructional Materials

ACT 684 (HB1464) requires each public school district to develop and adopt policies, in consultation with parents and legal guardians, regarding the rights of parents and legal guardians to inspect, upon request, any instructional materials; a procedure for granting a parent or legal guardian reasonable access to instructional materials within a reasonable period of time; and the opportunity for parents and legal guardians to challenge or express concerns about the instructional materials and events and activities associated with classroom instruction.

Physical Education and Health and Safety - Hunting Safety Course

ACT 536 (SB161) allows public schools to offer to students in grades five through twelve (5-12) a hunting safety course as part of the public school's physical education and health and safety curriculum.

Science of Reading - Required Methods

ACT 606 (SB349) specifies the methods permitted under the science of reading and provides consequences for public schools that implement a science of reading program prohibited under the act.

Technical and Vocational Education

ACT 545 (SB235) amends the law concerning the supervision and administration of technical and vocational education. The act repeals the law concerning the Plumbing Program and the statute concerning grants for tech-prep education.

United States Citizenship Civics Test - Passage Requirements

ACT 730 (HB1744) amends the passage rate required for the United States citizenship civics test to sixty percent (60%) of the test questions.

Visual Art and Music Class

ACT 644 (SB451) requires students in grades one through six (1-6) who are enrolled in a public school or open-enrollment public charter school that is configured as an elementary school to participate in visual art and music class and amends visual art and music requirements for students in grades five (5) and six (6) who are enrolled in a public school that is not configured as an elementary school.

EDUCATIONAL STANDARDS

Academic Standards

ACT 544 (SB64) repeals the law requiring the State Board of Education to define and publish academic standards and expected outcomes for students in prekindergarten through grade twelve (preK-12), require that the academic standards and expected outcomes be adopted by local school district boards of directors, and require that the academic standards and expected outcomes be implemented by local school districts.

Home Schooling - Notice

ACT 544 (SB64) repeals the law requiring that a home schooling notice provided to a superintendent by the parent of a child include a statement of plans to seek a driver's license during the current school year.

EDUCATION - GENERAL**EDUCATIONAL STANDARDS*****Parental Involvement Plan***

ACT 544 (SB64) requires each public school district and each public school within its boundaries, in collaboration with parents, to establish a parental involvement plan, including programs and practices that enhance parent and family engagement and reflect the specific needs of students and their families. The act replaces "parental involvement program" with "parent and family engagement plan" and requires every school district, annually by August 1, to review and update the school district's parent and family engagement plan, file a copy of the plan with the Division of Elementary and Secondary Education, place a copy of the plan on the school district's website, and publish a parent-friendly summary of the plan as a supplement to the student handbook. The act requires the Division of Elementary and Secondary Education and the Division of Higher Education to collaborate with institutions of higher education to incorporate into teacher and administrator education programs instruction regarding the importance of parent and family engagement and the connection between cultural diversity and parent and family engagement.

School Rating System - School Performance Reports

ACT 544 (SB64) requires annual school performance reports to be made available in hard copy to all parents or guardians upon request. The act provides that the public school district also may publish the school performance report in the local newspaper.

ELEMENTARY AND SECONDARY EDUCATION DIVISION***Approval of School Election Date***

ACT 85 (HB1104) repeals the requirement that the Commissioner of Elementary and Secondary Education approve the date of a school election concerning a tax rate or debt issue.

Community Schools - Professional Development

ACT 744 (SB291) allows the Division of Elementary and Secondary Education to provide professional development programs that teach the skills required for managing community schools and expanded learning time, planning and implementing services and strategies in collaboration with communities, and blending and braiding funding to support community schools. The act also allows the charter authorizer to designate a public charter school as a community school. The act declares an emergency and is effective on and after April 19, 2021.

Development of Education Program for School Nurses

ACT 1089 (HB1826) requires the Division of Elementary and Secondary Education, in consultation with the Department of Health, to develop and implement an education program for school nurses.

Development of Guidance on Health-Related Priorities

ACT 1074 (HB1848) creates the Healthy Active Arkansas Schools Act, which requires the Division of Elementary and Secondary Education, in consultation with the Department of Health, to develop guidance for public schools to address certain health-related priorities.

Earthquake Safety Drills

ACT 442 (SB249) requires the Division of Elementary and Secondary Education to conduct earthquake safety drills in areas susceptible to earthquakes.

Education Ombudsman Created

ACT 606 (SB349) creates the Education Ombudsman position within the Department of Education and requires the Education Ombudsman to prepare and submit an annual report to the State Board of Education concerning his or her work and any recommendations related to the focus areas of the Education Ombudsman.

EDUCATION - GENERAL**ELEMENTARY AND SECONDARY EDUCATION DIVISION*****Eye and Vision Screenings***

ACT 320 (SB60) requires the Division of Elementary and Secondary Education, in conjunction with the Arkansas Commission on Eye and Vision Care of School-Age Children, to adopt rules to establish the tests, procedures, equipment, and instruments that shall be used to perform eye and vision screenings.

Licensed Practical Nurse Program

ACT 757 (HB1794) requires the Division of Elementary and Secondary Education, in consultation with the Division of Higher Education, to establish and implement a program by which a public school student in grades nine through twelve (9-12) may enroll in undergraduate courses required to obtain a diploma or certificate of completion as a licensed practical nurse by the date on which the student graduates or within a reasonable frame of time after the student graduates. The act declares an emergency and is effective on and after April 19, 2021.

Network of Certified Academic Language Therapists - Creation

ACT 1016 (HB1891) requires the Division of Elementary and Secondary Education to create a network of Certified Academic Language Therapists to support public schools for the purpose of providing a specialized dyslexia instructional program designed to provide therapy to students with dyslexia or other related reading and written-language difficulties and requires the division to establish and coordinate a dyslexia therapy training program for educators.

Notification of Day of Prayer

ACT 902 (SB662) requires the Division of Elementary and Secondary Education to annually notify public schools regarding A Day of Prayer for Arkansas Students.

Parental Involvement Plan - Commissioner of Education

ACT 544 (SB64) requires the Division of Elementary and Secondary Education and the Division of Higher Education to collaborate with institutions of higher education to incorporate into teacher and administrator education programs instruction regarding the importance of parent and family engagement and the connection between cultural diversity and parent and family engagement. The act also replaces "Commissioner of Education" with "Commissioner of Elementary and Secondary Education" in various provisions of the Arkansas Code.

Public School ADA Compliance Committee

ACT 987 (HB1863) creates the Public School ADA Compliance Committee, which is required to establish guidelines and training for conducting assessments of public school buildings.

Public School Rating System

ACT 89 (HB1151) prohibits the Division of Elementary and Secondary Education from assigning school ratings for the 2020-2021 school year.

Purchasing - Rounding Price Amounts

ACT 262 (HB1194) amends the means by which adjustments of purchase price amounts of commodities by public school districts are calculated to allow the Commissioner of Elementary and Secondary Education to round the final amount up to the nearest one hundred dollars (\$100).

Secretary of the Department of Education

ACT 321 (SB63) provides the Secretary of the Department of Education may appoint a designee to appear on behalf of the secretary at a meeting of a board or commission of which the secretary is a member in his or her official capacity as secretary. The act provides that the designee of the secretary may vote on the secretary's behalf.

EDUCATION - GENERAL**ELEMENTARY AND SECONDARY EDUCATION DIVISION*****Student Assessments***

ACT 251 (SB124) requires the Division of Elementary and Secondary Education to provide for statewide student assessments that are scored and returned for public school and school district use by August 1 of each year.

Teacher and Administrator Recruitment

ACT 646 (SB524) provides that by August 1, 2022, each public school district and open-enrollment public charter school in the state shall prepare a three-year teacher and administrator recruitment and retention plan. The act provides that the Equity Assistance Center shall provide technical assistance, guidance, and support to public school districts and public open-enrollment charter schools in developing recruitment and retention plans and setting and meeting annual goals. The act provides that the Department of Education shall set goals for increasing the number of teachers and administrators of minority races and ethnicities in this state. The act also provides that the Division of Higher Education shall collaborate with the State Board of Education, local universities, colleges, public school districts, and open-enrollment public charter schools to develop a strategic plan for increasing the number of teachers and administrators of minority races and ethnicities in this state.

EMPLOYEES***Alternative Pay Programs***

ACT 544 (SB64) repeals the law concerning alternative pay programs.

Health Insurance - Local Contribution Rates

ACT 621 (HB1541) specifies that the increase of a school district's local contribution rate to a public school employee's health insurance is based on the same percentage that a school district increases the base salary for licensed personnel with a minimum of a bachelor's degree under the licensed salary schedule adopted by the school district.

Right to Read Act - Demonstration of Proficiency

ACT 489 (SB62) provides that by the beginning of the 2023-2024 school year, all teachers employed in a classroom teaching position that requires a license to teach elementary students in grades kindergarten through six (K-6) or a license to teach special education for students in grades kindergarten through twelve (K-12) shall demonstrate proficiency in knowledge and practices of scientific reading instruction. The act provides that a teacher who has not demonstrated proficiency by the 2023-2024 school year may be afforded an opportunity to demonstrate proficiency by being placed in an intensive support status for a period of time specified by the teacher's evaluator in the professional growth plan for the teacher. The act provides that all teachers who begin employment in the 2023-2024 school year and each following school year thereafter shall demonstrate proficiency or awareness in knowledge and practices of scientific reading instruction as is applicable to their teaching position.

School Counseling - Training

ACT 620 (HB1549) provides that by September 1, 2024, and every four (4) years following, a school counselor shall receive Youth Mental Health First Aid training to learn the risk factors and warning signs of mental health issues in adolescents, the importance of early intervention, and how to help an adolescent who is in crisis or expecting a mental health challenge. The act is identical to Act 648.

School Counseling - Training

ACT 648 (SB394) provides that by September 1, 2024, and every four (4) years following, a school counselor shall receive Youth Mental Health First Aid training to learn the risk factors and warning signs of mental health issues in adolescents, the importance of early intervention, and how to help an adolescent who is in crisis or expecting a mental health challenge. The act is identical to Act 620.

EDUCATION - GENERALEMPLOYEES***School Resource Officers - Memorandum of Understanding - Training Requirements***

ACT 551 (SB407) requires a school district board of directors that accepts a school resource officer to enter into a memorandum of understanding with the local law enforcement agency with jurisdiction or, if the school district has an institutional law enforcement officer, to adopt policies and procedures that govern the school resource officer. The act also requires certain training for school resource officers and public school district superintendents and principals who accept a school resource officer or employ an institutional officer. The act is identical to Act 622.

School Resource Officers - Memorandum of Understanding - Training Requirements

ACT 622 (HB1510) requires a school district board of directors that accepts a school resource officer to enter into a memorandum of understanding with the local law enforcement agency with jurisdiction or, if the school district has an institutional law enforcement officer, to adopt policies and procedures that govern the school resource officer. The act also requires certain training for school resource officers and public school district superintendents and principals who accept a school resource officer or employ an institutional officer. The act is identical to Act 551.

Teacher and Administrator Recruitment

ACT 646 (SB524) provides that by August 1, 2022, each public school district and open-enrollment public charter school in the state shall prepare a three-year teacher and administrator recruitment and retention plan. The act provides that the Equity Assistance Center shall provide technical assistance, guidance, and support to public school districts and public open-enrollment charter schools in developing recruitment and retention plans and setting and meeting annual goals. The act provides that the Department of Education shall set goals for increasing the number of teachers and administrators of minority races and ethnicities in this state. The act also provides that the Division of Higher Education shall collaborate with the State Board of Education, local universities, colleges, public school districts, and open-enrollment public charter schools to develop a strategic plan for increasing the number of teachers and administrators of minority races and ethnicities in this state.

ETHICS***Commissioner***

ACT 544 (SB64) repeals the definition of "commissioner" as applicable to elementary and secondary education ethical guidelines and prohibitions.

FINANCES***Arkansas Educational Financial Accounting and Reporting Act of 2004***

ACT 544 (SB64) gives the Division of Elementary and Secondary Education the responsibilities of the auditors of the financial accountability office with regard to budget and expenditure reports of school districts.

District Finances - Desegregation Consultants and Desegregation Funding

ACT 544 (SB64) repeals the law concerning consultants hired to determine whether and in what respect certain Pulaski County school districts are unitary and have complied with their respective consent decrees concerning desegregation. The act also repeals the law concerning desegregation funding.

FUNDING***Declining Enrollment and Special Needs Isolated Funding - Receipt of Both***

ACT 909 (SB629) allows a public school district that has experienced a decline in average daily membership over the two (2) immediately preceding school years to receive both declining enrollment funding and special needs isolated funding.

EDUCATION - GENERAL

FUNDING

Enhanced Transportation Funding - Increased Amounts

ACT 323 (SB207) increases the enhanced transportation funding amounts for eligible school districts for the 2021-2022 and 2022-2023 school years. The act is identical to Act 400. The act declares an emergency and is effective on and after March 15, 2021.

Enhanced Transportation Funding - Increased Amounts

ACT 400 (HB1433) increases the enhanced transportation funding amounts for eligible school districts for the 2021-2022 and 2022-2023 school years. The act is identical to Act 323. The act declares an emergency and is effective on and after March 17, 2021.

Foundation Funding - Categorical Funding - Enhanced Student Achievement Funding

ACT 614 (HB1677) amends the amount of foundation funding, categorical funding, and Enhanced Student Achievement funding for public schools for the 2021-2022 and 2022-2023 school years. The act declares an emergency and is effective on and after April 8, 2021.

Parent Teacher Organizations - Fundraisers - Sales Tax Exemption

ACT 873 (HB1023) provides an exemption from sales tax for all services by a parent teacher organization that is organized as a 501(c)(3) nonprofit and is affiliated with a public school. By amending the definition of a "special event," the act also exempts from sales tax any fundraising event of a parent teacher organization if the organization sold tickets to the event and the proceeds from the ticket sales are used directly to assist the public school in fulfilling its mission of educating children. The act is effective on and after October 1, 2021.

Public School Funding Act of 2003 - Enhanced Student Achievement Funding

ACT 322 (SB101) specifies when school districts are permitted to expend Enhanced Student Achievement Funding to provide supports and resources. The act requires each public school district to submit, by July 1, 2022, a three-year enhanced student achievement plan to the Division of Elementary and Secondary Education describing the school district's intended and implemented strategies to enhance student achievement and how enhanced student achievement funds will be used to support the strategies of the school district as permitted by the law and rules promulgated by the State Board of Education. The act also addresses the review and update of enhanced student achievement plans.

Public School Funding Act of 2003 - Student Growth Funding

ACT 544 (SB64) provides for the calculation of student growth funding based on the per-student foundation funding for a school district, the school district's quarterly average daily membership for the fourth quarter of the previous school year, and the average daily membership in the year before the fourth quarter.

Teacher Salary Equalization

ACT 679 (SB504) provides that, beginning with the 2021-2022 school year, school districts identified by the Division of Elementary and Secondary Education as having an average annual teacher salary below the statewide target shall receive teacher salary equalization funding equal to one hundred eighty-five dollars (\$185) multiplied by the average daily membership of the school district for the previous school year. The act is identical to Act 680. The act declares an emergency and is effective on and after April 12, 2021.

Teacher Salary Equalization

ACT 680 (HB1614) provides that, beginning with the 2021-2022 school year, school districts identified by the Division of Elementary and Secondary Education as having an average annual teacher salary below the statewide target shall receive teacher salary equalization funding equal to one hundred eighty-five dollars (\$185) multiplied by the average daily membership of the school district for the previous school year. The act is identical to Act 679. The act declares an emergency and is effective on and after April 12, 2021.

EDUCATION - GENERAL**LOCAL SCHOOL BOARDS*****Alternate School Calendar***

ACT 688 (HB1237) allows a public school district board of directors to elect to implement an alternate school calendar beginning with the 2022-2023 school year and requires that an alternate school calendar consist of at least one thousand sixty-eight (1,068) hours of instructional time and at least thirty (30) make-up hours for days unavoidably lost.

Required Training - School Safety and Student Discipline

ACT 182 (HB1102) amends the required training for school board members to include training on information regarding school safety and student discipline and amends the required superintendent report concerning school board member training hours to include specific information, including the number of training hours the school board member received during the previous year, the number of training hours carried forward from the previous year, the sum of the number of training hours received in the previous year, and the number of training hours carried forward from the previous year.

School Districts with Ten Percent Minority Population - Election Method

ACT 511 (HB1540) requires a school district board of directors that adopts a resolution to require school board members to be elected by zone, at large, or a combination thereof to publish the resolution at least ninety (90) days before the filing deadline for the next regular school election; requires that school district boards of directors in school districts that have ten percent (10%) or greater minority population choose their election method and divisions at least one hundred twenty (120) days before the annual school election held on the second year after the federal decennial census; and requires a school district board of directors to divide each school district having a ten percent (10%) or greater minority population and file a copy of the plan with the county clerk at least ninety (90) days before the filing deadline for the annual school election held on the second year after each federal decennial census. The act declares an emergency and is effective on and after April 1, 2021.

Timeline to Fill Vacancies

ACT 261 (HB1193) amends the time by which a vacancy shall be filled on a school district board of directors.

SCHOOL DISTRICTS - GENERALLY***Arkansas Correctional School District***

ACT 493 (SB264) provides for the renaming of the school district operated by the Division of Correction to the "Arkansas Correctional School District".

Body Corporate

ACT 544 (SB64) repeals the law requiring a certificate showing a school district's body corporate name that is authenticated by the State Board of Education to be filed with the county clerk of the county or of each county in which there is any territory of the school district.

Community Schools

ACT 744 (SB291) allows the Division of Elementary and Secondary Education to provide professional development programs that teach the skills required for managing community schools and expanded learning time, planning and implementing services and strategies in collaboration with communities, and blending and braiding funding to support community schools. The act also allows the charter authorizer to designate a public charter school as a community school. The act declares an emergency and is effective on and after April 19, 2021.

EDUCATION - GENERAL**SCHOOL DISTRICTS - GENERALLY*****Donated Land - Allowable Uses***

ACT 350 (HB1113) allows a public school district or open-enrollment public charter school to use a donated parcel of land held by a community organization for educational purposes if the land is in a census tract with a poverty rate higher than the average poverty rate in this state, the community organization received the land from the Commissioner of State Lands at least three (3) years earlier, an eligible person does not currently use the land for a homestead, and the proposed activities or uses on the land are not prohibited by any use restrictions that were placed on the land for the purposes of protecting human health or the integrity of any remedial action measures. The act declares an emergency and is effective on and after March 15, 2021.

Health Services Program - School Nurses - Professional Development

ACT 1089 (HB1826) requires each public school district to provide a health services program under the direction of a licensed registered nurse and requires at least one (1) licensed registered nurse employed or contracted by each public school district to participate annually in professional development related to Arkansas school nursing mandates and practices beginning with the 2021-2022 school year.

New Construction or Renovations - Water Bottle Filling Stations

ACT 775 (SB532) requires that public school buildings constructed or totally renovated on or after July 1, 2021, be equipped with water bottle filling stations that are approved by the Division of Public School Academic Facilities and Transportation.

Open-Enrollment Public Charter School - Charters, Enrollment, Authorization, and Funds

ACT 774 (SB251) requires an open-enrollment public charter school to post the most recent version of its written contract on the website of the open-enrollment public charter school by August 1 each year. The act provides that immediately upon the revocation, transfer, or assignment of an open-enrollment charter by the authorizer, an open-enrollment public charter school shall provide the Division of Elementary and Secondary Education with a comprehensive list of all banking information and accounts in which the open-enrollment public charter school holds state or federal funds, receive prior approval from the division for an expenditure over five hundred dollars (\$500), and work in coordination with the division to draft a charter closure plan. The act also provides that immediately upon the State Board of Education's affirmation of a revocation, assignment, or transfer, the open-enrollment public charter school shall transfer all state and federal funds held by the open-enrollment public charter school to the division. The act provides that an open-enrollment public charter school shall have a policy concerning whether the open-enrollment public charter school will enroll students after July 30.

Pledge of Allegiance - Moment of Silence

ACT 959 (HB1832) requires one (1) minute of silence following the daily recitation of the Pledge of Allegiance in kindergarten through grade twelve (K-12) public schools both at school and at school-sanctioned after-school assemblies and sporting events.

Private School - Institutional Law Enforcement Officer

ACT 535 (SB159) allows a private school to establish and appoint an institutional law enforcement officer.

Prohibited Transactions - Individuals or Entities that Perform or Induce Abortions

ACT 820 (HB1592) prohibits public schools and open-enrollment public charter schools from knowingly entering into any type of transaction with an individual or an entity that performs abortions, induces abortions, or provides abortions.

EDUCATION - GENERAL**SCHOOL DISTRICTS - GENERALLY*****Purchasing - Rounding Price Amounts***

ACT 262 (HB1194) amends the means by which adjustments of purchase price amounts of commodities by public school districts are calculated to allow the Commissioner of Elementary and Secondary Education to round the final amount up to the nearest one hundred dollars (\$100).

Sales Tax Exemptions - Electronic Educational Equipment

ACT 914 (SB244) provides a sales tax exemption for a public school's purchase of electronic equipment needed to make use of technology-based educational materials and electronic software. The act declares an emergency and is effective on and after July 1, 2021.

School District Waivers

ACT 774 (SB251) repeals the requirement that a copy of the waivers granted to an open-enrollment public charter school be included in a school district's petition for all or some of the waivers granted to the open-enrollment public charter school. The act provides that the Division of Elementary and Secondary Education may request additional information concerning a school district's waiver petition if necessary. The act provides that if the division determines that additional information is necessary, the State Board of Education shall grant or deny, in whole or in part, the petition for a waiver within ninety (90) days of receiving the requested additional information.

School Elections

ACT 85 (HB1104) repeals the requirement that the Commissioner of Elementary and Secondary Education approve the date of a school election concerning a tax rate or debt issue.

School Facilities - Compliance with the Americans with Disabilities Act of 1990

ACT 987 (HB1863) requires all public school districts and open-enrollment public charter schools to include an assessment of all public school facilities with respect to compliance with the Americans with Disabilities Act of 1990 and a transition plan establishing necessary steps to complete changes to facilities in order to ensure compliance with the Americans with Disabilities Act of 1990 by February 1, 2024.

School Start Date - Alternate School Calendars

ACT 688 (HB1237) prohibits the first day of the school year from beginning earlier than the Monday two (2) weeks before Labor Day; prohibits the Division of Elementary and Secondary Education from granting a waiver to begin school on a date earlier than the Monday two weeks before Labor Day; allows a public school district board of directors to elect to implement an alternate school calendar beginning with the 2022-2023 school year; and requires that an alternate school calendar consist of at least one thousand sixty-eight (1,068) hours of instructional time and at least thirty (30) make-up hours for days unavoidably lost.

Student Restraints - Development of Policies and Procedures - Training

ACT 1084 (HB1610) addresses the proper uses of student restraints, including devices, medications, or personal restrictions that restrict students' free movements in public schools or educational settings; and requires each public school district to adopt policies and procedures that are consistent with the act, review the Department of Education Special Education and Related Services Guidelines, § 20.00 Time-Out Seclusion Room, and provide its school personnel with the training, tools, and support needed to ensure the safety of all students and school personnel, in particular with respect to student discipline.

The Star-Spangled Banner Act

ACT 958 (HB1831) requires public schools to broadcast "The Star-Spangled Banner" at the commencement of each school-sanctioned sporting event and at least one (1) time during each week during school hours.

EDUCATION - GENERAL**SCHOOL DISTRICTS - GENERALLY*****Voluntary Administrative Annexation - Reversal and Reconsolidation***

ACT 662 (HB1750) requires a receiving district that received an affected district as a result of a voluntary administrative annexation no more than twenty (20) years ago to notify all contiguous public school districts of its intent to close a public school campus that is part of the affected district a minimum of one (1) year before the closure of the public school campus. The act also allows a contiguous public school district to notify the receiving district of its interest in accepting the affected district into the contiguous public school district and petition the state board to reverse the previous voluntary administrative annexation and consolidate the affected district into the contiguous public school district.

Waivers - Notice of Review of Waivers

ACT 678 (HB1172) requires the State Board of Education to give a public school district superintendent and a local public school district board of directors president at least fifteen (15) business days' notice in writing and by electronic mail of the state board's intent to conduct a review of a waiver it granted to the public school district.

SCHOOL RESOURCE OFFICERS***Notification of Teacher Suspension or Termination***

ACT 964 (HB1591) allows a public school district superintendent to inform a school resource officer of the suspension of a teacher or a recommendation for the termination of a teacher.

SCHOOL SAFETY***Earthquake Safety Drills***

ACT 442 (SB249) requires the Division of Elementary and Secondary Education to conduct earthquake safety drills in areas susceptible to earthquakes.

Emergency Plans and Safe Schools Initiative Act

ACT 620 (HB1549) requires a public school to have a panic button alert system or other means of emergency communication with law enforcement if funding is available. The act requires a public school district or open-enrollment charter school to conduct a comprehensive school safety audit every three (3) years to assess the safety, security, accessibility, and emergency preparedness of district buildings and grounds in collaboration with local law enforcement, fire, and emergency management officials. The act also requires a public school district or open-enrollment charter school to conduct an annual lockdown drill for a possible threat on campus at each school in the public school district or open-enrollment charter school. The act creates the Arkansas Center for School Safety of the Criminal Justice Institute, which is tasked with assisting the Division of Elementary and Secondary Education in building the capacity of educators, leaders, and law enforcement professionals to meet the safety needs of children in public schools in this state. The act is identical to Act 648.

Emergency Plans and Safe Schools Initiative Act

ACT 648 (SB394) requires a public school to have a panic button alert system or other means of emergency communication with law enforcement if funding is available. The act requires a public school district or open-enrollment charter school to conduct a comprehensive school safety audit every three (3) years to assess the safety, security, accessibility, and emergency preparedness of district buildings and grounds in collaboration with local law enforcement, fire, and emergency management officials. The act also requires a public school district or open-enrollment charter school to conduct an annual lockdown drill for a possible threat on campus at each school in the public school district or open-enrollment charter school. The act creates the Arkansas Center for School Safety of the Criminal Justice Institute, which is tasked with assisting the Division of Elementary and Secondary Education in building the capacity of educators, leaders, and law enforcement professionals to meet the safety needs of children in public schools in this state. The act is identical to Act 620.

EDUCATION - GENERAL**SPECIAL EDUCATION*****Gifted and Talented - School for Mathematics, Sciences, and the Arts - Board of Visitors***

ACT 354 (HB1472) amends the composition of the Board of Visitors for the Arkansas School of Mathematics, Sciences, and the Arts to add three (3) additional ex officio nonvoting members to include the president of the Faculty and Staff Governing Council, the Chair of the Association for Alumni and Friends of ASMSA, and the Chair of the ASMSA Foundation Fund Board of Ambassadors.

Gifted and Talented - School for Mathematics, Sciences, and the Arts - Instructors

ACT 354 (HB1472) allows instructors at the Arkansas School of Mathematics, Sciences, and the Arts to carry professional rank.

Succeed Scholarship Program - Children of Members of the Uniformed Services

ACT 689 (HB1446) extends eligibility for the Succeed Scholarship Program to students who are children of a member of the uniformed services.

STUDENT ACHIEVEMENT***Education Renewal Zones***

ACT 134 (SB77) replaces the Division of Education Renewal Zones with the Office of Education Renewal Zones. The act provides that the Division of Elementary and Secondary Education shall select an individual to serve as the Director of the Office of Education Renewal Zones and that, with guidance and approval from the division, the director shall be responsible for hiring all employees of the office. The act requires a public school identified by the division as being in need of the specialized support and services provided by education renewal zones to participate in an education renewal zone if requested to do so by the division, and the Office of Education Renewal Zones shall prioritize the participation of these public schools. The act revises the composition of representatives who are members of local advisory groups formed by each education renewal zone and revises the requirements for an education renewal zone strategic plan.

Student Assessments

ACT 251 (SB124) requires the Division of Elementary and Secondary Education to provide for statewide student assessments that are scored and returned for public school and school district use by August 1 of each year.

Succeed Scholarship Program - Students With a Disability

ACT 741 (SB89) clarifies the law concerning students with a disability as it relates to the Succeed Scholarship Program. The act also defines "student with a disability" and "tuition and fees" as they relate to the scholarship program.

STUDENTS - GENERALLY***Adrenal Insufficiency - Administration of Medication***

ACT 1050 (SB569) allows the self-administration of a stress dose medication by a public school student with adrenal insufficiency while the student is at school if the student has written authorization from the student's treating physician and his or her parent, legal guardian, or person standing in loco parentis. The act also allows volunteer public school personnel to administer an emergency dose medication to a public school student who is diagnosed with an adrenal insufficiency if the volunteer public school personnel is trained and the school has written authorization from the student's treating physician and his or her parent, legal guardian, or person standing in loco parentis.

EDUCATION - GENERAL**STUDENTS - GENERALLY*****Annual Day of Prayer for Arkansas Students***

ACT 902 (SB662) requires the last Wednesday in September of each year to be recognized as "A Day of Prayer for Arkansas Students"; requires the Governor to annually proclaim "A Day of Prayer for Arkansas Students"; and requires the Division of Elementary and Secondary Education to annually notify public schools regarding A Day of Prayer for Arkansas Students.

Arkansas Military Child School Transitions Act

ACT 1031 (SB638) creates the Arkansas Military Child School Transitions Act; consolidates guidance and administration of programs established by the Division of Elementary and Secondary Education and public school districts to ensure smooth transitions for children of military families; establishes guidance for the cooperation between the educational system, military installation leaders and their commands, parents and legal guardians of public school students, and children of military families with respect to enrolling in a new public school in this state upon receiving a military transfer request; creates a system for the transfer of education records and enrollment of children of military families upon receiving a military transfer request; and reorganizes statutes within the Arkansas Code concerning military child education.

Athletic Participation - Designation Based on Sex

ACT 953 (SB450) creates the Gender Integrity Reinforcement Legislation for Sports (GIRLS) Act, which requires that any interscholastic, intercollegiate, intramural, or club athletic team or sport that is sponsored by a covered entity be expressly designated based on sex; prohibits members of the male sex from participating in an interscholastic, intercollegiate, intramural, or club athletic team or sport that is expressly designated for females, women, or girls; and creates a cause of action for the Attorney General to seek injunctive relief and any other available relief under the law or in equity against a covered entity that knowingly violates the act and the directors, officers, agents, and employees of a covered entity that knowingly violates the act.

Athletic Participation - Fairness in Women's Sports Act

ACT 461 (SB354) requires that interscholastic, intercollegiate, intramural, and club athletic sports or teams sponsored by a secondary or postsecondary school be designated based on biological sex and establishes a cause of action and remedy for a student or school harmed as a result of a violation of the act.

Attendance - Attendance in Another School District - Liability

ACT 544 (SB64) repeals the law providing that persons, and their present or future siblings who, during the 1982-1983 or 1983-1984 school year, attended schools outside the boundaries of the school district in which the persons reside may continue attending such schools at the discretion of the receiving schools notwithstanding that the board of directors of the school districts in which the persons reside disapproves the out-of-district attendance.

Availability of Feminine Hygiene Products - Notification

ACT 933 (HB1611) requires public schools serving students in grades six through twelve (6-12) to inform public school students of the availability of feminine hygiene products at no charge from the public school.

EDUCATION - GENERAL**STUDENTS - GENERALLY*****Discipline - Removal by Teacher***

ACT 544 (SB64) repeals the law allowing a principal or his or her designee to place a student into the school district's alternative learning environment if a teacher removes a student from class when the student has been documented by the teacher as repeatedly interfering with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn or the student's behavior is determined by the teacher to be so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to teach the students in the class or with the ability of the student's classmates to learn.

Excess Food Distribution

ACT 141 (HB1009) allows a public school or open-enrollment public charter school to distribute excess food to students for consumption on the school campus or at home.

Graduation Requirements - Career Readiness Assessments

ACT 319 (SB31) requires a public school that serves students in grades ten through twelve (10-12) to administer to those students a career readiness assessment that leads to a nationally recognized work readiness certificate before the students graduate from high school.

Home School Requirements

ACT 623 (HB1429) amends the deadline by which parents or legal guardians intending to provide a home school for their children must notify the public school in which his or her child is enrolled, requires parents or legal guardians to notify his or her child's public school at least five (5) school days before withdrawing his or her child, and repeals the requirement that a parent or legal guardian include in a home school notification his or her child's intent to seek a driver's license in the current school year.

Identification Badges - Inclusion of Certain Information

ACT 1069 (HB1770) requires that certain information be included on student identification cards or identification badges in public schools.

School Choice - Arkansas Opportunity Public School Choice Act

ACT 490 (SB147) amends the law concerning deadlines for notices of transfer requests, enrollment applications, and notices concerning the acceptance or rejection of applications under the Arkansas Opportunity Public School Choice Act. The act provides that a parent or guardian of a student enrolled in or assigned to a public school district that is classified as a public school district in need of Level 5 — Intensive Support or a public school that has a rating of "F" may apply to enroll the student in a legally allowable public school district that is nearest to the legal residence of the student and is not classified as a public school district in need of Level 5 — Intensive Support or a public school within the resident district that does not have a rating of "F". The act provides that if there is no public school within the resident district that does not have a rating of "F", the student may apply to enroll in a nonresident public school district.

School Choice - Public School Choice Act of 2015

ACT 490 (SB147) amends the law concerning deadlines for accepting an application under the Public School Choice Act of 2015. The act requires each school district to have a policy stating the method by which a parent or guardian of a student may submit a school choice application. The act prohibits a public school district from requiring a parent or guardian of a student to file an application in person. The act provides that a student is not permitted to request a hearing before the State Board of Education if his or her application for a transfer is rejected due to the application not being timely received by both the resident district and the nonresident district.

EDUCATION - GENERAL**STUDENTS - GENERALLY*****Tax Credit Scholarship***

ACT 904 (SB680) creates the Philanthropic Investment in Arkansas Kids Program Act, which allows a scholarship-granting organization to award educational scholarships to qualified students in grades kindergarten through twelve (K-12) in an amount based on the previous school year's foundation funding.

Unexcused Absences - Relocation of Student

ACT 816 (HB1809) requires a school district to notify the prosecuting authority if the school district receives information indicating that a student with excessive unexcused absences has relocated to a county in another judicial district. The act provides that a prosecuting authority may file a motion to transfer a family in need of services case involving the student if the prosecuting authority knows the address of the student in the county to which the student has relocated and either receives notice from the school district or receives information indicating that the student has relocated to a county in another judicial district.

Vending Machine Access

ACT 1070 (HB1783) allows students in certain grades in-school access to vending machines offering food and beverages that meet the nutrition standards of the Federal Smart Snacks in School Program.

Virtual or Remote Learning - Attendance Policies

ACT 897 (SB576) requires public schools and open-enrollment public charter schools to have a policy detailing how a record of pupil attendance shall be kept for students who attend school via virtual or remote learning programs if the attendance requirements are different from the standard attendance requirements.

Vision Screenings

ACT 320 (SB60) requires the Division of Elementary and Secondary Education, in conjunction with the Arkansas Commission on Eye and Vision Care of School-Age Children, to adopt rules to establish the tests, procedures, equipment, and instruments that shall be used to perform eye and vision screenings.

TASK FORCES***Arkansas Financial Education Commission***

ACT 1025 (SB599) establishes the Arkansas Financial Education Commission to provide financial literacy education programs to all geographic areas and socioeconomic backgrounds regarding earning a livable income, balancing a checkbook and bank account, using credit cards and managing debt, saving for postsecondary education, retirement and long-term financial planning, and investing. The act requires the commission to have a board of directors and work with state agencies and schools to provide financial education.

TEACHERS - GENERALLY***Ethics***

ACT 96 (SB71) amends provisions of law concerning the submission of an ethics complaint against an educator, the authorization of an investigation of an ethics complaint against an educator, and hearings requested before the Professional Licensure Standards Board.

Licenses - Actions Prohibiting Issuance or Reissuance - Sexually Grooming a Child

ACT 985 (HB1837) adds sexually grooming a child as an action that affects the issuance of a first-time teaching license or the renewal of an existing teaching license.

EDUCATION - GENERAL**TEACHERS - GENERALLY*****Licenses - Applicant Eligibility - Noncitizens***

ACT 513 (HB1594) allows the Division of Elementary and Secondary Education to grant a teaching license to an individual who, in addition to fulfilling the requirements to teach in this state, has received approval from the United States Department of Homeland Security for exemption under the Deferred Action for Childhood Arrivals policy, has an exemption status under the Deferred Action for Childhood Arrivals policy that has not expired or has been properly renewed, and has a current and valid employment authorization document issued by the United States Citizenship and Immigration Service.

Tax - Income Tax Deduction

ACT 971 (HB1157) doubles the income tax deduction allowed to classroom teachers for expenses they incur in providing materials for their classroom. The act is effective for tax years beginning on and after January 1, 2021.

TECHNICAL CORRECTIONS - EDUCATION***Title 6***

ACT 467 (SB425) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 6 of the Arkansas Code.

TRANSPORTATION***Academic Facilities Partnership Program***

ACT 126 (HB1103) requires the Division of Public School Academic Facilities and Transportation to require proof of the need to replace equipment. The act provides that the division shall consider how a school district's facilities master plan addresses regularly scheduled and unscheduled maintenance, repair, and renovation in evaluating the school district's application for state financial participation in a new construction project. The act requires that, at the request of a school district, a consultation meeting be held between the school district and the division to discuss the development of the school district's facilities master plan. The act requires the division to provide notice of a school district's petition for a waiver concerning the sale or lease of a unused or underutilized public school facility with the school district. The act provides that an eligible entity or a statewide organization representing charter schools may submit a written objection to a school district's petition for a waiver to the division no later than thirty (30) days after the division provides notice of the school district's petition.

Bus Driver - Qualification and Certification

ACT 126 (HB1103) prohibits a person who has been convicted within the past three (3) years of operating a motor vehicle while under the influence of intoxicating liquor or drugs from being permitted or employed to operate a school bus. The act also requires the Division of Public School Academic Facilities and Transportation to certify an applicant who has completed and documented the required training as a school bus driver for a one-year period, which may be renewed annually.

VOCATIONAL AND TECHNICAL***Apprenticeship Training Programs***

ACT 647 (SB491) amends laws regarding apprenticeship training programs. The act amends the duties of the Career Education and Workforce Development Board and the Office of Skills Development related to apprenticeship programs and apprenticeship program sponsors. The act amends the name and makeup of the State Apprenticeship Coordination Steering Committee. The act also establishes the State Electrical Apprenticeship Committee and amends the use of the Arkansas Construction Industry Craft Training Trust Fund.

EDUCATION - HIGHER

CAREER EDUCATION

Acceptance of Federal Benefits

[ACT 1027](#) (SB618) amends Arkansas law concerning the acceptance of certain federal benefits promoting vocational education to specify that the State of Arkansas accepts the benefits of the Carl D. Perkins Career and Technical Education Act of 2006, as amended, and in effect on January 1, 2021.

Apprenticeship

[ACT 647](#) (SB491) amends laws regarding apprenticeship training programs. The act amends the duties of the Career Education and Workforce Development Board and the Office of Skills Development related to apprenticeship programs and apprenticeship program sponsors. The act amends the name and makeup of the State Apprenticeship Coordination Steering Committee. The act also establishes the State Electrical Apprenticeship Committee and amends the use of the Arkansas Construction Industry Craft Training Trust Fund.

Private Resident and Correspondence Schools

[ACT 252](#) (SB129) provides that "school" does not include an institution that is subject to the jurisdiction of the Arkansas Higher Education Coordinating Board and repeals the requirement that the Division of Higher Education consult with the State Board of Private Career Education or its director with respect to the process for providing notice of a violation of the law concerning private resident and correspondence schools. The act also repeals the requirement that the Division of Higher Education consult with the State Board of Private Career Education with regard to the division's authority to approve schools offering programs of study leading to or enhancing an occupational objective, administering and enforcing the law concerning private resident and correspondence schools, and issuing licenses to schools. The act repeals the law permitting the issuance of a temporary school license pending an investigation and the law providing that an out-of-state school that offers to sell a program of study in Arkansas, without first having obtained a school license, is guilty of a misdemeanor. The act replaces the Private Career Education Panel with the State Board of Private Career Education and repeals the requirement that the Division of Higher Education, in consultation with the State Board of Private Career Education, appoint the Private Career Education Panel.

Reorganization - Riverside Vocational and Technical School

[ACT 497](#) (SB265) reorganizes the former Riverside Vocational and Technical School into the Arkansas Correctional School District.

Vocational Centers - Vocational Center Aid Funding - Purposes

[ACT 507](#) (HB1501) allows a vocational center physically detached from a local public school district or institution of higher education to use vocational center aid funding from the Division of Career and Technical Public School Fund Account for the management, maintenance, and operation of the vocational center.

EMPLOYEES

Contracts for Employment - Termination - Buyout Agreements

[ACT 352](#) (HB1496) requires a contract for employment or amendment to a contract for employment for a university or college president or chancellor to include standards for which a president or chancellor may be terminated for cause and specify that a contract buyout agreement shall not use more than twelve (12) months' worth of state funds to compensate an outgoing president or chancellor.

EDUCATION - HIGHER

EMPLOYEES

Higher Education Uniform Classification and Compensation

[ACT 496](#) (SB345) amends the Higher Education Classification and Compensation Act, including revising the classification titles and assigned grades approved for the classification and compensation plan, revising the compensation plan for the setting of salaries and salary increases, amending the process for salary adjustments, and repealing a portion of law concerning information technology labor market rates. The act declares an emergency and is effective on and after July 1, 2021.

University Professors - Secondary Teaching Licenses

[ACT 657](#) (HB1678) creates the Highly Qualified Professor and Teacher Act and allows a university professor or assistant professor to receive a teaching license issued by the State Board of Education upon applying for a teaching license.

HIGHER EDUCATION COORDINATING BOARD

Higher Education Consumer Guide Act

[ACT 539](#) (SB397) creates the Higher Education Consumer Guide Act and requires the Arkansas Higher Education Coordinating Board to create a consumer guide for prospective students that provides details regarding costs and job rates for each state-supported institution of higher education.

HIGHER EDUCATION DIVISION

Annual Provision of Information - Cost of College - Job Opportunities

[ACT 1066](#) (HB1700) requires the Division of Higher Education to collect, compile, and provide certain information to students, parents, and legal guardians on an annual basis concerning the cost of college and job opportunities. The act is effective on and after July 1, 2022.

Creation of Asynchronous Module - Personal Finance and Macroeconomics

[ACT 1038](#) (SB694) requires the Division of Higher Education to develop an asynchronous module on the concepts of personal finance and macroeconomics for distribution to students enrolled in institutions of higher education in this state.

Licensed Practical Nurse Program

[ACT 757](#) (HB1794) requires the Division of Elementary and Secondary Education, in consultation with the Division of Higher Education, to establish and implement a program by which a public school student in grades nine through twelve (9-12) may enroll in undergraduate courses required to obtain a diploma or certificate of completion as a licensed practical nurse by the date on which the student graduates or within a reasonable frame of time after the student graduates. The act declares an emergency and is effective on and after April 19, 2021.

EDUCATION - HIGHER**HIGHER EDUCATION DIVISION*****Private Resident and Correspondence Schools***

ACT 252 (SB129) provides that "school" does not include an institution that is subject to the jurisdiction of the Arkansas Higher Education Coordinating Board and repeals the requirement that the Division of Higher Education consult with the State Board of Private Career Education or its director with respect to the process for providing notice of a violation of the law concerning private resident and correspondence schools. The act also repeals the requirement that the Division of Higher Education consult with the State Board of Private Career Education with regard to the division's authority to approve schools offering programs of study leading to or enhancing an occupational objective, administering and enforcing the law concerning private resident and correspondence schools, and issuing licenses to schools. The act repeals the law permitting the issuance of a temporary school license pending an investigation and the law providing that an out-of-state school that offers to sell a program of study in Arkansas, without first having obtained a school license, is guilty of a misdemeanor. The act replaces the Private Career Education Panel with the State Board of Private Career Education and repeals the requirement that the Division of Higher Education, in consultation with the State Board of Private Career Education, appoint the Private Career Education Panel.

INSTITUTIONAL DATA***Student Accounts, Financial Condition Reports, and Certifications of Solvency***

ACT 69 (SB100) requires that a student accounts receivable aging report be provided annually to the governing board of each state-supported institution of higher education. The act requires policies concerning student accounts receivable to be published in the student handbook of the state-supported institution of higher education and on the website of the state-supported institution of higher education. The act also requires financial condition reports to include information on the total student accounts receivable, an aging report, and the calculation of the number of days of cash on hand. The act provides that certifications of solvency shall be accompanied by a calculation of the number of days of cash-on-hand.

INSTITUTIONS OF HIGHER EDUCATION***Accountability and Transparency***

ACT 69 (SB100) requires each state-supported institution of higher education to maintain, on the website of the institution of higher education, information concerning the name and email address of each member of the governing board of the state-supported institution of higher education, the date and location of each meeting of the governing board, the agenda and minutes of each meeting of the governing board, the annual audit report presented to the Legislative Joint Auditing Committee, and the conflict of interest and commitment policy of the governing board.

Board of Trustees - Merger - Arkansas State University and Henderson State University

ACT 18 (SB116) amends the name of the Board of Trustees of Arkansas State University, abolishes the Board of Trustees of Henderson State University, and amends law to comport with the Henderson State University and Arkansas State University merger. The act declares an emergency and is effective on and after February 1, 2021.

Board of Trustees of the University of Arkansas - Sale Restricted

ACT 564 (HB1694) restricts the sale of the Pine Tree Research Station owned by the Board of Trustees of the University of Arkansas and requires the property to remain open to the public for public use. The act declares an emergency and is effective on and after April 5, 2021.

EDUCATION - HIGHER**INSTITUTIONS OF HIGHER EDUCATION*****Construction Projects - Exemptions***

ACT 95 (SB83) adds Arkansas Tech University as a state-supported institution of higher education that is exempt from review and approval by the Building Authority Division for construction projects exceeding five million dollars (\$5,000,000) if the university has adopted policies and procedures in compliance with state law regarding the awarding and oversight of contracts.

Law Enforcement Agencies for Public and Private Institutions of Higher Education

ACT 627 (SB494) extends qualified immunity to law enforcement agencies for and certified law enforcement officers employed by a public or private institution of higher education.

Name Changes - Arkansas State University Three Rivers

ACT 19 (SB115) substitutes "Arkansas State University Three Rivers" for the "College of the Ouachitas" throughout the Arkansas Code.

New or Additional Positions

ACT 289 (SB206) increases the number of new or additional positions for Arkansas State University, the University of Arkansas at Pine Bluff, and the University of Arkansas system. The act declares an emergency and is effective on and after July 1, 2021.

Number of Passenger Motor Vehicles

ACT 554 (SB250) increases the maximum number of passenger motor vehicles for Arkansas State University - Three Rivers and the University of Arkansas at Pine Bluff. The act declares an emergency and is effective on and after July 1, 2021.

The Star-Spangled Banner Act

ACT 958 (HB1831) requires each state-supported institution of higher education to play "The Star-Spangled Banner" at the commencement of each school-sanctioned sporting event.

Transparency in Foreign Investment Act - Prohibited Gifts and Contracts

ACT 1020 (SB609) creates the Transparency in Foreign Investment Act, which prohibits an institution of higher education from hosting a Confucius Institute or any entity with an affiliation with the People's Republic of China, the Chinese Communist Party, or China's People's Liberation Army and prohibits an institution of higher education from accepting a gift from a foreign source or entering into a contract with a foreign source under certain circumstances if the gift or contract is valued at more than two hundred and fifty thousand dollars (\$250,000). The act declares an emergency and is effective on and after April 29, 2021.

SCHOLARSHIPS, GRANTS, AND FINANCIAL AID***Acceptance of Federal Benefits***

ACT 1027 (SB618) amends Arkansas law concerning the acceptance of certain federal benefits promoting vocational education to specify that the State of Arkansas accepts the benefits of the Carl D. Perkins Career and Technical Education Act of 2006, as amended, and in effect on January 1, 2021.

Arkansas Academic Challenge Scholarship - Legislation Introduction Process

ACT 636 (SB584) makes technical corrections to the Arkansas Academic Challenge Scholarship Program to address outdated portions of the law; creates a new process for introducing bills creating or amending lottery-funded scholarships; and amends the account into which net lottery proceeds are deposited for purposes of funding scholarships. Section 6 of the act concerning the deposit of lottery proceeds is effective on and after July 1, 2021. The act declares an emergency and is effective on and after April 12, 2021.

Arkansas Academic Challenge Scholarship Program - Part 1

ACT 81 (SB130) repeals the Arkansas Academic Challenge Scholarship Program - Part 1.

EDUCATION - HIGHER**SCHOLARSHIPS, GRANTS, AND FINANCIAL AID*****Arkansas Academic Challenge Scholarship Program - Part 2***

ACT 80 (SB126) allows recipients of Arkansas Governor's Distinguished Scholarships to receive an Arkansas Academic Challenge Scholarship but provides that the amount awarded shall not be more than the maximum scholarship amount provided to a recipient of an Arkansas Governor's Distinguished Scholarship. The act provides that an approved institution of higher education that enrolls students receiving an Arkansas Academic Challenge Scholarship is not required to provide information regarding all state-supported student financial assistance if the information has previously been reported to the Division of Higher Education.

Arkansas Concurrent Challenge Scholarship Program

ACT 82 (SB131) provides that a student successfully completes an endorsed concurrent enrollment course or a course taken towards the completion of a certificate program if he or she completes the course or program and receives a minimum grade point average of 2.5.

Arkansas Foresters for the Future Scholarship

ACT 399 (HB1389) creates the Arkansas Foresters for the Future Scholarship for eligible individuals selected by the Department of Agriculture, Forestry Division to study in a forestry program of study at a state-supported institution of higher education.

Arkansas Future Grant Program - Eligible Institutions - Private Institutions

ACT 388 (SB382) makes a private, nonprofit two-year or four-year college or university an eligible institution under the Arkansas Future Grant Program.

Arkansas Governor's Scholars - Arkansas High Technology Scholarship

ACT 217 (SB287) expands eligibility for the Arkansas Governor's Scholars Program and the Arkansas High Technology Scholarship Program to include individuals who hold or are the children of individuals who hold a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known as a "work permit," and individuals who are migrants from the Compact of Free Association Islands. The act declares an emergency and is effective on and after March 1, 2021.

Arkansas Rural Medical Practice Student Loan and Scholarship Board

ACT 1079 (HB1931) amends the membership of the Arkansas Rural Medical Practice Student Loan and Scholarship Board.

Scholarship Eligibility Requirements - Free Application for Federal Student Aid (FAFSA)

ACT 331 (SB114) provides that, to apply for an Academic Support Scholarship, the Arkansas Governor's Scholars Program, or a scholarship for teachers in high-need subject areas, the applicant shall complete and submit to the United States Department of Education a Free Application for Federal Student Aid (FAFSA) or a subsequent application required by the United States Department of Education for federal financial aid.

Superscores Permitted

ACT 743 (SB139) allows students applying for the Arkansas Governor's Scholars Program or the Critical Needs Minority Teacher Scholarship Program to use his or her ACT superscore.

Tuition Benefits - Arkansas National Guard - Online Courses

ACT 133 (SB66) extends tuition benefits to soldiers and airmen of the Arkansas National Guard who are enrolled in programs of study in which the courses are taken exclusively online and requires the State of Arkansas to reimburse an exclusively online, degree-offering institution that is associated with a state-supported institution of higher education for the remainder of tuition expenses that are not covered by funding sources.

EDUCATION - HIGHER**SCHOLARSHIPS, GRANTS, AND FINANCIAL AID*****Tuition Waivers - Nonprofit Institutions - Dependents of Veterans***

ACT 988 (HB1879) allows dependents of certain veterans to receive tuition waivers to private, nonprofit institutions of higher education; and caps the amount of the tuition waiver for dependents of certain veterans.

STUDENT DATA***Student Assessment Programs***

ACT 79 (SB125) repeals the law concerning student assessment programs and the Arkansas Higher Education Performance Reporting System. The act also repeals the Arkansas Governor's Scholars Program eligibility requirement concerning the demonstration of proficiency in the application of knowledge and skills in reading and writing literacy and mathematics by passing the end-of-course examination.

STUDENTS***Homeless and Foster Student Liaison***

ACT 355 (HB1462) allows an institution of higher education to designate a current member of its staff to serve as the liaison for students who are homeless, in foster care, or who left foster care at eighteen (18) years of age or older.

Identification Badges - Inclusion of Certain Information

ACT 1069 (HB1770) requires that certain information be included on student identification cards or identification badges in state-supported institutions of higher education.

Student-Athlete Publicity Rights

ACT 810 (HB1671) creates a publicity right for a student-athlete. The act provides for a student-athlete to receive compensation for the commercial use of the student-athlete's publicity rights so long as the contract does not require the student-athlete to promote information regarding a third-party licensee or commercial entity during a varsity intercollegiate athletic practice, competition, or other activity; conflict with a term or condition of a contract, policy, rule, regulation, or standard of the institution of higher education where the student-athlete is enrolled; or involve the student-athlete's performance or lack of performance in an athletic competition. The act also creates a civil remedy if a student-athlete is adversely affected by an act or omission of an agent or third-party licensee in violation of the Arkansas Student-Athlete Publicity Rights Act that results in the student-athlete or institution of higher education being suspended or disqualified from participating in an intercollegiate sport or suffering financial damage. The act is effective on and after January 1, 2022.

TUITION AND FUNDING***Arkansas National Guard***

ACT 76 (SB35) provides that a soldier or airman of the Arkansas National Guard is eligible to receive tuition benefits in the event of an exigent circumstance that warrants a temporary waiver of the initial active duty training requirement.

Graduate Medical Education Residency Expansion Board

ACT 1080 (HB1932) amends the composition of the Graduate Medical Education Residency Expansion Board, amends the term of office for members of the board, and allows the board to give priority, for purposes of giving planning grants, to a field in which this state has less than eighty percent (80%) of the national average of physicians per one hundred thousand (100,000).

ELECTIONS**ABSENTEE VOTING*****Absentee Ballots***

ACT 736 (HB1715) limits possession of absentee ballots to four (4); creates a uniform voter statement for absentee ballots; prohibits providing unsolicited absentee ballots; requires county clerks to provide reports of absentee ballot applications and absentee ballots received; amends the manner in which absentee ballots are processed; and amends the process used for spoiled ballots.

Pick-Up and Return of Absentee Ballot

ACT 973 (SB643) establishes the Friday before election day as the last day to submit an absentee ballot application or deliver an absentee ballot in person by a registered voter, designated bearer, or administrator and requires absentee ballots to be delivered to the physical office of the county clerk.

BOARD OF ELECTION COMMISSIONERS***Complaints of Election Law Violations***

ACT 756 (HB1803) amends the process for filing a complaint with the State Board of Election Commissioners and the reasons for which a complaint may be filed. The act also amends the process by which election expenses are determined and allocated.

County Employees

ACT 950 (SB557) provides that county boards of election commissioners have a duty to supervise election officials and requires a county employee detailed as an election official to comply with directives of the county board of election commissioners in matters related to an election.

Funds, Grants, or Gifts

ACT 961 (HB1866) prohibits a county board of election commissioners from accepting funds, grants, or gifts other than from the United States, the state, a city, or a county.

Oath of County Board of Election Commissioners - Training - Service as Poll Worker

ACT 1051 (SB582) amends the list of people before whom a member of a county board of election commissioners may take the required oath; requires the State Board of Election Commissioners to provide training for a person designated by each county board of election commissioners; and allows the spouse of a member of a county board of election commissioners or county party chair to serve as a poll worker if no objection is made.

Reports - Provisional and Rejected Ballots

ACT 1022 (SB549) requires a county board of election commissioners to prepare a report to the State Board of Election Commissioners of provisional and rejected ballots cast in the county for each election.

Violations of Election Laws

ACT 952 (SB498) requires the county board of election commissioners to send complaints of violations of election laws to the State Board of Election Commissioners.

CAMPAIGN PRACTICES***Campaign Contribution Amounts***

ACT 384 (SB383) requires the Arkansas Ethics Commission to establish the maximum campaign contribution amount by rule.

Campaign Contributions - Aggregate Per Election

ACT 385 (SB384) provides that total campaign contributions made to a candidate during an election are not to exceed the maximum contribution amount regardless of which office or offices the candidate is seeking. The act is effective for all elections on and after January 1, 2023.

ELECTIONS**CAMPAIGN PRACTICES*****Campaign Signs and Materials***

ACT 755 (HB1825) provides that a candidate is responsible for including the required language on campaign signs and materials.

Carryover Funds - Office with No Salary

ACT 272 (HB1372) provides that, for purposes of campaign financing, if an office does not have an annual salary, "carryover funds" mean an amount of three thousand dollars (\$3,000) or less.

Childcare Expenses

ACT 734 (HB1728) allows campaign funds to be used to pay a candidate's childcare expenses while the candidate is engaging in campaign activity if the childcare expenses would not exist in the absence of the campaign. The act provides that the campaign funds used to pay for a candidate's childcare expenses shall not be considered taking campaign funds as personal income.

Electronic Reports

ACT 1029 (SB699) provides that a candidate is not required to provide a reason for submitting paper campaign contribution expenditure reports and requires the Secretary of State to develop criteria for an updated and simplified electronic campaign finance online reporting system. The act declares an emergency and is effective on and after April 29, 2021.

Elimination of Carryover Funds

ACT 737 (HB1675) modifies campaign finance categories, eliminates the use of carryover funds, and modifies campaign finance reports.

Misdemeanor Offense - False Information

ACT 416 (HB1522) creates a misdemeanor offense if a person applying to be placed on a ballot for public office knowingly provides false information with reference to his or her qualifications.

Reporting

ACT 254 (SB138) requires additional information on reports of campaign contribution reports regarding financial institutions, eliminates the two-year prohibition on soliciting or accepting campaign contributions, and requires a statement of financial interest to be filed in a year in which a party filing period is held.

Use of Campaign Funds

ACT 324 (SB183) provides that campaign funds or carryover funds may not be used to pay a fine by the Arkansas Ethics Commission assessed for the use of campaign funds or carryover funds as personal income.

COUNTY ELECTIONS***Publication of Sample Ballots***

ACT 128 (HB1202) requires all counties to publish a sample ballot on an internet site maintained by the Secretary of State.

Terms

ACT 314 (HB1328) modifies certain county election statutes to reflect that county officers serve a term of four (4) years and clarifies the timing of pay decreases and alternative county organization plan referenda.

Vote Centers

ACT 729 (SB487) assigns the duty to establish or change vote centers to the county board of election commissioners and prohibits unauthorized access to voter equipment and materials.

ELECTIONSDEADLINES***Publication - Notice***

[ACT 448](#) (HB1332) amends publication and notice requirements for elections and amends the annual school election provisions regarding when election processes occur.

FEDERAL ELECTIONS***Petitions for Placement on the Ballot***

[ACT 273](#) (HB1338) requires that a petition to be placed on the ballot as a candidate for President of the United States and Vice President of the United States be signed by five thousand (5,000) qualified electors of the state.

GENERALLY***Election Law Violation Hotline***

[ACT 974](#) (SB644) provides for the creation of an election law violation hotline through the Attorney General's office and states a person convicted of a misdemeanor or felony related to elections is barred from serving as an election official in subsequent elections. The act also creates a process for the Joint Performance Review Committee to investigate allegations of violations of election law referred by the Attorney General's office and authorizes the committee to make reports of its findings and recommendations to the State Board of Election Commissioners.

Legislative Study of Election Technology

[ACT 421](#) (HB1568) requires the House Committee on State Agencies and Governmental Affairs and the Senate Committee on State Agencies and Governmental Affairs to meet jointly to study election technology, including the use of biometric data and ballot tracking, to improve election transparency and security. The act also requires the committees to report their findings and recommendations to the Legislative Council.

Polling Places - Poll Workers

[ACT 1063](#) (HB1615) provides that the State Board of Election Commissioners may consider an appeal from a county board of election commissioners to reduce the number of polling sites in a county; allows a family member of an unopposed candidate to work as an election official in a geographic area with a population of less than one thousand (1,000) qualified electors; amends the process for the establishment and alteration of precinct boundaries, polling sites, and vote centers; and amends the duties of poll workers with respect to absentee ballots.

INITIATED OR REFERRED MEASURES***Paid Canvassers***

[ACT 951](#) (SB614) provides that a paid canvasser shall be a citizen of the United States and a resident of Arkansas; amends the criminal history and criminal record requirements of paid canvassers; and declares payment of paid canvassers per signature collected to be unlawful. The act declares an emergency and is effective on and after April 27, 2021.

SCHOOL ELECTIONS***Filing Requirements - Filing Period***

[ACT 349](#) (HB1175) amends the candidate filing requirements for positions on school boards and local boards of community colleges; amends the candidate filing period for school board positions; and eliminates the ballot fee for candidates for local boards of community colleges.

Publication - Notice

[ACT 448](#) (HB1332) amends publication and notice requirements for elections and amends the annual school election provisions regarding when election processes occur.

ELECTIONS

SPECIAL ELECTIONS

Date of Elections

[ACT 610](#) (SB496) requires special elections to fill vacancies in office, special school elections, and special elections on measures or questions referred to the voters by cities or counties to be held on the second Tuesday of certain months, depending on the type of special election being held. The act also allows emergency special elections in limited circumstances. The act is effective on and after January 1, 2022.

TECHNICAL CORRECTIONS - ELECTIONS

Title 7

[ACT 468](#) (SB426) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 7 of the Arkansas Code.

VOTING PROCEDURES

Electronic Voting Machines

[ACT 735](#) (HB1595) prohibits electronic voting machines from being connected to the internet or an external network.

Polling Place

[ACT 728](#) (SB486) prohibits a person from remaining in or entering an area one hundred feet (100') from the door of a polling site where voting is taking place unless it is for lawful purposes.

Voter Identification - Sworn Statement

[ACT 249](#) (HB1112) removes the option of using a sworn statement as voter identification under Amendment 51 of the Arkansas Constitution.

Voter Registration - Victims of Domestic Violence

[ACT 980](#) (HB1777) creates a mechanism to protect the address information of victims of domestic violence on all voter registration materials.

EMERGENCY SERVICES

EMERGENCY MANAGEMENT DIVISION

Arkansas Wireless Information Network - Equipment Funds

[ACT 127](#) (HB1153) allows the Arkansas Wireless Information Network to accept moneys from governmental and nongovernmental entities and requires the Division of Emergency Management to deposit those moneys into a fund for network equipment.

Continuity of Operations Program

[ACT 70](#) (SB128) requires the Division of Emergency Management to administer the Arkansas Continuity of Operations Program, which assists state departments, boards, and commissions in developing, maintaining, and testing emergency operations plans.

Emergency Management Assistant Compact - National Standard

[ACT 71](#) (SB145) amends the Arkansas Emergency Management Assistance Compact for compliance with the national standard entered into with all other states.

MANAGEMENT

Data Collection and Evaluation

[ACT 707](#) (HB1723) requires the Department of Health to develop a data collection and evaluation process to review non-hospital emergency medical care and initial time-critical diagnoses and procedures by emergency medical services personnel and to collect data and information regarding patients treated and transported from the field and admitted to a facility through the emergency department, through a trauma center, or directly to a special care unit or post-hospitalization facility. The act provides that the records, reports, and data made and collected are confidential and not available to the public.

EMERGENCY SERVICES MANAGEMENT

Fire Districts - Mapping - 911

ACT 382 (SB179) requires fire protection districts to maintain an accurate and certified fire protection district map that is transmitted annually to the Arkansas Geographic Information Systems Office for the assistance of the Arkansas 911 Board and clarifies the service area of fire protection districts.

Statewide State of Disaster Emergency Related to Public Health

ACT 403 (SB379) authorizes the Governor to declare a statewide state of disaster emergency related to public health, which shall not continue for longer than sixty (60) days unless renewed by the Governor, so long as the Legislative Council does not vote to deny the request for renewal. Under the act, if the Governor declares a statewide state of disaster emergency related to public health, the House of Representatives and the Senate shall each convene as a committee of the whole within eight (8) business days of the declaration to vote upon and debate a concurrent resolution to terminate the declaration. The act provides that if the Governor notifies the Legislative Council of his or her desire to renew a statewide state of disaster emergency related to public health, he or she may also request the renewal of an executive order or proclamation issued to meet or mitigate dangers to the people and property of the state presented or threatened by a statewide state of disaster emergency related to public health. Under the act, the Legislative Council may terminate an executive order or proclamation issued after a statewide state of disaster emergency related to public health has been renewed. The act provides that a directive of the State Board of Health or its designee related to a statewide state of disaster emergency related to public health and imposing restrictions upon individuals, commerce, or travel is subject to review and termination by the Executive Subcommittee of the Legislative Council, which shall meet within four (4) business days of the issuance of the directive. The act provides that a directive shall not continue for longer than thirty (30) days unless renewed by the board or its designee, so long as the Legislative Council does not deny the request for renewal. The act declares an emergency and is effective on and after March 19, 2021.

Unanticipated Discretionary Federal Funds

ACT 446 (SB378) provides that, if the State of Arkansas receives unanticipated discretionary federal funds for the purposes of emergency management or disaster relief related to a statewide state of disaster emergency related to public health, the Legislative Council or Joint Budget Committee may request a detailed plan for the distribution and use of the funds before actual expenditures or obligations are incurred. The act requires the Legislative Council or Joint Budget Committee to review the detailed plan within thirty (30) days of its submission and prohibits the funds from being distributed, expended, or otherwise obligated unless the detailed plan is approved by the Legislative Council or Joint Budget Committee. The act declares an emergency and is effective on and after March 24, 2021.

NATURAL DISASTERS

Face Mask Requirements - Deaf and Hard of Hearing

ACT 697 (HB1502) requires that clear face mask coverings be worn by certain people who interact with individuals who are Deaf, deaf, or hard of hearing during certain disaster emergencies.

Funding

ACT 372 (HB1214) provides for an adjustment in funding amounts for the disaster response and recovery fund, the hazard mitigation fund, and the Disaster Assistance Fund.

EMERGENCY SERVICES

NATURAL DISASTERS

Religious Organizations - Protections

[ACT 94](#) (HB1211) provides that the Governor shall not prohibit or limit a religious organization from continuing to operate or engage in religious services during a disaster emergency. The act declares an emergency and is effective on and after February 11, 2021.

PERSONNEL

911 - Provision of Telephone CPR

[ACT 505](#) (HB1373) requires that certain 911 personnel be trained in telephone CPR and sets out the training requirements.

Certified Peer Support Member

[ACT 428](#) (HB1204) provides that a certified peer support member may be any person who has met the statutory requirements of being a certified peer support member.

COVID-19 Pandemic

[ACT 510](#) (HB1521) codifies Executive Orders 20-18 and 20-34, which request all healthcare providers licensed and permitted to practice in this state to provide services in response to the COVID-19 pandemic, allow a healthcare provider to remove limits on working hours for physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered nurses, and licensed practical nurses, allow a healthcare provider to use certain drugs, devices, or products to diagnose, treat, mitigate, or cure COVID-19, and provide limited immunity for a healthcare provider. The act expires on May 1, 2023, unless extended by the General Assembly. The act declares an emergency and is effective on and after April 1, 2021.

Emergency Medical Care to Injured Police Dogs

[ACT 790](#) (HB1152) allows for emergency medical care to be provided to injured police dogs.

Emergency Medical Technicians

[ACT 948](#) (SB467) permits an emergency medical technician to possess and carry a concealed handgun without a license to carry a concealed handgun. The act also provides that a business entity, owner or legal possessor of property, or private employer is not liable in a civil action for damages, injuries, or death resulting from or arising out of an employee's actions involving a handgun lawfully possessed by an emergency medical technician under certain circumstances.

Emergency Prescription Medications to Patients with Specific Health Conditions

[ACT 827](#) (HB1177) authorizes emergency medical services personnel to administer certain emergency prescription medications to a patient who has a specific health condition.

Mental Health Awareness - Training

[ACT 1081](#) (HB1938) establishes compulsory training standards for public safety agencies for the recognition and management of stress, self-care techniques, mental health awareness, and resiliency. The act is effective on and after January 1, 2022.

ENERGY

ALTERNATIVE ENERGY

Electric Vehicle Infrastructure Grant Program

[ACT 781](#) (SB632) creates the Electric Vehicle Infrastructure Grant Program within the Department of Energy and Environment to provide grants to public and private entities for the construction, installation, and associated costs connected with the deployment of certain charging facilities and creates the Electric Vehicle Infrastructure Fund. The act declares an emergency and is effective on and after April 20, 2021.

ENERGYALTERNATIVE ENERGY***Spent Nuclear Fuel Rods - Joint Committee Study***

ACT 1092 (HB1890) creates a joint study by the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor regarding the commercial application of existing technology to reclaim and repurpose spent nuclear fuel rods.

CONSTRUCTION AND DESIGN STANDARDS***Existing Electric Generating Units***

ACT 694 (HB1665) establishes the Arkansas Affordable Energy Act, defines "electric utility" and "existing electric generating unit", and requires the Arkansas Public Service Commission to evaluate the remaining useful life of an existing electric generating unit and make findings concerning whether or not life extensions of existing electric generating units are in the public interest.

DISASTER PREPARATION AND RESPONSE***Electric Utility Storm Recovery Securitization***

ACT 641 (SB588) amends the Arkansas Electric Utility Storm Recovery Securitization Act; allows a gas utility to recover the cost of restoration of damages caused by storms and related perils through securitization of the storm restoration and related costs; and allows the recovery through securitization by an electric utility and a gas utility of reasonable and prudent costs to purchase and receive natural gas, fuel, or purchased power at extraordinary cost in immediate preparation for or in response to a storm. The act declares an emergency and is effective on and after April 12, 2021.

Municipal Electric Utilities

ACT 903 (SB689) allows a municipal electric utility to finance costs associated with storms and related perils; allows the financing by a municipal electric utility of costs to purchase gas, fuel, or power in preparation for or in response to a storm; and authorizes municipal electric utilities to issue bonds to pay costs associated with severe storms if the Arkansas Public Service Commission has similarly authorized the issuance of bonds by an electric utility or a gas utility under the Arkansas Electric Utility and Gas Utility Storm Recovery Securitization Act. The act declares an emergency and is effective on and after April 26, 2021.

ENVIRONMENTAL LAWAIR POLLUTION AND CONTROL***Fossil-Fuel-Fired Electric Generating Units***

ACT 639 (SB65) amends the law regarding state emission plans for fossil-fuel-fired electric generating units to provide procedures for assessing effects and approval of the state plan. The act provides a rate and reliability safety valve and repeals the waiver of review and approval procedures for emissions plans.

Motor Vehicle Racing Facility

ACT 520 (HB1716) amends the law to expand the options for constructing and operating a motor vehicle racing facility in certain rural areas through a permitting process by the county judge.

HAZARDOUS SUBSTANCES***Petroleum Storage Tank Trust Fund***

ACT 509 (HB1519) amends the Petroleum Storage Tank Trust Fund Act to increase the minimum balance required for the Petroleum Storage Tank Trust Fund to thirty million dollars (\$30,000,000) before the petroleum environmental assurance fee is reduced.

ENVIRONMENTAL LAW

POLLUTION PREVENTION

Division of Environmental Quality - Personnel - Inspections

[ACT 812](#) (HB1836) reduces the penalty for the knowing refusal of right of entry and inspection to Division of Environmental Quality personnel to five thousand dollars (\$5,000).

RECYCLING

Electronic Waste

[ACT 839](#) (SB585) establishes the Electronic Waste Collection, Recycling, and Reuse Act, which creates an electronic waste recycling program, establishes a collection recovery plan, provides for the sustainability of the electronic waste recycling program through public participation and public and private agreements, and provides for the management and accountability of the program through contract administration.

SOLID WASTE MANAGEMENT

Arkansas Solid Waste Management Act - Advanced Recycling Processes

[ACT 1095](#) (HB1944) amends the Arkansas Solid Waste Management Act and other laws regarding solid waste to include definitions related to advanced recycling processes.

Environmental Compliance Resource Act

[ACT 749](#) (HB1664) amends the Environmental Compliance Resource Act to clarify the authority of an environmental compliance officer and the environmental violations cited by an environmental compliance officer. The act further clarifies the judicial venue where citations issued by environmental compliance officers are required to be filed.

Mill Scale and Slag

[ACT 74](#) (SB21) excludes mill scale and slag from the definition of "solid waste" in the Arkansas Solid Waste Management Act and the Solid Waste Management and Recycling Fund Act.

Solid Waste Management Facility - Operator Licensing

[ACT 773](#) (SB262) amends the licensing of operators of solid waste management facilities to clarify the number, qualifications, and terms of licensing committee members. The act also allows for biennial license renewal and addresses reciprocity for licensed out-of-state solid waste management facility operators who move to Arkansas.

TECHNICAL CORRECTIONS - ENVIRONMENTAL LAW

Title 8

[ACT 469](#) (SB427) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 8 of the Arkansas Code.

WASTEWATER DISPOSAL

Auditing of Water and Sewer Systems

[ACT 907](#) (SB647) increases the number of service connections required to trigger certain auditing requirements for water and sewer systems.

Nonmunicipal Domestic Sewage Treatment Works

[ACT 441](#) (SB240) amends the law concerning nonmunicipal domestic sewage treatment works to include an exclusion for a public facilities board or public water authority in the definition of "nonmunicipal domestic sewage treatment works" in relation to permits. The act declares an emergency and is effective on and after March 24, 2021.

WATER POLLUTION AND CONTROL

Section 404 of the Federal Clean Water Act - Permitting Program

[ACT 285](#) (HB1261) amends the law concerning the state water pollution control agency to authorize the state water control agency to seek and accept delegation of the permitting program for Section 404 of the federal Clean Water Act activities and to administer that permitting program in lieu of the United States Army Corps of Engineers.

ETHICS**CAMPAIGNS - GENERALLY*****Campaign Signs and Materials***

ACT 755 (HB1825) provides that a candidate is responsible for including the required language on campaign signs and materials.

False Information

ACT 416 (HB1522) creates a misdemeanor offense if a person applying to be placed on a ballot for public office knowingly provides false information with reference to his or her qualifications.

Use of Campaign Funds

ACT 324 (SB183) provides that campaign funds or carryover funds may not be used to pay a fine by the Arkansas Ethics Commission assessed for the use of campaign funds or carryover funds as personal income.

ETHICS COMMISSION***Campaign Contributions***

ACT 384 (SB383) requires the Arkansas Ethics Commission to establish the maximum campaign contribution amount by rule.

FINANCIAL DISCLOSURES***Campaign Contributions - Aggregate Per Election***

ACT 385 (SB384) provides that total campaign contributions made to a candidate during an election are not to exceed the maximum contribution amount regardless of which office or offices the candidate is seeking.

Carryover Funds - Office with No Salary

ACT 272 (HB1372) provides that, for purposes of campaign financing, if an office does not have an annual salary, "carryover funds" mean an amount of three thousand dollars (\$3,000) or less.

Childcare Expenses

ACT 734 (HB1728) allows campaign funds to be used to pay a candidate's childcare expenses while the candidate is engaging in campaign activity if the childcare expenses would not exist in the absence of the campaign. The act provides that the campaign funds used to pay for a candidate's childcare expenses shall not be considered taking campaign funds as personal income.

Electronic Campaign Contribution Expenditure Reports

ACT 1029 (SB699) provides that a candidate is not required to provide a reason for submitting paper campaign contribution expenditure reports and requires the Secretary of State to develop criteria for an updated and simplified electronic campaign finance online reporting system. The act declares an emergency and is effective on and after April 29, 2021.

Elimination of Carryover Funds

ACT 737 (HB1675) modifies campaign finance categories, eliminates the use of carryover funds, and modifies campaign finance reports.

Reporting of Campaign Contributions

ACT 254 (SB138) requires additional information on reports of campaign contribution reports regarding financial institutions, eliminates the two-year prohibition on soliciting or accepting campaign contributions, and requires a statement of financial interest to be filed in a year in which a party filing period is held.

FAMILY LAW**ADOPTION*****Consent to Adoption or Relinquishment of Parental Rights***

ACT 599 (HB1379) requires a parent to have limited, independent legal representation with regard to the execution and withdrawal of the relinquishment of his or her parental rights and his or her consent to adoption. The act requires that a parent who consents to adoption or relinquishes his or her parental rights be provided with a qualified interpreter for the purpose of interpreting the consent or relinquishment if the parent does not speak English as a native language.

Expenditures Related to Adoption - Full Accounting Report

ACT 599 (HB1379) requires a full accounting report to include the amounts paid, an itemization of expenses, and the time periods during which each reimbursement or benefit has been paid or will be paid. The act requires a parent or guardian whose consent to adoption is required and who receives reimbursement for an expense incurred or a fee for services rendered incidental to prenatal, delivery, and postnatal care to file a full accounting report of anything of value that has been or will be received from the petitioner or a third party acting on behalf of the petitioner in connection with the adoption and an affidavit verifying the full accounting report.

Voluntary Post-Adoption Contact Agreement

ACT 838 (HB1388) provides that, in an adoption proceeding concerning a minor who is not in the custody of the Department of Human Services, a prospective adoptive parent may voluntarily enter into a written agreement with a birth parent of the minor concerning post-adoption exchange of information, communication, or other contact between the birth parent and the minor if the birth parent has executed a consent to adoption or relinquishment of parental rights, an order terminating the parental rights of the birth parent has not been entered by the court, and a final decree of adoption has not been entered by the court.

Withdrawal of Consent

ACT 993 (HB1921) allows a court to excuse the time period for filing a withdrawal of consent for a biological parent if a stepparent is adopting. The act provides that the time period for filing a withdrawal of consent does not apply to an agency or a minor who is over twelve (12) years of age and whose consent to adoption is required.

Withdrawal of Consent by Minor

ACT 506 (HB1458) allows the court to waive the ten-day period for filing a withdrawal of consent for minors over twelve (12) years of age who consent to an adoption.

ADULT MALTREATMENT***Adult and Long-Term Care Facility Resident Maltreatment Act - Investigations***

ACT 549 (SB257) requires an investigation of suspected adult maltreatment or long-term care facility resident maltreatment to be completed and an investigative determination entered within ninety (90) days for an allegation of exploitation or sixty (60) days for any other type of adult maltreatment allegation. The act allows the Department of Human Services to extend an investigation for up to an additional forty-five (45) days if the department is unable to complete the investigation or written investigative report due to untimely or uncooperative records, interviews, or information being provided by a source necessary for the investigation.

FAMILY LAW**CHILD SUPPORT*****Cooperation - Public Housing Authority***

ACT 1064 (HB1642) requires a public housing authority to operate, among eligible households on a waiting list for benefits, a housing-authority-wide local preference prioritizing the admission of a person who is compliant with the child support cooperation requirement, whether or not the person receives nutrition assistance benefits. The act requires a public housing authority to determine the weight of the housing-authority-wide local preference prioritizing the admission of a person who is compliant with the child support cooperation requirement as compared to another applicable local preference based on local needs. The act also requires a public housing authority to implement a housing-authority-wide child support cooperation requirement and require compliance by a custodial parent or noncustodial parent as a condition of eligibility for housing benefits and assistance.

Petitions, Modification, Enforcement, and Expiration of Obligation

ACT 927 (HB1754) provides that the Office of Child Support Enforcement may file a petition for a parent of a minor child to provide support for the minor child when the person to whom physical custody has been relinquished or awarded, a parent, or a putative father is receiving child support services. The act repeals the definition of "noncustodial parent" and adds a definition for "payor parent" in the context of petitions for support and the power of the Office of Child Support Enforcement to obtain information on noncustodial parents. The act also repeals the law providing that a change in the gross income of the payor in the amount of more than one hundred dollars (\$100) per month constitutes a material change of circumstances sufficient to petition the court for modification of child support. The act provides that, in cases in which there is overdue child support, the Office of Child Support Enforcement may intercept or seize periodic or lump-sum payments from judgments, settlements, prizes, and lotteries for the full amount of the current support obligation and arrearage owed or the net lump-sum payment, whichever is less. The act provides that the State of Arkansas is the real party in interest for purposes of enforcing child support obligations whenever a parent, putative father, or person to whom physical custody of a child has been relinquished or awarded is receiving certain public assistance. The act also provides that notice shall be provided to the clerk of court when a court has ordered support payments to be paid to or by a payor parent, payee parent, or physical custodian of a child who is receiving certain public assistance, and the act repeals the law providing that healthcare coverage premiums shall not be deemed or used as a direct offset to the child support award.

CHILD WELFARE***Division of Youth Services - Rulemaking Authority***

ACT 485 (SB493) requires the Division of Youth Services to promulgate rules for implementing the law concerning the science of reading as it pertains to juveniles committed to the division and provides that the Division of Youth Services may consult with the Division of Elementary and Secondary Education and make use of Division of Elementary and Secondary Education's resources in order to implement the law concerning the science of reading as it pertains to juveniles committed to the division.

Release of Confidential Information to Foster Parent

ACT 317 (HB1359) allows confidential information concerning a child that is compiled or received by a licensee or a state agency engaged in placing the child to be released to a currently or previously licensed foster parent. The act provides that a foster parent shall receive only records that concerns a child who was previously placed in the home of the foster parent, that are relevant to the period of time in which the child was placed in the home of the foster parent, and for which the foster parent has a legitimate need.

FAMILY LAW**CUSTODY AND VISITATION*****Joint Custody***

ACT 604 (SB18) provides that, in an action concerning an original child custody determination in a divorce or paternity matter, there is a rebuttable presumption that joint custody is in the best interest of the child. The act provides that a parent who is not granted sole, primary, or joint custody of his or her child is entitled to reasonable parenting time with the child unless the court finds after a hearing that parenting time between the parent and the child would seriously endanger the physical, mental, or emotional health of the child.

DOMESTIC VIOLENCE***Order of Protection - Course of Control***

ACT 1068 (HB1724) provides that a court may enter an ex parte order enjoining a party from engaging in course of control or disturbing the peace and defines "course of control".

JUVENILE LAW***Dependency-Neglect and Termination of Parental Rights - Putative Parents***

ACT 813 (HB1815) provides that in a dependency-neglect and termination of parental rights petition, the putative parent shall be named as a party if the petitioner alleges that the putative parent may have a claim of paternity of a juvenile born outside of marriage, has established significant contacts with the juvenile, or is listed on the Putative Father Registry. The act also amends the law concerning the grounds for termination of parental rights as they relate to a putative parent and requires a finding that the putative parent failed to establish or maintain meaningful contact with his or her child after his or her rights to the child attached.

Dependency-neglect Proceedings - Parent Right to Counsel

ACT 815 (HB1813) amends the law concerning the right of a parent and putative parent to counsel in dependency-neglect proceedings and in proceedings concerning the termination of parental rights.

Dependent or Dependent-Neglected Juvenile - Extended Foster Care - Jurisdiction

ACT 316 (HB1358) provides that a juvenile who has been adjudicated dependent or dependent-neglected before eighteen (18) years of age may request the court to continue jurisdiction over the juvenile until twenty-one (21) years of age if the juvenile is completing secondary education or a program leading to an equivalent credential, is enrolled in an institution providing post-secondary or vocational education, is participating in a program or activity designed to promote or remove barriers to employment, is employed for at least eighty (80) hours per month, or is incapable of completing school or work requirements due to a documented medical condition. The act also provides that a court shall retain jurisdiction over the juvenile only if the juvenile meets the requirements for continued jurisdiction or has a viable plan to meet the requirements.

Family in Need of Services - Relocation of Juvenile

ACT 816 (HB1809) requires a school district to notify the prosecuting authority if the school district receives information indicating that a student with excessive unexcused absences has relocated to a county in another judicial district. The act provides that a prosecuting authority may file a motion to transfer a family in need of services case involving the student if the prosecuting authority knows the address of the student in the county to which the student has relocated and either receives notice from the school district or receives information indicating that the student has relocated to a county in another judicial district. The act requires an adult or family member who files a family in need of services petition to file a motion to transfer if the adult or family member receives information indicating that the juvenile involved in the case has relocated to a county in another judicial district and knows the address of the juvenile in the county to which the juvenile has relocated.

FAMILY LAW**JUVENILE LAW*****Foster Care - Right of Juvenile to Remain in Foster Care***

ACT 791 (HB1736) allows a juvenile who left foster care to reenter the extended foster care program if the juvenile submits a request in writing or in person to the Department of Human Services for his or her return to foster care. The act allows a juvenile to reenter the extended foster care program if the juvenile was adjudicated dependent or dependent-neglected, was in foster care at eighteen (18) years of age but is not yet twenty-one (21) years of age or such other age as may be required under federal law, wishes to participate in extended foster care to benefit from the program, and satisfies certain requirements related to education and employment.

Hearings

ACT 738 (SB166) allows a relative, fictive kin, or individual with a connection to the family involved in a dependency-neglect proceeding to attend a hearing unless the court determines that the best interest of the child requires the person to be excluded from the hearing or that it is within the authority of the court to exclude the person from the hearing. The act authorizes the court to allow an individual with an interest in attending a closed hearing in a dependency-neglect proceeding to attend the hearing if it is in the best interest of the child and the individual demonstrates a sincere and legitimate need to attend the hearing as determined by the court.

Hearings - Opportunity to Be Heard

ACT 814 (HB1814) amends the definition of "parent" as applicable to the Arkansas Juvenile Code of 1989 and requires a court to allow foster parents, preadoptive parents, and relative caregivers an opportunity to be heard as a witness in any proceeding held with respect to a child in their care. The act provides that a foster parent, adoptive parent, preadoptive parent, or relative caregiver may not offer evidence to be considered by the court unless he or she is called as a witness.

Release of Juvenile Records to Department of Corrections

ACT 187 (HB1245) allows confidential juvenile records to be released to the Department of Corrections for the purpose of creating a risk assessment, classification plan, or supervision plan for each juvenile who has an extended juvenile jurisdiction designation and comes under the supervision or enters into the custody of the Department of Corrections as an adult from the Division of Youth Services. The act requires the department to promulgate rules for requesting and using confidential juvenile records that are released and submit the rules to the Senate Interim Committee on Children and Youth, the House Committee on Aging, Children and Youth, Legislative and Military Affairs, and the Administrative Rules Subcommittee of the Legislative Council.

MARRIAGE***Solemnization of Marriage***

ACT 898 (SB581) allows the current mayor of any city or town or the former mayor of any city of the first class or city of the second class who served at least five (5) years as mayor or to solemnize a marriage.

TECHNICAL CORRECTIONS - FAMILY LAW***Technical Corrections***

ACT 470 (SB428) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 9 of the Arkansas Code.

FIRE PROTECTION

EDUCATION

Class B Firefighting Foam - Restrictions

[ACT 315](#) (HB1351) prohibits a person, local government, or state agency from discharging Class B firefighting foam that contains intentionally added PFAS chemicals for training purposes or testing purposes, unless certain circumstances exist.

FINANCE

Volunteer Fire Departments - Small Cities and Towns - Assessment Procedures

[ACT 642](#) (SB548) provides that a special election on the levy of dues is not required if a majority of voters in a volunteer fire department district file an attested petition with the municipal recorder.

FIREFIGHTERS

Appearance Fees - Treatment for Purposes of Sales Tax Exemption

[ACT 125](#) (HB1026) clarifies that appearance fees of fifty dollars (\$50.00) or less received by a volunteer firefighter are not considered compensation for the purpose of determining whether a fire department is eligible for the sales and use tax exemption for fire protection equipment and emergency equipment for a volunteer fire department. The act is effective on and after October 1, 2021.

Critical Incident Debriefing - Fire Department

[ACT 921](#) (HB1877) requires a local government that maintains a fire department to adopt a policy that makes available to a firefighter who has been involved in a critical incident the opportunity to participate in a debriefing by a mental health professional or a certified peer support member. The act also requires a fire department to assist a firefighter who has been involved in a critical incident in obtaining additional services that may assist the firefighter in recovering from psychological effects resulting from the critical incident.

LICENSING AND CERTIFICATION

Firefighters - Felony Convictions

[ACT 1094](#) (HB1910) allows the Arkansas Fire Protection Services Board to revoke the certification of a firefighter who has been convicted of certain felonies, requires that the Arkansas Administrative Procedure Act be followed for hearings and appeals, and sets out appeal procedures.

PROTECTION DISTRICTS

Creation Procedures

[ACT 83](#) (SB154) clarifies the procedures for the creation of fire protection districts and eliminates the ability of the governing body of a fire department to petition to become a fire protection district.

FIREARMS

CONCEALED HANDGUN LICENSING

Fee Waiver for Current or Former United States Military

[ACT 888](#) (SB171) waives the licensing fee for a license to carry a concealed handgun if the applicant is a veteran of the United States Armed Forces or is currently serving in the United States Armed Forces.

CONCEALED HANDGUNS - GENERALLY

Emergency Medical Technicians

[ACT 948](#) (SB467) permits an emergency medical technician to possess and carry a concealed handgun without a license to carry a concealed handgun. The act also provides that a business entity, owner or legal possessor of property, or private employer is not liable in a civil action for damages, injuries, or death resulting from or arising out of an employee's actions involving a handgun lawfully possessed by an emergency medical technician under certain circumstances.

FIREARMS

CONCEALED HANDGUNS - GENERALLY

Municipal Parks

[ACT 638](#) (SB306) provides that a person with a license to carry a concealed handgun may carry a concealed handgun in a municipally owned or operated park.

Prosecuting Attorneys

[ACT 710](#) (HB1593) allows a retired prosecuting attorney or a retired deputy prosecuting attorney designated by the prosecuting attorney to carry a concealed handgun under certain conditions.

POSSESSION

Definition of "Journey" and "Vehicle"

[ACT 956](#) (HB1898) establishes that, when used in weapons-related offenses, "journey" means a person has left his or her home or the curtilage of his or her home either on foot, horseback, bicycle, or in an automobile for any purpose or duration and "vehicle" means any automobile and is considered an extension of a person's home, with any protections that conveys.

Employer Parking Lot

[ACT 809](#) (SB555) addresses the possession or storage of a person's firearm when a person leaves his or her firearm inside of his or her vehicle while the vehicle is in his or her employer's parking lot, including removing the requirement that the firearm be contained in a locked storage container within the vehicle.

Judges Carrying Handguns

[ACT 766](#) (HB1327) provides that, under certain circumstances, a current or former judge may lawfully carry a handgun where carrying a handgun would otherwise be prohibited.

Lawful Possession by Person Convicted of Unlawful Business Practice

[ACT 631](#) (SB417) permits a person convicted of an antitrust violation or other unlawful business practice to lawfully possess a firearm under state law.

PROHIBITED AREAS

Carrying a Firearm in Publicly Owned Buildings or Facilities

[ACT 693](#) (HB1598) provides that, for the purposes of the offense of carrying a firearm in publicly owned buildings or facilities, "facility" does not mean a municipally owned or maintained park, football field, baseball field, soccer field, or another similar municipally owned or maintained recreational structure or property.

Local Government Facilities

[ACT 1024](#) (SB573) provides for a concealed handgun to be lawfully carried in certain places owned, controlled, or operated by a local unit of government.

Possession in Certain Locations

[ACT 433](#) (SB357) repeals a statute prohibiting the possession of a firearm in certain locations.

FIREARMS**REGULATION*****Arkansas Sovereignty Act of 2021***

ACT 1012 (HB1957) provides that all acts, laws, orders, rules, and regulations of the United States Government that were enacted on or after January 1, 2021, that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Arkansas Constitution, Article 2, § 5, are invalid in this state, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state. The act also provides that a public officer or employee of this state or a representative, agent, or employee of a municipality, a county, or the state, acting under the color of law, with all the rights, grants, and assignments of a law enforcement officer in the state, shall not enforce or assist federal agencies or officers in the enforcement of any federal statute, executive order, or federal agency directive that conflicts with Arkansas law. Further, the act does not prohibit or otherwise limit a state law enforcement officer, state employee, or employee of a political subdivision of the state from cooperating, communicating, or collaborating with a federal agency if the primary purpose is not law enforcement activity related to a federal ban or the investigation of a violation of a federal ban.

Intrastate Firearms Protection Act

ACT 872 (SB59) creates the Intrastate Firearms Protection Act, which provides that a personal firearm, a firearm accessory, or ammunition that is manufactured in the state and remains within the state is not subject to federal law or federal regulation and prohibits a public employee from knowingly enforcing or attempting to enforce any federal law or regulation created after January 1, 2021, relating to a personal firearm, a firearm accessory, or ammunition that is manufactured in the state and remains within the state.

FREEDOM OF INFORMATION ACT**ATTORNEY FEES*****Public Information Provided After Filing Suit***

ACT 572 (SB196) amends the Freedom of Information Act of 1967 to allow the recovery of attorney fees if a significant or material portion of the public information requested is provided after filing suit.

EXEMPTIONS***Ballots***

ACT 727 (SB488) exempts ballots from disclosure under the Freedom of Information Act of 1967.

Local Sales and Use Tax Reports

ACT 1059 (HB1868) requires the Secretary of the Department of Finance and Administration to give a monthly electronic report to any city or county that requests it showing the amount of sales and use taxes generated within the boundaries of the city or county. The act exempts the electronic report received by the city or county from disclosure under the Freedom of Information Act of 1967. The act is effective on and after January 1, 2022.

Lottery Winners - Certain Amounts

ACT 889 (SB355) allows lottery winners of more than five hundred thousand dollars (\$500,000) to request that their records or information filed with the Office of the Arkansas Lottery remain confidential and exempt from disclosure under the Freedom of Information Act of 1967; allows the confidential exemption for elected officials or individuals who are related in the second degree of consanguinity to an elected official to remain confidential for only six (6) months; and allows records or information filed with the Office of the Arkansas Lottery that are treated as confidential to become public after three (3) years.

FREEDOM OF INFORMATION ACT

EXEMPTIONS

Procedure for Disclosure - Public Employees - Gross Salary

ACT 658 (HB1626) changes the process for the disclosure of a public employee's gross salary by removing the requirement that the public employee be notified before disclosing the gross salary amount and removing the public employee's ability to seek an opinion from the Attorney General on disclosure of the public employee's gross salary amount.

Security Incidents

ACT 260 (HB1110) clarifies that a report, update, notification, or list created in regard to a security incident of a state entity is exempt from disclosure under the Freedom of Information Act of 1967 as a security function.

MEETINGS

Electronic Public Meetings - Declared State of Emergency

ACT 56 (HB1056) allows electronic public meetings to be held during a declared state of emergency and provides guidelines for holding an electronic public meeting under the Freedom of Information Act of 1967. The act declares an emergency and is effective on and after February 2, 2021.

RECORDS

Image Capture

ACT 310 (SB194) allows public records to be copied through image capture, including still and moving photography and video and digital recording.

Procedure for Disclosure - Bulk Electronic Records

ACT 1075 (HB1884) amends the law governing a county's obligations regarding the production of electronic public records in bulk by requiring third-party contractors who provide the county with electronic-records services to provide the county, upon request, with a written list of all file formats in which electronic records are stored. The act also requires a county to produce, upon request, nonexempt public records in bulk in a common file format that does not impair the data's usability or accessibility.

GAMBLING AND RACING

CASINOS

Employee Background Checks and Licenses

ACT 682 (HB1752) allows the Arkansas Racing Commission to require certain employees of a franchise holder or casino licensee to obtain a license and submit to a background check. The act is effective on and after January 1, 2022.

Gambling Winnings - Withholding of Income Tax

ACT 592 (HB1703) requires casinos to report gambling winnings to the Secretary of the Department of Finance and Administration and to withhold and remit state income tax from gambling winnings.

RACING COMMISSION

Employee Background Checks and Licenses for Franchise Holders and Casinos

ACT 682 (HB1752) allows the Arkansas Racing Commission to require certain employees of a franchise holder or casino licensee to obtain a license and submit to a background check. The act is effective on and after January 1, 2022.

GENERAL ASSEMBLY

BUREAU OF LEGISLATIVE RESEARCH

Access to Information Derived from Tax Records

ACT 876 (HB1469) allows the Bureau of Legislative Research to have direct access to non-confidential aggregate and statistical information derived from state tax collection and administration records for use in state budgeting and forecasting and preparing fiscal impact statements on proposed legislation. The act is effective on and after January 1, 2022.

GENERAL ASSEMBLY**BUREAU OF LEGISLATIVE RESEARCH*****Adoption of Required Rules***

ACT 595 (HB1720) amends Arkansas law concerning the review of newly enacted laws and the adoption of required rules, including requiring the Bureau of Legislative Research to file a report with the Legislative Council identifying the rules specifically required by newly enacted laws; requiring the executive head of an agency or his or her designee to provide monthly written updates to the Legislative Council or its appropriate subcommittee concerning its progress in promulgating a required rule; requiring the executive head of an agency or his or her designee to appear before the Legislative Council or its appropriate subcommittee on a monthly basis if a required rule has not been filed for adoption by June 1 of the year following a regular session of the General Assembly; providing that an agency is not required to appear before the Legislative Council or its appropriate subcommittee if a newly enacted law requiring a rule is the subject of litigation; and establishing a process that an agency may follow if it believes a rule is not necessary for the operation of a newly enacted law that requires the adoption of a rule.

Code of Arkansas Rules

ACT 64 (HB1216) revises certain laws concerning administrative rules to allow for the development of the Code of Arkansas Rules, including requiring the Bureau of Legislative Research to replace certain inappropriate terms regarding individuals with disabilities with respectful language; providing that the definition of a rule under the Arkansas Administrative Procedure Act does not include a technical correction made by the Bureau of Legislative Research through a process created in the act, a form developed by an agency to implement or interpret a rule unless the promulgation of the form as a rule is required by law, or the addition of formatting to one (1) or more rules in order to create a handbook, manual, pamphlet, or other similar publication; requiring the Bureau of Legislative Research to complete the codification of the Code of Arkansas Rules by January 1, 2024; and allowing the Legislative Council to extend the deadline for completion of the Code of Arkansas Rules.

COMMITTEES***Approval or Disapproval of Rules***

ACT 1101 (HB1937) provides that a committee or subcommittee of the General Assembly does not have to state specific grounds if the committee or subcommittee does not approve a rule containing a fee or penalty and requires an agency assessing or imposing a fee or penalty to promulgate the fee or penalty by rule.

Children and Youth - Study - Reducing Number of Children in Foster Care

ACT 574 (SB204) requires the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth to meet jointly to conduct a study of the best practices for reducing the number of children in foster care and to report on their findings and recommendations to the Legislative Council.

Joint Performance Review - Election Law Violations

ACT 974 (SB644) provides for the creation of an election law violation hotline through the Attorney General's office and states a person convicted of a misdemeanor or felony related to elections is barred from serving as an election official in subsequent elections. The act also creates a process for the Joint Performance Review Committee to investigate allegations of violations of election law referred by the Attorney General's office and authorizes the committee to make reports of its findings and recommendations to the State Board of Election Commissioners.

GENERAL ASSEMBLY
COMMITTEES

Joint Performance Review - Review of Boards and Commissions

ACT 276 (HB1356) provides a process for the evaluation of state boards and commissions; allows the suspension of a state board or commission if no report has been submitted; and establishes a process for the Joint Performance Review Committee to recommend that a state board or commission be abolished.

Process for Introducing Lottery-Funded Scholarship Bills

ACT 636 (SB584) creates a new process for introducing bills creating or amending lottery-funded scholarships. The act declares an emergency and is effective on and after April 12, 2021.

Public Health, Welfare, and Labor - Study on Mental and Behavioral Health

ACT 802 (HB1689) creates the Arkansas Legislative Study on Mental and Behavioral Health with the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare, and Labor to assess the strengths and weaknesses of the mental and behavioral health resources and care currently available in the state and to recommend legislation regarding best practices and improvements within the area of mental and behavioral health care. The act requires the committees to file with Legislative Council a final written report of their activities, findings, and recommendations on or before December 1, 2022.

Public Health, Welfare, and Labor - Study on Spent Nuclear Fuel Rods

ACT 1092 (HB1890) creates a joint study by the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor regarding the commercial application of existing technology to reclaim and repurpose spent nuclear fuel rods.

State Agencies and Governmental Affairs - Study of Election Technology

ACT 421 (HB1568) requires the House Committee on State Agencies and Governmental Affairs and the Senate Committee on State Agencies and Governmental Affairs to meet jointly to study election technology, including the use of biometric data and ballot tracking, to improve election transparency and security. The act also requires the committees to report their findings and recommendations to the Legislative Council.

GENERAL ASSEMBLY

COMMITTEES

Statewide State of Disaster Emergency Related to Public Health

ACT 403 (SB379) authorizes the Governor to declare a statewide state of disaster emergency related to public health, which shall not continue for longer than sixty (60) days unless renewed by the Governor, so long as the Legislative Council does not vote to deny the request for renewal. Under the act, if the Governor declares a statewide state of disaster emergency related to public health, the House of Representatives and the Senate shall each convene as a committee of the whole within eight (8) business days of the declaration to vote upon and debate a concurrent resolution to terminate the declaration. The act provides that if the Governor notifies the Legislative Council of his or her desire to renew a statewide state of disaster emergency related to public health, he or she may also request the renewal of an executive order or proclamation issued to meet or mitigate dangers to the people and property of the state presented or threatened by a statewide state of disaster emergency related to public health. Under the act, the Legislative Council may terminate an executive order or proclamation issued after a statewide state of disaster emergency related to public health has been renewed. The act provides that a directive of the State Board of Health or its designee related to a statewide state of disaster emergency related to public health and imposing restrictions upon individuals, commerce, or travel is subject to review and termination by the Executive Subcommittee of the Legislative Council, which shall meet within four (4) business days of the issuance of the directive. The act provides that a directive shall not continue for longer than thirty (30) days unless renewed by the board or its designee, so long as the Legislative Council does not deny the request for renewal. The act declares an emergency and is effective on and after March 19, 2021.

LEGISLATIVE AUDIT

Powers and Duties

ACT 591 (HB1666) amends laws pertaining to Arkansas Legislative Audit to clarify the applicability of certain laws to political subdivisions; clarifies the access of the Legislative Auditor and employees of Arkansas Legislative Audit to privileged records; clarifies the authority of the Legislative Auditor or his or her authorized assistants to examine certain records, documents, or accounts; and clarifies when compensation shall be paid to persons summoned to appear before the Legislative Auditor or his or her authorized assistants.

Verification of Cash Expenditure Reports

ACT 1111 (SB671) provides that no later than August 1 of each year, a cabinet-level department shall submit a written report to the Governor, the Secretary of the Department of Transformation and Shared Services, and Arkansas Legislative Audit containing certain information, including the calculated difference between cash expenditures for the fiscal year just ended and the fiscal year immediately prior to the fiscal year just ended, a specific itemization of cost savings, and an identification and explanation of the cause of the cost savings. The act requires Arkansas Legislative Audit to review each written report and conduct any procedures necessary to verify the contents of the written report. The act declares an emergency and is effective on and after May 3, 2021.

LEGISLATIVE COUNCIL

Administrative Rules - Review and Sunset - Milk and Cattle Production

ACT 1076 (HB1920) establishes a process for review and a sunset date for state agency rules pertaining to milk and cattle production, not including rules pertaining solely to waste management. The act is effective on and after September 1, 2021.

Administrative Rules - Scope of Practice of Healthcare Professionals

ACT 960 (HB1180) specifies a process of review for rules regarding scope of practice of healthcare professionals.

GENERAL ASSEMBLY**LEGISLATIVE COUNCIL*****COVID-19 Vaccine Requirement***

ACT 977 (HB1547) prohibits the state, a state agency or entity, and a political subdivision of the state from mandating a vaccine or immunization for coronavirus 2019 (COVID-19) and governs requirements for a vaccine or immunization for coronavirus 2019 (COVID-19) in certain situations when approved by Legislative Council. The act declares an emergency and is effective on and after April 28, 2021.

Medical Marijuana Advisory Subcommittee - Creation

ACT 632 (SB226) creates the Medical Marijuana Advisory Subcommittee of the Legislative Council to provide advice on all matters relating to the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98.

Professional Services Contracts - Approval

ACT 543 (SB30) requires professional services contracts entered into by the Division of Information Systems to be approved by the Secretary of the Department of Transformation and Shared Services with approval of the Legislative Council or Joint Budget Committee.

Report, Sunset, Extension, and Repeal of Rules

ACT 65 (HB1217) concerns the extension and repeal of administrative rules. The act amends the process for the systematic review of agency rules by providing that the Legislative Council shall evaluate agency rules in six (6) rule review groups over a twelve-year period, with one (1) rule review group evaluated every two (2) years and each rule review group being reevaluated every twelve (12) years. The act provides for the expiration of agency rules unless the rules are extended or repealed by the Legislative Council and provides that if an agency fails to submit its required rule report for the evaluation, its rules shall expire. The act also establishes a mechanism for an agency to repeal a rule that does not meet the definition of a rule in an expedited fashion and provides that the repeal of a rule through the expedited mechanism is effective immediately and not subject to the Arkansas Administrative Procedure Act.

Reports - Secretary of Cabinet-Level Departments

ACT 413 (HB1480) requires each secretary of a cabinet-level department to provide an oral report to Legislative Council before November 1 of each odd-numbered year concerning the state of the department.

Review of Presidential Executive Orders

ACT 608 (HB1637) provides a procedure for the General Assembly, the Legislative Council, and the Joint Budget Committee to review presidential executive orders, including requesting an opinion from the Attorney General regarding the constitutionality of the presidential executive order.

GENERAL ASSEMBLY
LEGISLATIVE COUNCIL

Statewide State of Disaster Emergency Related to Public Health

ACT 403 (SB379) authorizes the Governor to declare a statewide state of disaster emergency related to public health, which shall not continue for longer than sixty (60) days unless renewed by the Governor, so long as the Legislative Council does not vote to deny the request for renewal. Under the act, if the Governor declares a statewide state of disaster emergency related to public health, the House of Representatives and the Senate shall each convene as a committee of the whole within eight (8) business days of the declaration to vote upon and debate a concurrent resolution to terminate the declaration. The act provides that if the Governor notifies the Legislative Council of his or her desire to renew a statewide state of disaster emergency related to public health, he or she may also request the renewal of an executive order or proclamation issued to meet or mitigate dangers to the people and property of the state presented or threatened by a statewide state of disaster emergency related to public health. Under the act, the Legislative Council may terminate an executive order or proclamation issued after a statewide state of disaster emergency related to public health has been renewed. The act provides that a directive of the State Board of Health or its designee related to a statewide state of disaster emergency related to public health and imposing restrictions upon individuals, commerce, or travel is subject to review and termination by the Executive Subcommittee of the Legislative Council, which shall meet within four (4) business days of the issuance of the directive. The act provides that a directive shall not continue for longer than thirty (30) days unless renewed by the board or its designee, so long as the Legislative Council does not deny the request for renewal. The act declares an emergency and is effective on and after March 19, 2021.

Study of Use of Executive Employee Positions

ACT 796 (HB1779) requires the Office of Personnel Management to annually identify each position authorized for the use of a state agency that has been vacant for two (2) or more years, prohibits a state agency from filling or otherwise utilizing such a position without the prior approval of the Legislative Council or Joint Budget Committee, and provides that a state agency shall not request the further authorization of a position identified by the Office of Personnel Management as having been vacant for two (2) years or more. The act allows a state agency to submit a request to the Office of Personnel Management that a position no longer required for the necessary and efficient operation of the state agency be terminated for the remainder of the fiscal year and identified as a position not requested for continued authorization at the pre-session budget hearings of the Legislative Council and Joint Budget Committee. The act also requires the Legislative Council to study employee position management, control, and efficiency to identify means by which the state can increase efficiency and transparency in state budgeting through the elimination of unnecessary or unused positions at executive branch agencies. The act declares an emergency and is effective on and after April 20, 2021.

Unanticipated Discretionary Federal Funds

ACT 446 (SB378) provides that, if the State of Arkansas receives unanticipated discretionary federal funds for the purposes of emergency management or disaster relief related to a statewide state of disaster emergency related to public health, the Legislative Council or Joint Budget Committee may request a detailed plan for the distribution and use of the funds before actual expenditures or obligations are incurred. The act requires the Legislative Council or Joint Budget Committee to review the detailed plan within thirty (30) days of its submission and prohibits the funds from being distributed, expended, or otherwise obligated unless the detailed plan is approved by the Legislative Council or Joint Budget Committee. The act declares an emergency and is effective on and after March 24, 2021.

GENERAL ASSEMBLY REPORTS

Legislative Auditor

ACT 260 (HB1110) requires a state entity to report a security incident to the Legislative Auditor, including any unauthorized access to an information system of a public entity, destruction of the data of an information system of a public entity or an information system of a public entity, or acquisition of data from an information system of a public entity; requires a public entity that experiences a security incident to disclose an initial report of the security incident within five (5) business days to the Legislative Auditor and provide regular updates; requires the Legislative Auditor to maintain a list of security incidents and report the security incidents experienced by a public entity to the Legislative Council, Legislative Joint Auditing Committee, and Joint Committee on Advanced Communications and Information Technology on or before December 15 of each year; clarifies that if the Legislative Auditor believes the security incident to be significant, the Legislative Auditor shall notify the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House and Senate cochairs of the Legislative Council, the cochairs and the co-vice chairs of the Legislative Joint Auditing Committee, and the cochairs of the Joint Committee on Advanced Communications and Information Technology; and clarifies that a report, update, notification, or list created in regard to a security incident is exempt from disclosure under the Freedom of Information Act of 1967 as a security function.

Rainy Day Fund

ACT 288 (SB205) requires an expenditure, transfer, agreed-upon commitment, or other obligation of funds from the Rainy Day Fund to be reported by the Chief Fiscal Officer of the State to the cochairs of the Legislative Council or Joint Budget Committee. The act expires on the thirty-first day following the sine die adjournment of the regular session of the Ninety-Third General Assembly. The act declares an emergency and is effective on and after March 8, 2021.

TASK FORCES

Alzheimer's Disease and Dementia Advisory Council - Creation and Duties

ACT 391 (HB1434) creates the Alzheimer's Disease and Dementia Advisory Council, provides for the duties and reporting requirements of the advisory council, and provides for reports on the state's implementation of the State Alzheimer's Plan established by the advisory council.

Arkansas PANS/PANDAS Advisory Council

ACT 430 (SB212) creates the Arkansas PANS/PANDAS Advisory Council and allows the advisory council to make recommendations for healthcare professionals concerning pediatric acute-onset neuropsychiatric syndrome (PANS) and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS), operate in cooperation with the interdisciplinary panel on PANS/PANDAS at the University of Arkansas for Medical Sciences, make recommendations concerning standard practice guidelines for the diagnosis and treatment of PANS/PANDAS for adult and pediatric patients, provide outreach to educators and parents, and develop a network of volunteer experts on PANS/PANDAS to serve as resources within this state. The act also requires the advisory council to report to the Senate Committee on Insurance and Commerce, the House Committee on Insurance and Commerce, the Senate Committee on Public Health, Welfare, and Labor, and the House Committee on Public Health, Welfare, and Labor, as requested. The act provides that the advisory council expires on December 31, 2023, unless extended by the General Assembly. The act declares an emergency and is effective on and after March 24, 2021.

GENERAL ASSEMBLY**TASK FORCES*****Arts and Technology Boot Camp***

ACT 577 (SB531) creates the Arkansas Legislative Arts and Technology Boot Camp to hold one or more gatherings to discuss arts and technology in Arkansas and to create a report that contains an inventory of Arkansas's statewide arts and cultural assets; an assessment of the amount and practicability of obtaining funds needed to create, update, and maintain a statewide database that contains the inventory; and a plan to identify and leverage assets and talents in the areas of arts and technology.

TECHNICAL CORRECTIONS - GENERAL ASSEMBLY***Title 10***

ACT 471 (SB429) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 10 of the Arkansas Code.

HEALTH**ABORTION*****Abortion-Inducing Drugs***

ACT 562 (HB1402) amends the Abortion-Inducing Drugs Safety Act by repealing and replacing the legislative findings and purpose of the act, repealing the definitions regarding "final printed labeling", "Mifeprex regimen", "Mifepristone", and "Misoprostol" within the act, and repealing and replacing the language regarding the procedures for prescribing, administering, dispensing, or otherwise providing abortion-inducing drugs by a physician.

Arkansas Unborn Child Protection Act

ACT 309 (SB6) creates the Arkansas Unborn Child Protection Act, which abolishes abortion in Arkansas and prohibits a person from purposely performing or attempting to perform an abortion except to save the life of a pregnant woman in a medical emergency.

Informed Consent for Chemical Abortion

ACT 560 (HB1572) creates the Informed Consent for Chemical Abortion Act, which requires certain information to be provided, orally and in person, by a healthcare provider to a pregnant woman at least seventy-two (72) hours before a chemical abortion to constitute informed consent. The act also requires healthcare providers or healthcare facilities to submit individual reporting forms to the Department of Health within fifteen (15) days after each month's end and to submit to the department a report showing the total number of chemical abortions performed in the facility during each quarter. The act also requires the Department of Health to report comprehensive annual statistical data based upon the data gathered from the reports to the General Assembly and the Centers for Medicare & Medicaid Services and to make all information collected by the department regarding chemical abortions available to the public on the department's website.

Licensure - Abortion Clinics and Hospitals

ACT 949 (SB388) modifies the laws concerning abortion clinics to require licensure if a clinic performs an abortion in any month and to specify that a hospital shall not perform an abortion unless the abortion is to save the life of a pregnant woman in a medical emergency.

Medicaid - Prohibition of Funding

ACT 358 (HB1408) provides that the restrictions regarding the awarding of public funds to entities that perform abortions apply to funding through the Arkansas Medicaid Program.

Reporting and Inspections - Documentation Regarding Rape or Incest

ACT 787 (SB463) amends the laws regarding abortion reporting and inspections of abortion facilities and requires certain documentation to be presented before performing an abortion when the pregnancy is a result of rape or incest.

HEALTH**ABORTION*****Resource Access Assistance Offer***

ACT 90 (HB1195) creates the Every Mom Matters Act, which requires that the Department of Health contract with entities to provide resource access assistance offers to pregnant women and prohibits a person from performing an abortion unless the person verifies that the pregnant woman has received a resource access assistance offer. The act also amends the Life Choices Lifeline Program to include the requirements for a resource access assistance offer and makes technical corrections. The act requires the Department of Health to create a program-specific website that describes the services offered, establish a toll-free number for pregnant women seeking an abortion to call in order to receive a resource access assistance offer, develop and maintain a secure database for the reporting of pregnant women receiving resource access assistance offers, report the percentage of pregnant women who received a resource access assistance offer and subsequently obtained an abortion on the department website, and audit abortion facilities and persons performing abortions to ensure compliance with the act. The requirement to verify that a pregnant woman has received a resource access offer and the requirements for the Department of Health in Section 2 of the act are effective on and after January 1, 2023.

Taxpayer Resource Transaction - Prohibited

ACT 561 (HB1589) prohibits a governmental entity from entering into a taxpayer resource transaction with an abortion provider or an affiliate of an abortion provider.

Ultrasound Images Before an Abortion

ACT 498 (SB85) creates the Right-to-Know-and-See Act, which amends the right to view ultrasound images before an abortion by requiring an abortion provider to perform an obstetric ultrasound on the pregnant woman, provide a simultaneous verbal explanation of what the ultrasound is depicting, display the ultrasound images so that the pregnant woman may view them, document that the ultrasound images were displayed to the pregnant woman, provide a medical description of the ultrasound images, and retain the ultrasound image with the date that the ultrasound occurred in the pregnant woman's medical record. The act also requires the Department of Health to quarterly inspect the records to ensure compliance, to fine or suspend the abortion facility based on the frequency of the violation, and to notify the Arkansas State Medical Board of a violation by a physician, which may then fine or suspend the physician based on the frequency of the violation.

Written Agreements - Changes to Licensure

ACT 740 (SB527) requires abortion facilities to post information regarding human trafficking and to provide human trafficking literature to patients; amends the definition of "abortion" within the Cherish Act; requires written agreements between an abortion facility and a hospital; and requires written agreements between an abortion facility and an ambulance service.

ABUSED AND NEGLECTED CHILDREN***Blue Ribbon Task Force to End Child Abuse***

ACT 920 (HB1894) creates the Blue Ribbon Task Force to End Child Abuse, which is charged with taking a systematic and holistic approach to eliminating child abuse in the state. The act provides that the task force expires on December 31, 2022.

BOARDS AND COMMISSIONS***Arkansas Board of Hearing Instrument Dispensers***

ACT 159 (SB88) amends the composition of the Arkansas Board of Hearing Instrument Dispensers.

HEALTH**BOARDS AND COMMISSIONS*****Arkansas PANS/PANDAS Advisory Council***

ACT 430 (SB212) creates the Arkansas PANS/PANDAS Advisory Council and allows the advisory council to make recommendations for healthcare professionals concerning pediatric acute-onset neuropsychiatric syndrome (PANS) and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS), operate in cooperation with the interdisciplinary panel on PANS/PANDAS at the University of Arkansas for Medical Sciences, make recommendations concerning standard practice guidelines for the diagnosis and treatment of PANS/PANDAS for adult and pediatric patients, provide outreach to educators and parents, and develop a network of volunteer experts on PANS/PANDAS to serve as resources within this state. The act also requires the advisory council to report to the Senate Committee on Insurance and Commerce, the House Committee on Insurance and Commerce, the Senate Committee on Public Health, Welfare, and Labor, and the House Committee on Public Health, Welfare, and Labor, as requested. The act provides that the advisory council expires on December 31, 2023, unless extended by the General Assembly. The act declares an emergency and is effective on and after March 24, 2021.

Cosmetology Technical Advisory Committee - Registered Hairstylist

ACT 957 (HB1746) creates a registration process for a registered hairstylist who is not required to have the full license of a cosmetologist.

State Board of Health

ACT 403 (SB379) provides that a directive of the State Board of Health or its designee related to a statewide state of disaster emergency related to public health and imposing restrictions upon individuals, commerce, or travel shall be subject to review and termination by the Executive Subcommittee of the Legislative Council, which shall meet within four (4) business days of the issuance of the directive. The act also provides that a directive shall not continue for longer than thirty (30) days unless renewed by the board or its designee, so long as the Legislative Council does not deny the request for renewal. The act declares an emergency and is effective on and after March 19, 2021.

CONSENT FOR HEALTHCARE***Consent for End-of-Life Procedures for Minors***

ACT 226 (HB1116) clarifies the requirement for parent or legal guardian consent for end-of-life medical procedures for minors.

Pelvic Examinations

ACT 346 (HB1137) prohibits the performance of a pelvic examination on an unconscious or anesthetized patient without prior consent of the patient.

EMERGENCY SERVICES***Data Collection and Evaluation***

ACT 707 (HB1723) requires the Department of Health to develop a data collection and evaluation process to review non-hospital emergency medical care and initial time-critical diagnoses and procedures by emergency medical services personnel and to collect data and information regarding patients treated and transported from the field and admitted to a facility through the emergency department, through a trauma center, or directly to a special care unit or post-hospitalization facility. The act provides that the records, reports, and data made and collected are confidential and not available to the public.

Emergency Medical Care - Injured Police Dog

ACT 790 (HB1152) allows for emergency medical care to be provided to injured police dogs.

Emergency Prescription Medications - Patients with Specific Health Conditions

ACT 827 (HB1177) authorizes emergency medical services personnel to administer certain emergency prescription medications to a patient who has a specific health condition.

HEALTH**FOOD*****Cottage Food - Internet Sales***

ACT 306 (HB1118) amends the provisions applicable to sales of cottage food production operations and provides that sales by a cottage food production operation through the internet are exempt from the definition of "food service establishment". The act declares an emergency and is effective on and after March 9, 2021.

Licensure, Certification, and Inspection - Exemption

ACT 1040 (SB248) creates the Food Freedom Act, which exempts certain producers of homemade food or drink products from licensure, certification, or inspection.

State Meat Inspection Program

ACT 418 (HB1315) creates a State Meat Inspection Program to inspect slaughtered livestock, livestock carcasses, parts of livestock carcasses, meat, and meat food products processed from livestock slaughtered for human food within the state; creates the State Meat Inspection Program Fund; amends the Arkansas Meat and Meat Products Inspection Act and the Arkansas Meat and Meat Products Certification Act; and transfers authority over meat inspection to the Department of Agriculture. The act declares an emergency and is effective on and after March 23, 2021.

GENERALLY***COVID-19 Vaccine Passports Prohibited***

ACT 1030 (SB615) prohibits the requirement of vaccine passports in Arkansas.

Death Certificate - Medical Certificate Signature

ACT 674 (HB1659) amends the waiver process for a medical certification to be completed using an electronic process or system for a death certificate registration to remove two (2) justifications for the waiver and to decrease the justification for the waiver based on the amount of medical certifications signed per year.

Gender Transition Procedures

ACT 626 (HB1570) creates the Arkansas Save Adolescents from Experimentation (SAFE) Act, which prohibits gender transition procedures for minors, prohibits use of public funds for gender transition procedures, and prohibits insurance coverage of gender transition procedures for minors.

Hepatitis C Screening During Pregnancy

ACT 598 (HB1136) requires Hepatitis C screening during pregnancy and requires health benefit plans to provide coverage for hepatitis C screenings during pregnancy.

Mandatory Face Coverings - Ended and Prohibited

ACT 1002 (SB590) ends mandatory face covering requirements not imposed by a private business or state-owned or state-controlled healthcare facility and prohibits a state agency or entity, political subdivision of the state, or a state or local official from mandating a face mask, face shield, or other face covering.

Prohibition on Mandatory COVID-19 Vaccine Requirement

ACT 977 (HB1547) prohibits the state, a state agency or entity, and a political subdivision of the state from mandating a vaccine or immunization for coronavirus 2019 (COVID-19) and governs requirements for a vaccine or immunization for coronavirus 2019 (COVID-19) in certain situations when approved by Legislative Council.

HEALTH**GENERALLY*****Public Sale of Nonalcoholic Beverages by a Minor***

ACT 256 (SB169) prohibits a municipality, county, or other local public health authority from adopting or enforcing an ordinance, order, resolution, policy, or rule that prohibits or regulates, including by requiring a license, permit, or fee, the occasional outdoor sale of nonalcoholic beverages by a minor from a stand on private property.

Suicide Prevention Hotline - Employment of Veterans

ACT 640 (SB27) ensures that the Suicide Prevention Hotline employs individuals who have experience working with veterans.

Time Period for Embalming

ACT 132 (HB1322) provides that embalming or refrigeration of a dead body is required within forty-eight (48) hours unless the body is buried or cremated within forty-eight (48) hours.

Visitation Rights of Patients

ACT 311 (HB1061) creates the No Patient Left Alone Act, which establishes visitation rights of patients in hospitals, offices of healthcare professionals, long-term care facilities, and hospice facilities; allows a patient with a disability to designate at least three (3) support persons and requires that at least one (1) support person be allowed to be present with the patient with a disability at all times in the emergency department and during the stay of a patient with a disability; allows a clergy member or lay person offering religious or spiritual support visitation to be physically present with a patient; requires that the Department of Health and the Department of Human Services develop informational materials regarding the rights of visitation in hospitals, offices of healthcare professionals, long-term care facilities, and hospice facilities; authorizes an individual to file a complaint against a healthcare professional or healthcare facility for failing to comply with the right of visitation; and sets right-of-visitation limits or restrictions for certain behavior and in certain settings. The act declares an emergency and is effective on and after March 10, 2021.

HEALTH CARE PROVIDERS***Athletic Trainers - Direct Supervision***

ACT 348 (HB1259) amends the Arkansas Athletic Trainers Act to authorize athletic trainers to practice under the direct supervision of a physician.

COVID-19 Pandemic

ACT 510 (HB1521) codifies Executive Orders 20-18 and 20-34, which request all healthcare providers licensed and permitted to practice in this state to provide services in response to the COVID-19 pandemic, allow a healthcare provider to remove limits on working hours for physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered nurses, and licensed practical nurses, allow a healthcare provider to use certain drugs, devices, or products to diagnose, treat, mitigate, or cure COVID-19, and provide limited immunity for a healthcare provider. The act expires on May 1, 2023, unless extended by the General Assembly. The act declares an emergency and is effective on and after April 1, 2021.

Criminal Background Checks Required

ACT 761 (HB1585) requires employees of certain healthcare providers to have a criminal background check.

Direct Healthcare Agreements

ACT 381 (SB168) modifies the exemptions of certain entities from insurance regulation and renames "direct primary care agreements" as "direct healthcare agreements" as used in statutes excepting certain entities from insurance regulation.

HEALTH**HEALTH CARE PROVIDERS*****Home Healthcare Services Agency - Location and Geographic Area***

ACT 817 (HB1687) amends the requirements regarding the locations for and geographic areas of a home healthcare services agency.

Massage Therapists - Criminal Offenses

ACT 136 (SB87) clarifies the criminal offenses that would cause denial, suspension, or revocation of the license of a massage therapist.

Off-Label Use of Drug Treatments for PANS/PANDAS

ACT 637 (SB387) authorizes off-label use of drug treatments to treat Medicaid beneficiaries with pediatric acute-onset neuropsychiatric syndrome (PANS) and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS).

Off-Label Use of Medication

ACT 1054 (SB639) authorizes the off-label use of intravenous immunoglobulin (IVIG) to treat individuals diagnosed with pediatric acute-onset neuropsychiatric syndrome (PANS) or pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS), or both, on or after January 1, 2022, under a patient-specific plan established by the Childhood Post-Infectious Autoimmune Encephalopathy Clinic established by the University of Arkansas for Medical Sciences in collaboration with Arkansas Children's Hospital.

Orthotic and Prosthetic Assistants

ACT 445 (SB22) modifies the certification requirements for practicing as an orthotic assistant, orthotic/prosthetic assistant, or prosthetic assistant.

Physician Assistants - Supervision and Prescriptive Authority

ACT 634 (SB152) amends the membership of the Arkansas State Medical Board to add a physician assistant as a board member; clarifies that one (1) member of the Physician Assistant Committee shall be a physician assistant; changes the duties of the Physician Assistant Committee to review and make recommendations at the request of the Arkansas State Medical Board regarding all matters relating to physician assistants; amends the supervision of physician assistants by allowing a physician assistant to provide delegated healthcare services under an agreement with a supervising physician; amends the prescriptive authority of a physician assistant to include drugs listed in Schedule II in certain circumstances; and allows a physician assistant to render care within his or her scope of practice when responding to an emergency or state or local disaster with limited immunity.

Psychological Interjurisdictional Compact

ACT 883 (HB1760) establishes the Psychological Interjurisdictional Compact, also known as PsyPact, in Arkansas, which allows psychologists licensed in Psychological Interjurisdictional Compact states to provide psychological services via technology or telemedicine and conduct temporary in-person, face-to-face psychology in all Psychological Interjurisdictional Compact states without becoming licensed in each individual state. The act provides that the Arkansas Psychology Board is the Psychological Interjurisdictional Compact administrator for this state and is required to adopt rules by January 1, 2022.

HEALTH**HEALTH CARE PROVIDERS*****Right of Conscience***

ACT 462 (SB289) creates the Medical Ethics and Diversity Act, which establishes the right of conscience for healthcare institutions, healthcare payers, and medical practitioners and prohibits a healthcare institution, healthcare payer, or medical practitioner from being discriminated against based on his, her, or its declining to participate in a healthcare service that violates his, her, or its conscience and from being civilly, criminally, or administratively liable for declining to participate in a healthcare service that violates his, her, or its conscience. The act also sets certain procedures for the exercising of the right of conscience and civil remedies for a violation of the right of conscience and requires a healthcare payer to file its conscience policies annually with the State Insurance Department.

Telemedicine - Home as Originating Site

ACT 767 (HB1068) clarifies the Telemedicine Act by specifying that the home of a patient may be an originating site for telemedicine and that group meetings may be performed via telemedicine. The act also clarifies the law concerning the reimbursement of telemedicine services.

Telemedicine - Via Telephone

ACT 829 (HB1063) amends the Telemedicine Act to authorize additional reimbursement for telemedicine via telephone and to include telephonic technology to establish a professional relationship if the healthcare professional has access to the patient's health record. The act declares an emergency and is effective on and after April 21, 2021.

Temporary Hospital Facility

ACT 723 (SB603) establishes the Temporary Hospital Facility Act, which clarifies the law concerning a healthcare insurer's contracting with a temporary hospital facility, regulates healthcare contracts to require good-faith cooperation, and clarifies the obligations of a healthcare insurer in negotiations and contracting that are applicable to ambulatory surgery centers that participate in the Centers for Medicare & Medicaid Services' Hospitals Without Walls Program.

Volunteer Health Care Act Updates

ACT 968 (HB1439) updates the Volunteer Health Care Act to include therapists, addiction specialists, counselors, dental assistants, and healthcare professionals who are licensed, certified, or registered as medical professionals in the state and increases continuing education credits under the Volunteer Health Care Act.

HEALTH DEPARTMENT***Arkansas Breast Milk Bank***

ACT 225 (HB1067) creates the Arkansas Breast Milk Bank and the Breast Milk Bank Special Fund.

Arkansas Central Cancer Register

ACT 345 (HB1155) allows for the release of data in the Arkansas Central Cancer Register to qualified cancer researchers.

Business Protections Related to COVID-19

ACT 401 (SB254) provides that businesses are not liable to the Department of Health or other state agencies for the behavior of patrons or customers during the coronavirus 2019 (COVID-19) public health emergency. The act declares an emergency and is effective on and after March 18, 2021.

Ionizing Radiation

ACT 268 (HB1154) amends and updates the Arkansas Code regarding the regulation of ionizing radiation to comply with federal laws and regulations.

HEALTHHEALTH DEPARTMENT***Prescription Drug Monitoring Program - Prescriptions***

ACT 62 (HB1107) amends the Prescription Drug Monitoring Program Act to allow the Department of Health to require prescribers or dispensers, or both, to provide physical copies of written or electronic prescriptions upon request to validate data submitted to the program in order to evaluate the information reported by the program.

Public Health Emergency

ACT 1055 (SB663) modifies the authority of the Department of Health during a public health emergency and allows the department to suspend portions of its rules and implement temporary licensure waivers and flexibilities to cooperate with and assist the Centers for Medicare & Medicaid Services-certified facility flexibilities, including the Hospitals Without Walls initiative, to assist during a public health emergency. The act declares an emergency and is effective on and after April 29, 2021.

HOSPITALS***Public Health Emergency***

ACT 1055 (SB663) modifies the authority of the Department of Health during a public health emergency and allows the department to suspend portions of its rules and implement temporary licensure waivers and flexibilities to cooperate with and assist the Centers for Medicare & Medicaid Services-certified facility flexibilities, including the Hospitals Without Walls initiative, to assist during a public health emergency. The act declares an emergency and is effective on and after April 29, 2021.

LONG-TERM CARE FACILITIES***Definition Clarified - Certain Adult Day Care Programs Exempt***

ACT 905 (SB677) amends the definition of "long-term care facility" to specify that adult day care programs that provide services for periods of four (4) hours or less per day no more than two (2) days per week are not long-term care facilities.

Licensing

ACT 721 (SB568) expands the review of license applications for long-term care facilities; eliminates annual renewals for long-term care facility licenses; and requires notification of changes in long-term care facility management.

Nursing Facility Staffing Standards

ACT 715 (HB1776) repeals and replaces the nursing facility staffing standards and reporting requirements for nursing facilities that are certified to participate in the federal Medicare program as a skilled nursing facility or in the Arkansas Medicaid Program as a nursing facility, or in both, for licensure by the Department of Human Services. The act also allows the Department of Human Services to establish by rule direct care services, staffing, and reporting requirements equivalent to those requirements applicable to a certified nursing facility under this act or under Medicare and Medicaid requirements of participation.

Regulating Agency

ACT 1017 (SB595) clarifies that the Department of Human Services is the agency that regulates long-term care facilities and removes references to the Office of Long-Term Care.

Rules to Establish Eligibility for Placement

ACT 937 (HB1828) clarifies that the Department of Human Services is required to promulgate rules to establish eligibility for long-term care nursing facility placement.

MEDICAID***Abortion - Prohibition of Funding***

ACT 358 (HB1408) provides that the restrictions regarding the awarding of public funds to entities that perform abortions apply to funding through the Arkansas Medicaid Program.

HEALTH**MEDICAID*****Advanced Practice Registered Nurse - Primary Care Provider***

ACT 569 (HB1254) authorizes the Arkansas Medicaid Program to recognize an advanced practice registered nurse as a primary care provider.

Arkansas Health and Opportunity for Me Program - Arkansas Works

ACT 530 (SB410) creates the Arkansas Health and Opportunity for Me Act of 2021, which creates the Arkansas Health and Opportunity for Me (ARHOME) Program that supersedes the Arkansas Works Program that expires on December 31, 2021. The act allows eligible Medicaid individuals to receive healthcare coverage through a health insurer, a risk-based provider organization, an employer-sponsored health insurance coverage, or fee-for-service Medicaid and creates economic independence initiatives for program participants and community bridge organizations to assist eligible individuals. The act also creates the Health and Economic Accountability Oversight Advisory Panel to provide non-binding recommendations and advice on quality performance targets for individual qualified health insurance plans. The act is effective on and after January 1, 2022.

Assessment Fee and Program on Medical Transportation Providers

ACT 444 (SB189) amends the law concerning the assessment fee and program on medical transportation providers within the Arkansas Medicaid Program to make technical corrections, include nonemergency ambulance services within the definition of "medical transportation", clarify the definition of "medical transportation provider", and clarify that the program does not impact scheduled appointments of nonemergency transportation providers that are contracted with the Department of Human Services or subject the nonemergency transportation providers that are contracted with the department to any part of the upper payment limits or access payments. The act declares an emergency and is effective on and after March 24, 2021.

Autism Spectrum Disorders

ACT 656 (HB1545) amends the language regarding the Medicaid waiver for autism spectrum disorder to specify that at least two (2) qualified professionals are required to diagnose a child as having autism spectrum disorder; clarifies that a "qualified professional" includes only a licensed physician, licensed psychologist, or licensed speech-language pathologist; and makes technical corrections to the language regarding the Medicaid waiver for autism spectrum disorder. The act also amends the definitions for insurance coverage of autism spectrum disorder.

Behavioral and Mental Health Via Telemedicine

ACT 624 (HB1176) authorizes reimbursement from the Arkansas Medicaid Program for certain behavioral and mental health services provided via telemedicine. The act declares an emergency and is effective on and after April 8, 2021.

Behavioral Health Services

ACT 764 (HB1459) requires the Arkansas Medicaid Program to reimburse healthcare providers for behavioral health services provided in a federally qualified health center.

Colocation for Outpatient Behavioral Healthcare Agencies

ACT 760 (HB1682) authorizes colocation for outpatient behavioral healthcare agencies.

Consent Decrees

ACT 899 (SB621) requires the Arkansas Medicaid Program and the Department of Human Services to have all consent decrees regarding Medicaid rates reconsidered on or before December 1, 2021.

HEALTH**MEDICAID*****Continuous Glucose Monitor***

ACT 643 (SB521) mandates that the Arkansas Medicaid Program cover a continuous glucose monitor for an individual if the individual has either a presence of type 1 diabetes or any other sort of diabetes with the use of insulin more than two (2) times daily or evidence of Level 2 or Level 3 hypoglycemia or diagnosis of glycogen storage disease type 1a and regular follow-up with a healthcare provider at a minimum every six (6) months to assess for ongoing benefit.

Diagnostic Laboratory Services Cap

ACT 891 (SB395) modifies the annual cap on diagnostic laboratory services in the Arkansas Medicaid Program.

In-Home Caregivers - Criminal Background Checks

ACT 717 (HB1427) clarifies requirements for registry records checks and criminal background checks for in-home caregivers of Medicaid beneficiaries.

Integrity in Welfare Programs - Eligibility Verification System

ACT 780 (SB295) establishes program integrity procedures to verify eligibility for participation in the Arkansas Medicaid Program and the Supplemental Nutritional Assistance Program; requires the Department of Human Services to enter into data matching agreements with various state and federal entities to verify eligibility for participation in the Arkansas Medicaid Program and the Supplemental Nutritional Assistance Program; requires the Department of Human Services to provide data regarding program integrity of the Arkansas Medicaid Program and the Supplemental Nutritional Assistance Program on its website; and amends the Medicaid eligibility verification system to specify that Arkansas is an "assessment state," which means that the state can elect to have the federally facilitated marketplace make assessments of Medicaid eligibility and then transfer the account of an individual to the state Medicaid agency for a final eligibility determination.

Low-Income Disabled Working Program Category

ACT 923 (HB1847) amends the eligibility for long-term care Medicaid assistance to allow the Department of Human Services to exclude, to the extent approved by the federal government, assets accumulated in an independence account or retirement benefit by a beneficiary on the low-income disabled working person category of Medicaid to ensure that the beneficiary would be eligible for long-term care medical assistance in the Arkansas Medicaid Program.

Medicaid Provider-Led Organized Care - Ownership Interests

ACT 508 (HB1515) amends the Medicaid Provider-Led Organized Care Act to prohibit ownership interest in more than one (1) risk-based provider organization on and after January 1, 2023.

New Products and Label Expansions Access

ACT 745 (SB143) requires that the Arkansas Medicaid Program provide immediate access to and reimbursement for new products and label expansions approved by the United State Food and Drug Administration or outpatient drugs with a federal rebate agreement in place and prohibits the program from denying or delaying coverage or reimbursement for new products and label expansions for an existing covered product approved by the United States Food and Drug Administration. The act also requires that the Department of Human Services appoint two (2) individuals who are currently treating rare diseases or conditions to the Arkansas Medicaid Drug Utilization Review Board.

HEALTH**MEDICAID*****Notice and Opportunity to Intervene - Federal False Claims Act***

ACT 616 (HB1623) provides the Attorney General with notice of and the opportunity to intervene in all qui tam lawsuits involving state funds brought under the federal False Claims Act.

Off-Label Use of Drug Treatments for PANS/PANDAS

ACT 637 (SB387) authorizes off-label use of drug treatments to treat Medicaid beneficiaries with pediatric acute-onset neuropsychiatric syndrome (PANS) and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS).

Peer Support Specialist

ACT 782 (SB607) modifies the requirements for a peer support specialist in the Arkansas Medicaid Program and removes a reference to the Arkansas Substance Abuse Certification Board.

Personal Care Medicaid Reimbursement

ACT 571 (HB1548) creates the Personal Care Medicaid Reimbursement Act, which requires the Arkansas Medicaid Program to conduct a review of the reimbursement rates for personal care services within one hundred eighty (180) days of the Department of Labor and Licensing publishing an increase in the state or federal minimum wage if the wage is higher than the minimum wage that applies to employees in Arkansas. The act also requires the Arkansas Medicaid Program to submit a state plan amendment, waiver, or other necessary authorization to modify the reimbursement rate of personal care services within one hundred eighty (180) days of the completion of the review of the reimbursement rates.

Prescription Limitations

ACT 758 (HB1781) requires the Arkansas Medicaid Program to allow an adult beneficiary to have six (6) prescriptions per month, not including medication for certain conditions, and requires that prescriptions issued under the program be renewed at time intervals consistent with and no stricter than state and federal laws.

Referrals Prohibited for Mental Health Counseling

ACT 886 (HB1862) prohibits requiring certain referrals from a primary care provider in order for a beneficiary in the Arkansas Medicaid Program to receive mental health counseling.

Vagus Nerve Stimulation Therapy System

ACT 830 (HB1810) requires certain reimbursement rates in the Arkansas Medicaid Program for vagus nerve stimulation therapy system devices.

MEDICAL MARIJUANA***Cultivation Facility Visitor Access***

ACT 919 (HB1909) amends the limitations on access to a cultivation facility to allow visitors if the visitors and the cultivation facility meet certain requirements.

Medical Marijuana Advisory Subcommittee - Creation

ACT 632 (SB226) creates the Medical Marijuana Advisory Subcommittee of the Legislative Council to provide advice on all matters relating to the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98.

Pharmacist Consultant

ACT 666 (HB1774) amends the Arkansas Medical Marijuana Amendment of 2016, Arkansas Constitution, Amendment 98, to modify requirements concerning consultations with a pharmacist consultant.

Privilege Tax - Extend Sunset Date

ACT 434 (SB465) extends the sunset date for the Arkansas Medical Marijuana Special Privilege Tax Act of 2017 to July 1, 2023. The act declares an emergency and is effective on and after March 24, 2021.

HEALTH**MEDICAL MARIJUANA*****Prohibitions on Advertising and Use of Certain Symbols***

ACT 342 (HB1353) prohibits the use of certain symbols within an advertisement of a medical marijuana cultivation facility or dispensary.

Telemedicine

ACT 1112 (SB703) provides that a relationship established under rules of the Arkansas State Medical Board may be used for telehealth certification, which is the electronic assessment of a patient by a practitioner in connection with an application for a medical marijuana registry identification card. The act also provides that telemedicine does not include the use of audio-only electronic technology by a physician to renew a written certification that was previously issued to the same patient.

Visiting Qualifying Patient - Extended Period for Card

ACT 1028 (SB654) extends the period of a visiting qualifying patient registry identification card for medical marijuana.

NURSES***Certified Registered Nurse Anesthesia - Supervision***

ACT 449 (HB1198) amends the definition of "practice of certified registered nurse anesthesia" by removing supervision requirements.

Exemption for Employees of Detention Center

ACT 439 (SB344) adds an exemption from nursing licensure to allow employees of a city or county detention center who do not have a nursing license to draw and measure glucagon or insulin for a person who is incarcerated or in custody.

Full Independent Practice Authority for Certified Nurse Practitioners

ACT 412 (HB1258) authorizes full independent practice authority for certified nurse practitioners who meet certain requirements and creates the Full Independent Practice Credentialing Committee to review and approve applications for full independent practice authority for certified nurse practitioners.

Full Practice Authority - Certified Nurse Midwives

ACT 607 (HB1215) grants full practice authority to certified nurse midwives.

Medication Assistive Persons - Education Programs

ACT 759 (HB1780) allows the training required for medication assistive persons to be provided by certain facilities and allows education programs for licensed practical nurses in certain facilities.

PHARMACISTS AND PHARMACIES***Certain Health Conditions Without a Prescription***

ACT 503 (HB1246) allows pharmacists to test and treat certain health conditions, such as influenza, without a prescription within the framework of a statewide written protocol; clarifies that a pharmacist shall not substitute a medication for a therapeutically equivalent medication if the prescriber indicates that no substitution is to be made; sets certain requirements for a pharmacist who tests for certain health conditions using point-of-care testing; modifies physician dispensing to clarify that the approval of the Arkansas State Medical Board to dispense is not required for certain types of prescriptions; and authorizes a physician to delegate to an employee the dispensing of a prescription to his or her patients for the patients' personal use and administration outside the physician's office. The provisions of the act concerning the practice of pharmacy, prescriptions, and point-of-care treatment are effective on and after January 1, 2022.

HEALTH**PHARMACISTS AND PHARMACIES*****Home Prescription Delivery Standards***

ACT 922 (HB1852) requires the Arkansas State Board of Pharmacy to promulgate rules defining the standard of care for pharmacies and pharmacists that provide home delivery services in this state, prohibits certain pharmacies and pharmacists from requiring patients to receive their prescriptions through home delivery services, and provides that a pharmacist is not prohibited from charging a nominal fee for home delivery service if the fee is charged to the patient with his or her express consent.

Insulin

ACT 1104 (HB1709) provides guidelines regarding how rebates are offered by a pharmaceutical manufacturer that sells insulin in this state; prohibits a pharmaceutical manufacturer or an affiliate of a pharmaceutical manufacturer from providing a pharmaceutical manufacturer discount on any insulin product unless the pharmaceutical manufacturer discount is provided directly to the end user in the form of a pharmaceutical manufacturer discount card and adjudicated in real time using the National Council for Prescription Drug Programs claims transmission standard; and allows investigations by the Attorney General into pharmaceutical manufacturers. The act is effective on and after January 1, 2022.

Nursing Home Consultant and Disease State Management Credential

ACT 63 (HB1174) eliminates the nursing home consultant pharmacist permit and the disease state management credential.

Oral Contraceptives

ACT 408 (HB1069) amends the law concerning the practice of pharmacy and authorizes pharmacists to provide access to and administration of oral contraceptives when certain requirements are met.

Pharmacists - Vaccines, Immunizations, and Certain Medications

ACT 406 (HB1134) allows a pharmacist to prescribe, administer, deliver, distribute, or dispense vaccines, immunizations, and medications to treat adverse reactions to administered vaccines or immunizations.

Pharmacy Technicians - Vaccines and Immunizations

ACT 407 (HB1135) authorizes pharmacy technicians to administer vaccines and immunizations.

Prescription Eye Drops

ACT 357 (HB1450) establishes the Arkansas Coverage for Early Refills of Prescription Eye Drops Act, which requires a health benefit plan to provide coverage for early refills of prescription eye drops if a certain amount of time has passed from the original distribution date of the prescription eye drops or the distribution date of the most recent refill of the prescription eye drops and a healthcare professional indicates on the original prescription that additional quantities of the prescription eye drops are needed, the refill request does not exceed the number of additional quantities needed, and the prescription eye drops prescribed by a healthcare professional are a covered benefit under the health benefit plan of the covered person. The act is effective on and after January 1, 2022.

HEALTH**PHARMACISTS AND PHARMACIES*****Prescription Transfer - Disclosures - Prohibition on Data Mining***

ACT 1053 (SB617) requires the written consent of a patient to transfer a prescription from a pharmacy; requires disclosures of ownership interest or other possible conflicts of interest to a patient; and prohibits a pharmacy, pharmacist, physician, employee, or entity who owns or controls, is owned or controlled by, or is under ownership or control with an insurance company, health clinic, hospital, rural health center, federally qualified health center, pharmacy benefits manager, pharmaceutical manufacturer, pharmaceutical wholesaler, or pharmacy benefits manager from data mining of patient information.

PHYSICIANS***Multiyear License or Registration***

ACT 803 (HB1582) requires the Arkansas State Medical Board to offer a multiyear license or registration for a physician.

Physician Dispensing and Delegation of Dispensing

ACT 503 (HB1246) modifies laws concerning physician dispensing to clarify that the approval of the Arkansas State Medical Board to dispense is not required for certain types of prescriptions; authorizes a physician to delegate to an employee the dispensing of a prescription to his or her patients for the patients' personal use and administration outside the physician's office; allows pharmacists to test and treat certain health conditions, such as influenza, without a prescription within the framework of a statewide written protocol; clarifies that a pharmacist shall not substitute a medication for a therapeutically equivalent medication if the prescriber indicates that no substitution is to be made; and sets certain requirements for a pharmacist who tests for certain health conditions using point-of-care testing. The provisions of the act concerning the practice of pharmacy, prescriptions, and point-of-care treatment are effective on and after January 1, 2022.

Procurers - Regulation of Use

ACT 589 (HB1573) amends the statutes concerning procurers and regulates the use of a procurer by a licensed chiropractic physician. The act prohibits a procurer from stating, implying, or otherwise communicating to another person that the procurer has an affiliation with an insurance company, that payment of an insurance claim or insurance coverage is available or otherwise affected by the person's willingness to see a specific provider, that a government entity has approved or is affiliated with the procurer, or that a specific medical facility is a preferred medical clinic or in-network provider; offering or giving anything of value in connection with a solicitation contact; using a false name or identity during a solicitation; providing or promising to provide a prescription or nonprescription medication or medical supplies unless authorized to prescribe under state law; attempting to solicit another person using a telephone number that is not registered with the Arkansas State Board of Chiropractic Examiners; or making any deceptive or misleading statement within the context of a solicitation. The act also requires registration of a procurer by a chiropractic physician with the Arkansas State Board of Chiropractic Examiners, requires a procurer to establish a telephone training program, and establishes criminal and civil penalties for violations by a procurer.

HEALTH

PHYSICIANS

Screening Examination for Breast Cancer

[ACT 553](#) (SB290) amends the law concerning coverage of diagnostic examinations for breast cancer under certain health benefit plans; defines relevant terms and modifies existing definitions; and clarifies that an insurer, upon the recommendation of a woman's physician, shall offer screening mammography as an essential health benefit regardless of age if the woman has a prior history of breast cancer or the woman's mother, sister, or any first- or second-degree female relative of the woman has had a history of breast cancer, positive genetic testing, or other risk factors.

PROGRAMS

Alzheimer's Disease and Dementia Advisory Council - Creation and Duties

[ACT 391](#) (HB1434) creates the Alzheimer's Disease and Dementia Advisory Council, provides for the duties and reporting requirements of the advisory council, and provides for reports on the state's implementation of the State Alzheimer's Plan established by the advisory council.

SCHOOL DISTRICTS

Adrenal Insufficiency - Administration of Medication

[ACT 1050](#) (SB569) allows the self-administration of a stress dose medication by a public school student with adrenal insufficiency while the student is at school if the student has written authorization from the student's treating physician and his or her parent, legal guardian, or person standing in loco parentis. The act also allows volunteer public school personnel to administer an emergency dose medication to a public school student who is diagnosed with an adrenal insufficiency if the volunteer public school personnel is trained and the school has written authorization from the student's treating physician and his or her parent, legal guardian, or person standing in loco parentis.

STUDENTS

Vending Machines in Schools

[ACT 1070](#) (HB1783) allows students in certain grades in-school access to vending machines offering food and beverages that meet the nutrition standards of the Federal Smart Snacks in School Program.

SUBSTANCE ABUSE

Behavioral Health Crisis Intervention Protocol - Removal of Detention Component

[ACT 989](#) (HB1880) amends the Behavioral Health Crisis Intervention Protocol Act of 2017 by removing the detention component from the crisis stabilization units.

Co-Prescription of Opioid Antagonist

[ACT 651](#) (SB505) mandates the co-prescription of an opioid antagonist under certain conditions.

TECHNICAL CORRECTIONS - PUBLIC HEALTH AND WELFARE

Title 20

[ACT 478](#) (SB436) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 20 of the Arkansas Code.

HIGHWAYS AND TRANSPORTATION

BOATING

Certificate of Number - Exception

[ACT 1057](#) (SB657) exempts a boat that is powered solely by sails from the certificate of number requirement for motorboats.

HIGHWAYS AND TRANSPORTATION

CITY STREETS

Personal Delivery Device - Operation

ACT 926 (HB1767) authorizes the operation of a personal delivery device at a maximum speed of twenty (20) miles per hour on a city street or road. The act also prohibits the operation of a personal delivery device on a city street or road where a posted speed limit is more than forty-five (45) miles per hour.

COUNTY ROADS

Personal Delivery Device - Operation

ACT 926 (HB1767) authorizes the operation of a personal delivery device at a maximum speed of twenty (20) miles per hour on a county street or road. The act also prohibits the operation of a personal delivery device on a county street or road where a posted speed limit is more than forty-five (45) miles per hour.

FINANCE AND FUNDING

Reporting Use of Highway Revenue - Cities and Counties

ACT 517 (HB1699) repeals the requirement that a city or municipality submit an annual report to the House Committee on Public Transportation and the Senate Committee on Public Transportation, Technology, and Legislative Affairs providing information concerning the use of highway revenue if the county or municipality receives a highway revenue distribution of two million dollars (\$2,000,000) or more.

Calculation of Highway Revenue Distribution

ACT 438 (SB416) provides that if a municipality incorporates during a year in which a federal decennial census is being conducted, then, until the data from the federal decennial or special census is made available, the municipality's population estimate is based on the most recent federal decennial census as calculated by the Arkansas Geographic Information Systems Office. The act also provides that, until the official data from the federal decennial or special census is made available, the office's calculation is the basis for the distribution of highway revenues to that municipality. The act declares an emergency and is effective on and after March 24, 2021.

Misused Funds - Repayment

ACT 709 (HB1690) requires a city or incorporated town to repay any funds credited to the street fund in a manner inconsistent with the law by the end of the following fiscal year or the city or incorporated town may become ineligible to receive future highway revenues.

Relocation Assistance

ACT 618 (HB1602) amends references to federal law concerning relocation assistance by the State Highway Commission.

HIGHWAY COMMISSION

Oath of Office

ACT 326 (SB406) amends the language of the State Highway Commission Employee's Oath of Office.

Powers and Duties

ACT 739 (SB542) extends the powers and duties of the State Highway Commission to require the implementation of the recommendations included in the final report submitted by the Legislative Council resulting from the study of the Arkansas Department of Transportation required by the Highway Commission Review and Advisory Subcommittee of the Legislative Council.

HIGHWAYS AND TRANSPORTATION**HIGHWAY COMMISSION*****Sale of Surplus Property***

ACT 783 (SB579) requires the market value of surplus property held by the State Highway Commission to be determined by two (2) certified or licensed appraisers. The act also provides that the market value may be determined by one (1) certified or licensed appraiser if the current assessment of the market value by the Arkansas Department of Transportation is fifty thousand dollars (\$50,000) or less.

SAFETY***Crosswalk - Operation of Bicycle***

ACT 1067 (HB1702) requires a person operating a bicycle upon a crosswalk to yield the right-of-way to pedestrians and give an audible signal before overtaking and passing a pedestrian.

Failure to Remain at Scene of Accident - Penalties

ACT 1035 (SB668) amends Acts 2021, No. 558, to provide that failure to remain at the scene of an accident that results in physical injury to another person is a Class D felony. The act also provides that the driver of a vehicle who is involved in an accident resulting in serious physical injury to or the death of any person and who has knowingly or recklessly failed to remain at the scene of the accident upon conviction is guilty of a Class B felony. The act also provides for the revocation of a license for a person who commits the offense of failure to remain at the scene of an accident that results in death of, physical injury to, or serious physical injury to another person.

Failure to Remain at Scene of Accident - Penalties

ACT 558 (HB1505) provides that it is a Class B felony for a driver to leave the scene of an accident that results in serious physical injury or death and requires the revocation of a person's driver's license or commercial driver license if he or she fails to remain at the scene of an accident that results in physical injury, serious physical injury, or the death of another person.

Racing on a Public Highway - Penalties

ACT 1061 (SB247) provides that a subsequent offense of the crime of racing on a public highway, committed within five (5) years of a prior offense, is a Class A misdemeanor and results in the suspension of the person's driver's license for a period of six (6) months. The act also creates the crime of felony racing on a public highway, which is a Class D felony.

Railroad Crossing - Motor Vehicle Operation

ACT 754 (HB1842) requires a motor vehicle operator to listen and look for any approaching train or on-track equipment before proceeding across a railroad crossing.

School Buses - Unlawful Passing

ACT 264 (HB1265) prohibits an operator of a motor vehicle or motorcycle from unlawfully passing a stopped school bus on a public road, street, or highway; private or public property open to the general public; or a private or public road, driveway, or parking lot belonging to a kindergarten through grade twelve (K-12) private or public school.

Seat Belt - Penalties

ACT 784 (SB537) prohibits the total amount of fines levied for a violation of the mandatory seat belt use law from exceeding forty-five dollars (\$45.00).

SCENIC HIGHWAYS***Designation - Hot Springs Bypass Extension***

ACT 675 (HB1375) designates State Highway 5 from its intersection with U.S. 70/70B in Garland County northwest to its intersection with State Highway 7 as a scenic highway.

HIGHWAYS AND TRANSPORTATION**STATE HIGHWAYS*****Autonomous Vehicles***

ACT 619 (HB1562) repeals the limitation that a person may operate a maximum of three (3) autonomous or fully autonomous vehicles simultaneously on the streets and highways of this state.

Designation - Scenic Highway

ACT 675 (HB1375) designates State Highway 5 from its intersection with U.S. 70/70B in Garland County northwest to its intersection with State Highway 7 as a scenic highway.

Driving upon Left Lane

ACT 1090 (HB1849) amends the law concerning when a vehicle may be driven upon the left lane of a multilane highway.

Motor Vehicle - Maximum Height

ACT 871 (HB1418) increases the maximum height of a motor vehicle authorized to operate on a state highway to fourteen feet (14').

Racing on a Public Highway - Penalties

ACT 1061 (SB247) provides that a subsequent offense of the crime of racing on a public highway, committed within five (5) years of a prior offense, is a Class A misdemeanor and results in the suspension of the person's driver's license for a period of six (6) months. The act also creates the crime of felony racing on a public highway, which is a Class D felony.

TECHNICAL CORRECTIONS - TRANSPORTATION***Title 27***

ACT 484 (SB442) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 27 of the Arkansas Code.

TRANSPORTATION DEPARTMENT***Permit to Transport Forestry Equipment - Rules***

ACT 451 (HB1674) requires the Arkansas Department of Transportation to adopt rules necessary to implement the issuance of a special permit to transport forestry equipment, including the criteria required to qualify for the issuance of the special permit, within one (1) year of the effective date of the act.

Sale of Surplus Property

ACT 783 (SB579) requires the market value of surplus property to be determined by one (1) certified or licensed appraiser if the current assessment of the market value by the Arkansas Department of Transportation is fifty thousand dollars (\$50,000) or less.

Surplus Road Millings

ACT 983 (HB1827) requires the Arkansas Department of Transportation to offer road millings and surplus millings material in certain situations to the county within which the road millings or surplus millings material were generated or to adjacent counties.

Transportation-Related Research and Workforce Development Grant Program

ACT 884 (HB1782) amends the Transportation-Related Research Grant Program to include grants for workforce development.

WEIGHT AND LOAD LIMITS AND PERMITS***Forestry Equipment***

ACT 451 (HB1674) authorizes the State Highway Commission to issue a special permit valid for one (1) year for the movement of a truck tractor and single semitrailer combination with five (5) axles for the hauling of forestry equipment in excess of the maximum gross weight but not more than one hundred four thousand pounds (104,000 lbs.) of total gross weight. The act also requires the Arkansas Department of Transportation to adopt rules necessary to implement the issuance of a special permit to transport forestry equipment, including the criteria required to qualify for the issuance of the special permit.

HIGHWAYS AND TRANSPORTATION

WEIGHT AND LOAD LIMITS AND PERMITS

Weight Threshold

[ACT 389](#) (HB1115) amends the exemptions to the Arkansas Motor Carrier Act, 1955 to include commercial motor vehicles operating in intrastate commerce that have a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of twenty-six thousand pounds (26,000 lbs.) or less. The act provides that the exemption does not apply if the vehicle transports hazardous materials or is designed to transport more than fifteen (15) passengers.

IMPROVEMENT DISTRICTS

BOARDS AND COMMISSIONS

Vacancies - Suburban Districts

[ACT 417](#) (HB1448) requires a successor commissioner filling a vacancy on a suburban improvement district board to meet the qualifications required of an original commissioner and be elected at a public hearing by a majority vote of the owners of realty present.

FINANCE

Drainage Districts - Competitive Bidding

[ACT 992](#) (HB1913) revises the bid threshold for drainage districts to fifty thousand dollars (\$50,000).

LEVEE DISTRICTS

Assessments - Rural Lands

[ACT 267](#) (HB1250) raises the maximum assessment per acre on rural lands within a levee improvement district to two dollars and fifty cents (\$2.50).

Consolidation

[ACT 265](#) (HB1248) allows the consolidation of levee improvement districts that lie in one (1) or more counties into a single levee district.

Dissolution or Abolition

[ACT 266](#) (HB1249) creates a procedure for the dissolution or abolition of a levee district.

PROCEDURES

Broadband Internet Service - Provision

[ACT 795](#) (HB1788) expands the purposes of a municipal improvement district, a suburban improvement district, a property owners' improvement district, a municipal property owners' improvement district, and a rural development authority to include provision of broadband internet service; creates broadband improvement districts for the provision of broadband internet service; and allows a horizontal property regime to provide broadband internet service.

Reporting Requirements

[ACT 359](#) (HB1251) requires annual reporting by improvement districts, mandates the appointment of an administrator in lieu of an improvement district board for failure to annually report, and directs that the reports shall be filed with the Arkansas Natural Resources Commission and the Division of Emergency Management.

INDIVIDUALS WITH DISABILITIES

DISCRIMINATION

Organ Transplantation

[ACT 837](#) (SB155) prohibits discrimination against individuals with disabilities regarding access to organ transplantation. The act requires covered entities to make reasonable modifications to policies, practices, and procedures and to provide auxiliary aids and services to a qualified individual during the organ transplantation process.

INDIVIDUALS WITH DISABILITIES

RESPECTFUL LANGUAGE

Arkansas Code

ACT 84 (HB1003) removes the term "hearing impaired" and amends and updates the laws regarding individuals who are deaf, Deaf, or Hard of Hearing to ensure respectful language is used within the Arkansas Code regarding individuals who are deaf, Deaf, or Hard of Hearing.

Code of Arkansas Rules

ACT 64 (HB1216) revises certain laws concerning administrative rules to allow for the development of the Code of Arkansas Rules, including requiring the Bureau of Legislative Research to replace certain inappropriate terms regarding individuals with disabilities with respectful language, requiring the Bureau of Legislative Research to complete the codification of the Code of Arkansas Rules by January 1, 2024, and allowing the Legislative Council to extend the deadline for completion of the Code of Arkansas Rules.

SERVICES

Face Mask Coverings

ACT 697 (HB1502) requires that clear face mask coverings be worn by certain people who interact with individuals who are Deaf, deaf, or hard of hearing during certain disaster emergencies.

Financial Exploitation of Vulnerable Persons

ACT 1015 (HB1391) amends the law concerning consumer protection of elder adults or vulnerable adults from predatory practices; clarifies the notification process available to financial services providers to prevent the financial exploitation of elder adults or vulnerable persons; modifies the law for deceptive and unconscionable trade practices if it concerns an elder person or vulnerable person; and protects consumers from deceptive acts or practices in commerce and safeguards against financial exploitation of retirees and seniors.

INSURANCE

AGENTS, ADJUSTERS, AND CONSULTANTS

Licensure

ACT 397 (HB1239) removes the prelicense educational requirements exemption for an insurance adjuster and requires a nonresident insurance producer, adjuster, or consultant to maintain a license in good standing in the licensee's home state.

Registration

ACT 367 (HB1238) repeals the fees payable by an inactive agent and modifies the registration or licensure requirements for a multiple employer trust or multiple employer welfare arrangement.

COMPANIES AND ASSOCIATIONS

Burial Association

ACT 537 (SB229) modifies the due date for semiannual reports of burial associations; changes the date a report of a burial association is considered delinquent if due as of June 30 to September 15 of the year it is due; and changes the date a report of a burial association is considered delinquent if due as of December 31 to March 15 of the next year following the year it is due.

Multiple Welfare Arrangements

ACT 979 (HB1714) amends the law concerning multiple employer welfare arrangements; allows a multiple welfare arrangement to be established by a cash deposit or a line of credit that is used as a source of a cash reserve; and prevents the disclosure to the public of the address of a trustee for a trust agreement of a multiple employer welfare arrangement if that trustee is not the designated administrator of the summary plan of the association.

INSURANCE**COMPANIES AND ASSOCIATIONS*****Procedures***

ACT 367 (HB1238) modifies the acceptable methods by which an insurer may make a payment; modifies the exceptions to the Surplus Lines Insurance Law; modifies the filing requirements for an agreement of merger or consolidation or plan of exchange of shares of a corporation under the Arkansas Insurance Code; clarifies the application of the Arkansas Insurance Code to a stipulated premium plan insurer, a mutual assessment life and disability insurer, a farmers' mutual aid company or association, fraternal benefit societies, and hospital service corporations and medical service corporations; and repeals the protection against insolvency of a health maintenance organization.

Reinsurance

ACT 672 (HB1240) modifies the Arkansas Credit for Reinsurance Law to align with national standards in the insurance industry. The act declares an emergency and is effective on and after July 1, 2021.

Temporary Hospital Facility

ACT 723 (SB603) establishes the Temporary Hospital Facility Act, which clarifies the law concerning a healthcare insurer's contracting with a temporary hospital facility, regulates healthcare contracts to require good-faith cooperation, and clarifies the obligations of a healthcare insurer in negotiations and contracting that are applicable to ambulatory surgery centers that participate in the Centers for Medicare & Medicaid Services' Hospitals Without Walls Program.

COVERAGE AND BENEFITS***Arkansas PANS/PANDAS Advisory Council***

ACT 430 (SB212) creates the Arkansas PANS/PANDAS Advisory Council and allows the advisory council to make recommendations for healthcare professionals concerning pediatric acute-onset neuropsychiatric syndrome (PANS) and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections (PANDAS), operate in cooperation with the interdisciplinary panel on PANS/PANDAS at the University of Arkansas for Medical Sciences, make recommendations concerning standard practice guidelines for the diagnosis and treatment of PANS/PANDAS for adult and pediatric patients, provide outreach to educators and parents, and develop a network of volunteer experts on PANS/PANDAS to serve as resources within this state. The act also requires the advisory council to report to the Senate Committee on Insurance and Commerce, the House Committee on Insurance and Commerce, the Senate Committee on Public Health, Welfare, and Labor, and the House Committee on Public Health, Welfare, and Labor, as requested. The act provides that the advisory council expires on December 31, 2023, unless extended by the General Assembly. The act declares an emergency and is effective on and after March 24, 2021.

Autism Spectrum Disorder

ACT 656 (HB1545) amends the language regarding the Medicaid waiver for autism spectrum disorder to specify that at least two (2) qualified professionals are required to diagnose a child as having autism spectrum disorder; clarifies that a "qualified professional" includes only a licensed physician, licensed psychologist, or licensed speech-language pathologist; and makes technical corrections to the language regarding the Medicaid waiver for autism spectrum disorder. The act also amends the definitions for insurance coverage of autism spectrum disorder.

INSURANCE**COVERAGE AND BENEFITS*****Craniofacial Coverage***

ACT 955 (SB602) modifies the law concerning craniofacial coverage and amends related definitions; clarifies coverage for craniofacial anomaly reconstructive surgery requirements to allow approval by a surgical member of a nationally approved cleft-craniofacial team for healthcare services; provides that a health benefit plan shall provide coverage for certain healthcare services on an annual basis, medically necessary tests or procedures, hearing aids and two (2) hearing aid molds for each ear, and a dehumidifier; prohibits out-of-network charges from being charged for healthcare services performed outside of this state subject to the terms and conditions of the health benefit plan; and requires a biannual report to the Chair of the House Committee on Insurance and Commerce and the Chair of the Senate Committee on Insurance and Commerce. The act declares an emergency and is effective on and after April 27, 2021.

Gender Transition Procedures

ACT 626 (HB1570) creates the Arkansas Save Adolescents from Experimentation (SAFE) Act, which prohibits gender transition procedures for minors, prohibits use of public funds for gender transition procedures, and prohibits insurance coverage of gender transition procedures for minors.

Hepatitis C Screening During Pregnancy

ACT 598 (HB1136) requires Hepatitis C screening during pregnancy and requires health benefit plans to provide coverage for hepatitis C screenings during pregnancy.

Prescription Eye Drops

ACT 357 (HB1450) establishes the Arkansas Coverage for Early Refills of Prescription Eye Drops Act, which requires a health benefit plan to provide coverage for early refills of prescription eye drops if a certain amount of time has passed from the original distribution date of the prescription eye drops or the distribution date of the most recent refill of the prescription eye drops and a healthcare professional indicates on the original prescription that additional quantities of the prescription eye drops are needed, the refill request does not exceed the number of additional quantities needed, and the prescription eye drops prescribed by a healthcare professional are a covered benefit under the health benefit plan of the covered person. The act is effective on and after January 1, 2022.

Telemedicine - Via Telephone

ACT 829 (HB1063) amends the Telemedicine Act to authorize additional reimbursement for telemedicine via telephone and to include telephonic technology to establish a professional relationship if the healthcare professional has access to the patient's health record. The act declares an emergency and is effective on and after April 21, 2021.

FUNERAL AND BURIAL INSURANCE***Perpetual Care Cemetery***

ACT 343 (HB1226) modifies the Cemetery Act for Perpetually Maintained Cemeteries; provides that no more than one (1) time every ten (10) years, a cemetery company may make a withdrawal from the permanent maintenance fund to make infrastructure repairs and capital improvements to the perpetual care cemetery with approval from the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services; repeals cemetery advisory boards; and amends the Insolvent Cemetery Grant Fund Act to remove the requirement that an eligible organization be in court-ordered receivership or conservatorship for at least five (5) years.

INSURANCE**HEALTH INSURANCE*****Best Interests of Patients***

ACT 1105 (HB1907) enables a healthcare provider to make appropriate billing decisions that are in the best interest of a patient; establishes the Billing in the Best Interest of Patients Act; clarifies that a healthcare provider determines the appropriate administration of healthcare services and administering of prescription medication for an enrollee that is in the best interest of the enrollee, including billing a healthcare payor or a pharmacy benefits carrier; prevents a healthcare payor from requiring an enrollee to self-administer prescription medication if a healthcare provider determines it is in the best interest of the enrollee for a prescription medication to be administered by a healthcare provider regardless of the formulation or benefit category determination by the health benefit plan; and prohibits a healthcare payor from imposing financial penalties, copayments, coinsurance, or deductibles beyond the ordinary terms required through the enrollee's medical benefit or pharmacy benefit.

Breast Cancer Screenings

ACT 553 (SB290) amends the law concerning coverage of diagnostic examinations for breast cancer under certain health benefit plans; defines and modifies relevant terms; clarifies that an insurer, upon the recommendation of a woman's physician, shall offer screening mammography as an essential health benefit regardless of age if the woman has a prior history of breast cancer, the woman's mother, sister, or any first or second degree female relative of the woman has had a history of breast cancer, positive genetic testing, or other risk factors; clarifies that a health benefit plan shall not impose a copayment or deductible for a screening mammogram or breast ultrasound; and clarifies that cost-sharing requirements under a health benefit plan that is applicable to a diagnostic examination for breast cancer, including breast magnetic resonance imaging, are to be no less favorable than is applicable to a screening examination for breast cancer.

Colorectal Cancer Screening

ACT 779 (SB309) amends the requirements for coverage for colorectal cancer screening; amends the definition of "persons at high risk for colorectal cancer" to lower the age to forty-five (45) years of age, add adenomatous polyps, remove the close relatives requirement, and make the definition consistent with guidelines issued by the United States Preventive Services Task Force; amends the coverage applicability to lower the age to forty-five (45) years of age and to cover a person who needs a follow-up colonoscopy; clarifies that a colorectal cancer screening includes all examinations, lab tests, preventive screening tests assigned either a grade of "A" or a grade of "B" by the United States Preventive Services Task Force, and any additional medically recognized screening tests; addresses cost-sharing requirements for colorectal cancer screenings; and clarifies exclusions and cost-sharing requirements for coverage for colorectal cancer screenings. The act is effective on and after January 1, 2022.

INSURANCE**HEALTH INSURANCE*****Cost Sharing***

ACT 965 (HB1569) establishes the Arkansas Fairness in Cost Sharing Act, which requires a state-regulated insurer or pharmacy benefits manager to include third-party cost-sharing assistance toward a cost-sharing requirement of an enrollee paid by the enrollee or on behalf of the enrollee by another person; excludes name-brand prescription drugs that are not considered to be medically necessary by the prescriber and have a medically appropriate generic equivalent; requires the Evidenced-Based Prescription Drug Program of the College of Pharmacy of the University of Arkansas for Medical Sciences to report to the Insurance Commissioner, Arkansas Legislative Audit, and the Legislative Council on a quarterly basis concerning the savings of its plan; and excludes benefits offered through a health benefit plan under the Evidenced-Based Prescription Drug Program of the College of Pharmacy of the University of Arkansas for Medical Sciences until January 1, 2024, if the Insurance Commissioner reports a failure to comply with the reporting requirement.

Health Savings Account - Qualified Health Insurance Policy

ACT 939 (SB664) exempts health savings account-qualified health insurance policies from certain cost-sharing and insurance requirements to the extent the exemption is necessary to meet the criteria for a health savings account-qualified health insurance policy and defines "health savings account-qualified health insurance policy" as satisfying the criteria for a high deductible health plan under federal law.

Off-Label Use of Intravenous Immunoglobulin

ACT 1054 (SB639) authorizes the off-label use of intravenous immunoglobulin (IVIG) to treat individuals diagnosed with pediatric acute-onset neuropsychiatric syndrome (PANS) or pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS), or both, on or after January 1, 2022, under a patient-specific plan established by the Childhood Post-Infectious Autoimmune Encephalopathy Clinic established by the University of Arkansas for Medical Sciences in collaboration with Arkansas Children's Hospital.

Positron Emission Tomography for Diagnosing Cancer

ACT 583 (HB1357) amends the law to continue care for the protection of cancer survivors; requires a healthcare insurer that offers a health benefit plan to provide coverage for positron emission tomography to screen for or to diagnose cancer in a patient upon the recommendation of a patient's physician when the patient has a prior history of cancer; and addresses coverage for positron emission tomography under a health benefit plan to screen for or diagnose cancer in certain patients.

State and Public School Life and Health Insurance Program - Abolition

ACT 1004 (SB693) abolishes the State and Public School Life and Health Insurance Board and transfers the duties and responsibilities to the State Board of Finance. The act declares an emergency and is effective on and after April 28, 2021.

State and Public School Life and Health Insurance Program - Contribution

ACT 654 (HB1766) increases the allowable state contribution to the State and Public School Life and Health Insurance Program to five hundred fifty dollars (\$550).

Step Therapy - Arkansas Health and Opportunity for Me Act of 2021

ACT 645 (SB446) clarifies the applicability of step therapy protocols to individual qualified health insurance plans under the Arkansas Health and Opportunity for Me Act of 2021 and amends the definition of "health benefit plan" to include individual qualified health insurance plans.

INSURANCEHEALTH INSURANCE***Step Therapy Protocols***

ACT 97 (SB99) regulates step therapy protocols by establishing uniform policies for step therapy to ensure a patient receives appropriate treatment; provides a patient a fair, transparent, and independent process for requesting a step therapy protocol exception when the patient's physician deems it appropriate; and requires a healthcare insurer to base step therapy protocols on appropriate clinical practice guidelines or independent, published peer-reviewed data. The act is effective on and after January 1, 2022.

INSURANCE DEPARTMENT***General Omnibus***

ACT 367 (HB1238) enacts the State Insurance Department's general omnibus; modifies the Self-Insured Fidelity Bond Program; repeals the fees payable by an inactive agent; modifies the acceptable methods by which an insurer may make a payment; modifies the licensing and regulation of captive insurers; modifies the intent of the Corporate Governance Annual Disclosure Act; modifies the exceptions to the Surplus Lines Insurance Law; modifies the filing requirements for an agreement of merger or consolidation or plan of exchange of shares of a corporation under the Arkansas Insurance Code; clarifies the application of the Arkansas Insurance Code to a stipulated premium plan insurer, a mutual assessment life and disability insurer, a farmers' mutual aid company or association, fraternal benefit societies, and hospital service corporations and medical service corporations; repeals the protection against insolvency of a health maintenance organization; modifies the method of settling claims under the Model Act for the Regulation of Credit Life Insurance and Credit Disability Insurance; and modifies the registration or licensure requirements for a multiple employer trust or multiple employer welfare arrangement.

LIFE INSURANCE AND ANNUITIES***Beneficiary***

ACT 925 (HB1801) prohibits a change to a designated or named beneficiary of a life insurance policy or annuity contract through a will; and clarifies that only a change to a life insurance policy or annuity contract can change the designated or named beneficiary of a life insurance policy or annuity contract.

Standard Nonforfeiture Law for Individual Deferred Annuities

ACT 590 (HB1601) decreases the minimum required nonforfeiture interest rate for individual deferred annuities under the Standard Nonforfeiture Law for Individual Deferred Annuities to not less than fifteen-hundredths of one percent (0.15%).

MOTOR VEHICLES***Certificate of Self-Insurance***

ACT 910 (SB574) clarifies that a person may qualify as a self-insured organization under the Motor Vehicle Safety Responsibility Act by obtaining a certificate of self-insurance from the Office of Motor Vehicle if the person has twenty-five (25) vehicles registered; clarifies that a religious denomination may qualify as a self-insured organization if the religious denomination has more than twenty-five (25) members who own motor vehicles and prohibits its members from purchasing insurance as being contrary to its religious tenets or the religious denomination shares liability among its members for liability insurance purposes; and recognizes that a religious denomination that shares liability among its members for liability insurance purposes is considered an insurer for motor vehicle liability insurance purposes.

INSURANCEPAYMENTS, PROCEEDS, AND SETTLEMENTS***Claimant Agency***

ACT 373 (HB1241) adds the State Insurance Department and the Self-Insured Fidelity Bond Program as claimant agencies for purposes of the collection of delinquent taxes.

PHARMACIES AND PHARMACISTS***340B Drug Pricing***

ACT 1103 (HB1881) establishes the 340B Drug Pricing Nondiscrimination Act. The act prohibits a third party from engaging in discriminatory practices against a pharmacy that participates in the 340B drug pricing; requires a third party to inform a patient that the patient is not required to use a mail-order pharmacy, obtain a signed waiver from a patient before allowing the use of a mail-order pharmacy, make drug formulary and coverage decisions based on the third party's normal course of business, allow a patient the choice of provider and pharmacy, and eliminate discriminatory contracting related to 340B drug pricing; and prohibits a third party from coercing or requiring a patient to use a mail-order pharmacy, discriminating against a pharmacy for participating in 340B drug pricing, requiring a pharmacy to alter a 340B drug pricing claim unless in normal course of business and not related to 340B drug pricing, requiring a billing modifier for 340B drug pricing, modifying a patient's copayment based on a pharmacy's participating in 340B drug pricing, excluding a pharmacy from a network based on participating in 340B drug pricing, establishing network adequacy requirements based on 340B drug pricing, or prohibiting an entity that participates in 340B drug pricing from participating in the third party's provider network. The act also prohibits a pharmaceutical manufacturer from prohibiting a pharmacy from contracting or participating with an entity that participates in 340B drug pricing by denying access to drugs and clarifies that all pharmacy claims processed by a pharmacy that participates in 340B drug pricing are final at the point of adjudication.

Audit

ACT 665 (HB1804) amends the Arkansas Pharmacy Audit Bill of Rights to provide rule-making authority to the Insurance Commissioner; amends the Arkansas Pharmacy Benefits Manager Licensure Act; clarifies the definition of a "health benefit plan" under the Arkansas Pharmacy Benefits Manager Licensure Act to clarify and add definitions; and clarifies the requirements of a pharmacy benefits manager's network adequacy to ensure access to a community pharmacy for an individual covered by a health benefit plan.

Pharmaceutical Manufacturer Discount

ACT 1104 (HB1709) provides guidelines regarding how rebates are offered by a pharmaceutical manufacturer that sells insulin in this state; prohibits a pharmaceutical manufacturer or an affiliate of a pharmaceutical manufacturer from providing a pharmaceutical manufacturer discount on any insulin product unless the pharmaceutical manufacturer discount is provided directly to the end user in the form of a pharmaceutical manufacturer discount card and adjudicated in real time using the National Council for Prescription Drug Programs claims transmission standard; and allows investigations by the Attorney General into pharmaceutical manufacturers. The act is effective on and after January 1, 2022.

POLICIES***Employee Benefit Stop-Loss Insurance Policy***

ACT 383 (SB239) amends the minimum levels for employee benefit stop-loss insurance; amends the annual aggregate attachment point for groups of fifty (50) or less; and clarifies that if the annual aggregate attachment point for groups of fifty (50) or less is lower than one hundred twenty percent (120%) of expected claims, an insurer shall not issue an employee benefit stop-loss insurance policy.

INSURANCE

POLICIES

Insurance Business Transfer

ACT 1018 (SB203) establishes the Arkansas Insurance Business Transfer Act, which provides a procedure for the transfer and novation of insurance policies from a transferring insurer to an assuming insurer through an insurance business transfer without requiring the affirmative consent of policyholders or reinsureds.

Policy Cancellation

ACT 994 (HB1243) modifies the definition of "policy cancellation" as used in the business of insurance and clarifies the minimum notice requirements for cancellation of certain property and casualty policies.

REGULATION

Direct Healthcare Agreements

ACT 381 (SB168) modifies the exemptions of certain entities from insurance regulation and renames "direct primary care agreements" as "direct healthcare agreements" as used in statutes excepting certain entities from insurance regulation.

General Omnibus

ACT 367 (HB1238) modifies the intent of the Corporate Governance Annual Disclosure Act; modifies the exceptions to the Surplus Lines Insurance Law; repeals the protection against insolvency of a health maintenance organization; modifies the method of settling claims under the Model Act for the Regulation of Credit Life Insurance and Credit Disability Insurance; and modifies the registration or licensure requirements for a multiple employer trust or multiple employer welfare arrangement.

Insolvent Cemetery Loan Fund

ACT 731 (HB1141) amends the Cemetery Act for Perpetually Maintained Cemeteries and requires the State Board of Embalmers, Funeral Directors, Cemeteries, and Burial Services to maintain the Insolvent Cemetery Loan Fund as a segregated fund administered by the Insurance Commissioner.

Market Conduct Annual Statements

ACT 371 (HB1242) requires certain long-term care insurers to file market conduct annual statements and requires an authorized insurer that reports any volume of annual gross premiums collected in long-term care hybrid, long-term care life hybrid, or long-term care stand-alone lines of business written in Arkansas to file a market conduct annual statement as required by the instructions provided by the National Association of Insurance Commissioners for each line of business.

SCHOOLS AND SCHOOL DISTRICTS

State and Public School Life and Health Insurance Board

ACT 1004 (SB693) abolishes the State and Public School Life and Health Insurance Board and transfers the duties and responsibilities to the State Board of Finance. The act declares an emergency and is effective on and after April 28, 2021.

State and Public School Life and Health Insurance Program - Contribution

ACT 654 (HB1766) increases the allowable state contribution to the State and Public School Life and Health Insurance Program to five hundred fifty dollars (\$550).

LABOR AND INDUSTRIAL RELATIONSUNEMPLOYMENT CONTRIBUTIONS***Stabilization Tax***

ACT 369 (HB1407) modifies the method of calculating the stabilization tax in certain circumstances under the Division of Workforce Services Law and provides that, for the rate year beginning January 1, 2022, and ending December 31, 2022, the stabilization tax shall be the lesser of the amount determined under current law or two-tenths of one percent (0.2%).

The act is effective on and after January 1, 2022.

UNEMPLOYMENT ELIGIBILITY AND BENEFITS***Income Tax Exemption for 2020 and 2021 Benefits***

ACT 154 (SB236) exempts unemployment compensation benefits received in 2020 or 2021 from income tax. The act declares an emergency and is effective on and after March 1, 2021.

Income Tax Withholding

ACT 283 (HB1049) allows for the withholding of income tax from unemployment compensation benefits and unemployment insurance benefits. The act provides that the withholding will not occur until the Division of Workforce Services' computer technology and information management systems are prepared to handle the withholding and the United States Secretary of Labor either approves the program or determines that approval is not necessary.

UNEMPLOYMENT INSURANCE***Fraud***

ACT 667 (HB1765) provides the authority to the Director of the Division of Workforce Services to adopt and implement internal administrative policies and business processes to reduce unemployment insurance fraud; modifies the Unemployment Insurance Program to prevent, detect, and recover unemployment insurance fraud; provides for the use of certain proceeds of the unemployment stabilization tax for wages collected during the period of April 1, 2021, through December 31, 2023, to modernize information technology systems and hardware to reduce unemployment insurance fraud; requires the Director of the Division of Workforce Services to report by December 31, 2023, to the Legislative Council concerning fraud on the unemployment insurance program; and applies retroactively to April 1, 2021. The act declares an emergency and is effective on and after April 1, 2021.

Noncharge Employer Contributions

ACT 153 (HB1212) amends the law concerning the noncharge of employer contributions for certain unemployment insurance claims and allows benefits paid with respect to weeks of unemployment claims starting the week ending April 4, 2020, and after to be noncharged to the separate account of each employer in the base period if the benefits are paid as the direct result of the Governor declaring a disaster emergency under the Arkansas Emergency Services Act of 1973 or a disaster resulting in a state or federal disaster declaration. The act applies retroactively to April 4, 2020. The act declares an emergency and is effective on and after February 25, 2021.

WAGES***Direct Seller***

ACT 947 (SB547) amends definitions used in the Minimum Wage Act, the Workers' Compensation Law, and the Division of Workforce Services Law to incorporate applicable federal law and regulates a direct seller as an independent contractor.

LABOR AND INDUSTRIAL RELATIONSWAGES***Minimum Wage - Employee of Motor Carrier***

ACT 91 (HB1227) amends the Minimum Wage Act concerning relief for liability for failure to pay minimum wage or overtime compensation related to an employee of a motor carrier for activities that occur when the employee is traveling to or from a personal residence, engaging in a personal activity that is not primarily in furtherance of the employer's business, or logging time as "off-duty" or "sleeper berth".

Taxable Wage Base

ACT 368 (HB1409) modifies the definition of "wages" in certain circumstances under the Division of Workforce Services Law for the rate year beginning January 1, 2022, and ending December 31, 2022, to exclude the amount of remuneration that exceeds the lesser of the amount calculated under current law or ten thousand dollars (\$10,000). The act is effective on and after January 1, 2022.

WORKFORCE SERVICES DEPARTMENT***Coronavirus 2019 (COVID-19)***

ACT 353 (HB1488) clarifies that it is not intentional conduct that would remove an employer from the Workers' Compensation Law for an employer that requires an employee to perform work when the employer has knowledge that an employee may be exposed to coronavirus 2019 (COVID-19); provides sufficient recourse for employees to receive workers' compensation benefits during the coronavirus 2019 (COVID-19) outbreak; and allows for coronavirus 2019 (COVID-19) to be considered an occupational disease under the Workers' Compensation Law. The act is retroactive to March 11, 2020, for workers' compensation claims filed for illness or injury sustained as a result of coronavirus 2019 (COVID-19). The act expires on May 1, 2023. The act declares an emergency and is effective on and after March 11, 2020.

Disclosure - Confidential Information

ACT 649 (SB299) amends the Division of Workforce Services Law related to the disclosure of confidential information and authorizes the disclosure of confidential information by the division in certain circumstances and to certain individuals or agencies.

WORKING CONDITIONS***Home-Based Work***

ACT 659 (HB1416) provides that a local government may license home-based work and be restrictive only as to advertising; nuisances; health, fire, and safety codes; traffic and parking; building and maintenance codes; protections for children, elderly, and the infirm; limitations on the number of staff, customers, and tenants; prohibitions or limitations related to public health, safety, and welfare; and licenses and regulations that apply to businesses without regard to location. The act provides that it does not supersede agreements between a homeowners' association and a homeowner or any valid deed restrictions and clarifies that county zoning ordinances shall conform to the law regarding home-based work.

LAW ENFORCEMENTCRIME LABORATORY***Crime Scene Photographs***

ACT 151 (SB172) provides that the State Crime Laboratory is not required to provide a photograph to a defendant in the custody of the Department of Corrections that depicts a crime scene, depicts the victim of a crime, or was taken in conjunction with an autopsy. The act does not deny access to a photograph to an attorney representing an inmate in the custody of the department or prohibit a court from ordering the department to provide a photograph to an inmate upon a showing of reasonable need. The act declares an emergency and is effective on and after February 24, 2021.

LAW ENFORCEMENT

CRIME LABORATORY

Student Loan Forgiveness Program

ACT 360 (HB1224) establishes the State Crime Laboratory Student Loan Forgiveness Program to assist pathologists with the repayment of student loans.

CRIMINAL INVESTIGATION - GENERALLY

Blood Draws

ACT 147 (HB1184) provides that, absent exigent circumstances or the person's express consent, the drawing of a person's blood requires a warrant based on probable cause that the person was operating or in actual physical control of a motorboat or motor vehicle while intoxicated.

Fingerprints and Photographs for an Arrested Person

ACT 962 (HB1696) provides that immediately following an arrest for a felony offense or when the first appearance of a defendant in court is caused by a summons for a felony offense, a law enforcement official at the receiving criminal detention facility shall take or cause to be taken the fingerprints and a photograph of the arrested person. The act also provides that for a misdemeanor offense, a law enforcement official may take or cause to be taken, at any place, the fingerprints and a photograph of the arrested person, and when the first appearance of a defendant in court is caused by a citation or summons, the act provides that a law enforcement official shall take or cause to be taken the fingerprints and a photograph of the arrested person.

Suspected Adult Maltreatment

ACT 617 (HB1622) amends the Attorney General's jurisdiction and authority in regard to investigations into suspected adult maltreatment of a person or adult impaired person who is receiving medical assistance under Title XIX of the Social Security Act or as part of the Arkansas Medicaid Program in a noninstitutional or other setting.

Venous Blood Draws

ACT 990 (HB1897) establishes protocols concerning who may draw venous blood and when the blood draw may occur in regard to a criminal investigation in which the level of alcohol in a person's blood is at issue.

GENERALLY

Agency Organization, Staffing, and Personnel

ACT 218 (HB1197) amends the law concerning law enforcement agency organization, staffing, and personnel matters, including the number of part-time law enforcement officers that a law enforcement agency may maintain and the information required in a notice in a case of separation from employment.

LAW ENFORCEMENT**GENERALLY*****Arkansas Sovereignty Act of 2021***

ACT 1012 (HB1957) provides that all acts, laws, orders, rules, and regulations of the United States Government that were enacted on or after January 1, 2021, that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Arkansas Constitution, Article 2, § 5, are invalid in this state, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state. The act also provides that a public officer or employee of this state or a representative, agent, or employee of a municipality, a county, or the state, acting under the color of law, with all the rights, grants, and assignments of a law enforcement officer in the state, shall not enforce or assist federal agencies or officers in the enforcement of any federal statute, executive order, or federal agency directive that conflicts with Arkansas law. Further, the act does not prohibit or otherwise limit a state law enforcement officer, state employee, or employee of a political subdivision of the state from cooperating, communicating, or collaborating with a federal agency if the primary purpose is not law enforcement activity related to a federal ban or the investigation of a violation of a federal ban.

Certified Peer Support Member

ACT 428 (HB1204) provides that a certified peer support member may be any person who has met the statutory requirements of being a certified peer support member.

Critical Incident Debriefing

ACT 747 (HB1680) requires a law enforcement agency to adopt a policy that may require a law enforcement officer who has been involved in a critical incident to participate in a debriefing by a mental health professional or a certified peer support member. The act also requires the law enforcement agency to assist a law enforcement officer who has been involved in a critical incident in obtaining additional services that may assist the law enforcement officer in recovering from psychological effects resulting from the critical incident.

Institutional Law Enforcement Officer - Private Schools

ACT 535 (SB159) allows a private school to establish and appoint an institutional law enforcement officer.

Law Enforcement Agencies for Public and Private Institutions of Higher Education

ACT 627 (SB494) extends qualified immunity to law enforcement agencies for and certified law enforcement officers employed by a public or private institution of higher education.

Public Safety Equipment Grant Program

ACT 786 (SB292) establishes the Public Safety Equipment Grant Program, which provides for grants to law enforcement agencies, detention centers, and corrections agencies for equipment that aids in improving trust and relationships between law enforcement agencies, detention centers, and corrections agencies and the communities that they serve. The act declares an emergency and is effective on and after April 20, 2021.

Records - Retention and Production

ACT 778 (SB346) provides procedures for retention and production of audio media, visual media, and audiovisual media by law enforcement agencies, dispatch centers, public safety answering points, jails, and detention centers.

Transport of Person in Crisis to Sobering Center

ACT 587 (HB1516) permits a law enforcement officer to transport a person in crisis to a sobering center, which is a facility or setting that provides people with recovery, detoxification, and recuperation from the effects of alcohol.

LAW ENFORCEMENT

JURISDICTION

Civil Disturbances

[ACT 186](#) (HB1236) provides that, in the event of a civil disturbance or a crime in progress that requires additional law enforcement resources, the Governor may establish a system of unified command of law enforcement efforts and may designate which law enforcement agency or law enforcement agencies have primary jurisdiction on the State Capitol grounds and in the State Capitol building.

MUNICIPAL LAW ENFORCEMENT

Police Department - Contract for Services

[ACT 714](#) (HB1633) requires cities of the first class and authorizes cities of the second class and incorporated towns to establish a municipal police department or contract for law enforcement services.

Police Department - Sick Leave

[ACT 655](#) (HB1717) gives municipalities the discretion to determine what a "working day" means for purposes of sick leave administration and what the maximum accumulation of sick leave time is in municipal police departments.

ORGANIZED MILITIA

Powers, Duties, and Immunities

[ACT 184](#) (HB1123) provides that a member of the organized militia has the powers, duties, and immunities of a law enforcement officer of the State of Arkansas in addition to all the powers, duties, and immunities otherwise provided by law when the member is ordered out for service of any kind.

SEX OFFENDER REGISTRATION

Childcare Facility - Notice

[ACT 828](#) (HB1098) provides that, if the spouse of a sex offender is an owner, operator, lessee, or administrator of a childcare facility, the owner, operator, lessee, or administrator shall provide notification in writing or by email to the parent, legal guardian, person having lawful control, or person standing in loco parentis of a child who attends the childcare facility that the owner, operator, lessee, or administrator is married to a sex offender and the sex offender will not be present on the premises of the childcare facility while children are present. The act also defines "sex offender".

STATE POLICE

Administrative Subpoenas

[ACT 550](#) (SB256) authorizes the use of an administrative subpoena by the Division of Arkansas State Police in an investigation concerning an internet crime against a minor.

Background Checks for a Non-Criminal Justice Purpose

[ACT 630](#) (SB218) requires a request for a background check for a non-criminal justice purpose that is made through the Arkansas State Police Criminal Background Check System to be submitted by electronic means.

Creation of Senior Corporal Position

[ACT 398](#) (HB1527) creates the position of senior corporal within the Division of Arkansas State Police.

Income Tax Credit - Retired Law Enforcement Investigating Cold Cases

[ACT 841](#) (HB1513) creates an income tax credit for retired law enforcement officers who work on behalf of the Division of Arkansas State Police to investigate cold cases. The act is effective for tax years beginning on and after January 1, 2022.

LAW ENFORCEMENT

STATE POLICE

Supplemental Motorcycle Accident Report

[ACT 395](#) (HB1235) repeals the requirement that all traffic accident reports filed with the Division of Arkansas State Police concerning traffic accidents involving motorcycles, motor driven cycles, motorized bicycles, or any other two-wheeled or three-wheeled motor vehicle be supplemented with a motorcycle traffic accident report.

TECHNICAL CORRECTIONS - LAW ENFORCEMENT, EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS

Title 12

[ACT 472](#) (SB430) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 12 of the Arkansas Code.

TRAINING AND QUALIFICATIONS

Domestic Violence Situations

[ACT 800](#) (HB1721) creates the Arkansas Phoenix Act of 2021, which amends the statute of limitations for offenses involving domestic violence and provides for training to be given to law enforcement officers on additional topics that arise in situations in which domestic violence is suspected.

Duty-to-Intervene Training

[ACT 792](#) (HB1865) requires, in accordance with the certification requirements of the Arkansas Commission on Law Enforcement Standards and Training, all law enforcement officers in the state to complete annual training related to a law enforcement officer's duty to intervene if the law enforcement officer observes another law enforcement officer using excessive force.

Private Community Law Enforcement Agencies

[ACT 676](#) (HB1745) provides that a private community with a population of more than five thousand (5,000) persons that employs certified law enforcement officers is entitled to reimbursement for certain law enforcement training costs or expenses incurred by the certified law enforcement officers.

Reimbursement for Expenses at Municipally Operated Training Academies

[ACT 325](#) (SB302) provides that law enforcement officers employed by a county, city, town, or state agency may be reimbursed for training costs and expenses when the training is held at a municipally operated law enforcement training academy.

LOTTERY

ARKANSAS ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM

Legislation Introduction Process - Deposit of Proceeds

[ACT 636](#) (SB584) makes technical corrections to the Arkansas Academic Challenge Scholarship Program to address outdated portions of the law; creates a new process for introducing bills creating or amending lottery-funded scholarships; and amends the account into which net lottery proceeds are deposited for purposes of funding scholarships. Section 6 of the act concerning the deposit of lottery proceeds is effective on and after July 1, 2021. The act declares an emergency and is effective on and after April 12, 2021.

LOTTERYLOTTERY WINNERS***Confidential Records - FOIA Exemption***

ACT 889 (SB355) allows lottery winners of more than five hundred thousand dollars (\$500,000) to request that their records or information filed with the Office of the Arkansas Lottery remain confidential and exempt from disclosure under the Freedom of Information Act of 1967; allows the confidential exemption for elected officials or individuals who are related in the second degree of consanguinity to an elected official to remain confidential for only six (6) months; and allows records or information filed with the Office of the Arkansas Lottery that are treated as confidential to become public after three (3) years.

MILITARY AND VETERANSACTIVE DUTY SERVICE***Residential Leases - Termination and Cancellation***

ACT 155 (SB165) extends the circumstances in which a soldier, an airman, or the spouse of a soldier or airman may terminate and cancel the lease for his or her primary residence to include when the soldier or airman is assigned to a permanent change of duty station that is located more than (50) miles from the primary residence or is discharged or released from active military service after at least one hundred eighty (180) continuous days of active military duty and under honorable conditions.

MILITARY CODE***Sexual Assault***

ACT 185 (HB1124) amends the Military Code of Arkansas to include the offense of sexual assault.

MILITARY HONORS AND FUNERALS***Awards - Civilians***

ACT 183 (HB1122) allows the Governor or Adjutant General to award an honorary award to a civilian employee of the Arkansas National Guard and an award for public service to a person or organization who is not employed by the Arkansas National Guard.

Interment and Disinterment Fees

ACT 387 (SB411) clarifies the allowable fee and procedure for interment and disinterment in the State Veterans' Cemetery System; provides that the Department of Veterans Affairs may charge a fee for each interment of an eligible spouse or dependent of a veteran not to exceed the current federal interment benefit allowance; and clarifies that the Department of Veterans Affairs may, at the request of a family member, charge a fee for each disinterment of a veteran, eligible spouse, or dependent of a veteran not to exceed the current federal interment benefit allowance.

MILITARY INSTALLATIONS***Military Affairs Division - Military Affairs Grant Program***

ACT 522 (SB163) creates the Military Affairs Division within the Arkansas Economic Development Commission to be the instrumentality to promote and support military installations in the state. The act also creates the Military Affairs Grant Program to provide grants for projects or programs that support and sustain military installations and military families in Arkansas or result in economic growth to the state, the community, and the region surrounding the military installation. The act declares an emergency and is effective on and after July 1, 2021.

MILITARY JUSTICE***Sexual Assault***

ACT 185 (HB1124) amends the Military Code of Arkansas to include the offense of sexual assault.

MILITARY AND VETERANS

NATIONAL GUARD AND RESERVES

Awards - Civilians

ACT 183 (HB1122) allows the Governor or Adjutant General to award an honorary award to a civilian employee of the Arkansas National Guard and an award for public service to a person or organization who is not employed by the Arkansas National Guard.

Powers, Duties, and Immunities of Law Enforcement Officer

ACT 184 (HB1123) provides that a member of the organized militia has the powers, duties, and immunities of a law enforcement officer of the State of Arkansas in addition to all the powers, duties, and immunities otherwise provided by law when the member is ordered out for service of any kind.

Youth Program Teacher - Basic Contract

ACT 75 (SB34) provides that a basic contract for a teacher employed in the Arkansas National Guard Youth Program shall include a yearly accrual of two (2) days of annual leave and nine (9) days of sick leave.

SPECIAL LICENSE PLATES

Issuance Limitations

ACT 318 (HB1406) allows the issuance of an additional three (3) military and veterans special license plates.

TUITION AND SCHOLARSHIPS

Arkansas National Guard - Online Courses

ACT 133 (SB66) extends tuition benefits to soldiers and airmen of the Arkansas National Guard who are enrolled in programs of study in which the courses are taken exclusively online and requires the State of Arkansas to reimburse an exclusively online, degree-offering institution that is associated with a state-supported institution of higher education for the remainder of tuition expenses that are not covered by funding sources.

Eligibility for Tuition Benefits

ACT 76 (SB35) provides that a soldier or airman of the Arkansas National Guard is eligible to receive tuition benefits in the event of an exigent circumstance that warrants a temporary waiver of the initial active duty training requirement.

Waivers - Dependents of Veterans

ACT 988 (HB1879) allows dependents of certain veterans to receive tuition waivers to private, nonprofit institutions of higher education and caps the amount of the tuition waiver for dependents of certain veterans.

VETERANS

Veteran's Service Officers - Incentive Pay

ACT 941 (SB624) authorizes the Department of Veterans Affairs to provide an additional incentive payment of five hundred dollars (\$500) per quarter of the fiscal year to counties that ensure the county's veteran's service officers obtain or maintain accreditation by the United States Department of Veterans Affairs. The act also allows the Department of Veterans Affairs to provide an additional incentive payment of five hundred dollars (\$500) per quarter of the fiscal year to counties that ensure the county's veteran's service officers obtain or maintain access to and proficiency in the United States Department of Veteran Affairs' Veterans Benefits Management System.

MOTOR VEHICLESCOMMERCIAL DRIVER LICENSE***Period of Issuance - Application Fee***

ACT 753 (HB1846) authorizes the Office of Driver Services to issue a commercial driver license for a period of five (5) years and requires the application for a commercial driver license to be accompanied by an application fee of fifty dollars (\$50.00). The act is effective on and after January 1, 2022.

Trafficking in Persons - Penalties

ACT 160 (SB245) requires that a driver of a commercial motor vehicle who is convicted of using the commercial motor vehicle in the commission of a felony involving a severe form of trafficking in persons be disqualified from driving a commercial motor vehicle for life and provides that a disqualified driver is not eligible for reinstatement after ten (10) years.

COMMERCIAL MOTOR VEHICLES***Weight Threshold***

ACT 389 (HB1115) amends the exemptions to the Arkansas Motor Carrier Act, 1955 to include commercial motor vehicles operating in intrastate commerce that have a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of twenty-six thousand pounds (26,000 lbs.) or less. The act provides that the exemption does not apply if the vehicle transports hazardous materials or is designed to transport more than fifteen (15) passengers.

DRIVER'S LICENSE***Address Confidentiality Program - Exceptions***

ACT 913 (SB552) amends the law concerning when the Department of Finance and Administration shall disclose the residence address of a driver's license holder who participates in the address confidentiality program due to domestic violence to require that the person requesting the information present a current and valid court order finding a compelling reason for access to the residence address and that the person has not been convicted of domestic violence against whom the order of protection has been entered.

Failure to Remain at Scene of Accident - Revocation

ACT 1035 (SB668) amends Acts 2021, No. 558, to provide that failure to remain at the scene of an accident that results in physical injury to another person is a Class D felony. The act also provides that the driver of a vehicle who is involved in an accident resulting in serious physical injury to or the death of any person and who has knowingly or recklessly failed to remain at the scene of the accident upon conviction is guilty of a Class B felony. The act also provides for the revocation of a license for a person who commits the offense of failure to remain at the scene of an accident that results in death of, physical injury to, or serious physical injury to another person.

Failure to Remain at Scene of Accident - Revocation

ACT 558 (HB1505) provides that it is a Class B felony for a driver to leave the scene of an accident that results in serious physical injury or death and requires the revocation of a person's driver's license or commercial driver license if he or she fails to remain at the scene of an accident that results in physical injury, serious physical injury, or the death of another person.

Instruction Permit - Validity

ACT 908 (SB606) amends the law to provide that an instruction permit issued by the Division of Arkansas State Police entitles the permittee to drive a motor vehicle upon public highways for a period of twenty-four (24) months instead of twelve (12) months.

MOTOR VEHICLESDRIVER'S LICENSE***Suspension or Revocation***

ACT 1049 (SB513) amends the law concerning the suspension or revocation of a person's driver's license for failure to pay a fine or failure to appear. The act also provides for restricted driving permits for a person whose driver's license was suspended to drive himself or herself to certain places.

Without Photograph

ACT 257 (HB1244) provides for the issuance of a driver's license or identification card without a photograph if the requirement of a photograph is objectionable on the grounds of the person's sincerely held religious belief that prohibits him or her having his or her photograph taken. The act requires a driver's license or identification card to be issued without a photograph if the person is fifteen (15) years of age or older and provides an Internal Revenue Service Form 4029 or affidavit attesting to the person's sincerely held religious belief that prohibits the taking of his or her photograph. The act provides that a driver's license or identification card issued without a photograph is not valid for federal identification purposes or voter identification purposes.

DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS***Boating or Driving While Intoxicated - Repeat Offenses***

ACT 274 (HB1062) increases the lookback period for a boating while intoxicated or a driving while intoxicated offense to ten (10) years for up to a fifth offense and to twenty (20) years for a sixth or subsequent offense.

EQUIPMENT***Autonomous Vehicles - On-Demand Driverless Capable Vehicle Network***

ACT 619 (HB1562) allows a person to operate an on-demand driverless capable vehicle network in the state that connects a passenger or goods to a fully autonomous vehicle either exclusively or as part of a digital network that also connects passengers or goods to human drivers who provide transportation services in vehicles that are not fully autonomous vehicles.

FINANCIAL RESPONSIBILITY AND INSURANCE***Certificate of Self-Insurance***

ACT 910 (SB574) clarifies that a person may qualify as a self-insured organization under the Motor Vehicle Safety Responsibility Act by obtaining a certificate of self-insurance from the Office of Motor Vehicle if the person has twenty-five (25) vehicles registered; clarifies that a religious denomination may qualify as a self-insured organization if the religious denomination has more than twenty-five (25) members who own motor vehicles and prohibits its members from purchasing insurance as being contrary to its religious tenets or the religious denomination shares liability among its members for liability insurance purposes; and recognizes that a religious denomination that shares liability among its members for liability insurance purposes is considered an insurer for motor vehicle liability insurance purposes.

Peer-to-Peer Car-Sharing Programs

ACT 1042 (SB686) amends the law concerning motor carriers; clarifies that an airport has the authority to regulate ground transportation, including peer-to-peer car-sharing programs, at airports; and regulates ground transportation at municipal airports and regional airports.

Personal Delivery Device - Requirements

ACT 926 (HB1767) requires an eligible entity to maintain an insurance policy for each personal delivery device that includes general liability coverage of not less than one hundred thousand dollars (\$100,000) for damages arising from the operation of a personal delivery device by the eligible entity or personal delivery device operator.

MOTOR VEHICLESHIGHWAY COMMISSION***Autonomous Vehicles - Controlling Authority***

ACT 619 (HB1562) requires the State Highway Commission to implement laws and adopt rules governing autonomous vehicles and fully autonomous vehicles.

Special Permit - Forestry Equipment

ACT 451 (HB1674) authorizes the State Highway Commission to issue a special permit to transport forestry equipment in excess of the maximum gross weight but not more than one hundred four thousand pounds (104,000 lbs.) of total gross weight.

HYBRID AND ELECTRIC VEHICLES***Hybrid Vehicle - Additional Registration Fee***

ACT 376 (SB225) reduces the additional registration fee for a hybrid vehicle to fifty dollars (\$50.00). The act is effective on and after January 1, 2022.

Plug-in Hybrid Electric Vehicles - Additional Registration Fee

ACT 376 (SB225) requires the owner of a plug-in hybrid electric vehicle to pay an additional registration fee of one hundred dollars (\$100). The act is effective on and after January 1, 2022.

Registration Fee - Exemption for Certain Vehicles

ACT 1093 (HB1893) amends Acts 2021, No. 328 to exempt golf carts, low-speed vehicles, electric motorcycles, and hybrid motorcycles from the required additional registration fee for electric vehicles and hybrid vehicles. The act applies retroactively to October 1, 2019.

Registration Fee - Exemption for Vehicles with Special License Plates

ACT 328 (SB246) provides that an electric vehicle or a hybrid vehicle that is registered for a special license plate or a special license plate with a permanent decal is not required to pay the additional registration fee required for electric and hybrid vehicles. The act applies retroactively to October 1, 2019.

LICENSE PLATES***Lawful Display - Exceptions***

ACT 538 (SB333) amends the law concerning the lawful display of a motor vehicle license plate to allow a trailer hitch, a trailer being towed by the motor vehicle, a wheelchair lift or wheelchair carrier, a bike rack, or the cargo these devices are carrying to obscure a license plate on a motor vehicle.

MOTOR VEHICLE COMMISSION***Warranty Work - Reasonable Compensation***

ACT 1077 (HB1922) authorizes a motor vehicle dealer to request a change in the labor rate per hour for warranty work or parts mark up warranty work and requires approval or disapproval by the manufacturer, distributor, distributor branch or division, or factory or division branch within forty-five (45) days from the date the request is received or the request is automatically approved. The act amends the law to provide that the principal factor to be considered in the determination of what constitutes reasonable compensation for warranty and recall campaign work is the labor rate per hour or parts rate that is charged by the motor vehicle dealer to the motor vehicle dealer's retail customers, exclusive of routine maintenance performed on the vehicle, and establishes how a motor vehicle dealer shall calculate the labor rate and rate for parts.

MOTORCYCLES***Supplemental Motorcycle Traffic Accident Report***

ACT 395 (HB1235) repeals the requirement that all traffic accident reports filed with the Division of Arkansas State Police concerning traffic accidents involving motorcycles, motor driven cycles, motorized bicycles, or any other two-wheeled or three-wheeled motor vehicle be supplemented with a motorcycle traffic accident report.

MOTOR VEHICLESNEW VEHICLES***New Motor Vehicle Quality Assurance Act - "Motor Vehicle" Definition***

ACT 92 (HB1230) amends the New Motor Vehicle Quality Assurance Act to exclude vehicles with a gross vehicle weight rating of over fourteen thousand pounds (14,000 lbs.) from the definition of "motor vehicle."

OFFICE OF DRIVER SERVICES***Commercial Driver License - Period of Issuance***

ACT 753 (HB1846) authorizes the Office of Driver Services to issue a commercial driver license for a period of five (5) years. The act is effective on and after January 1, 2022.

Driver's License or Identification Card Without Photograph

ACT 257 (HB1244) provides for the issuance of a driver's license or identification card without a photograph if the requirement of a photograph is objectionable on the grounds of the person's sincerely held religious belief that prohibits him or her having his or her photograph taken. The act requires a driver's license or identification card to be issued without a photograph if the person is fifteen (15) years of age or older and provides an Internal Revenue Service Form 4029 or affidavit attesting to the person's sincerely held religious belief that prohibits the taking of his or her photograph. The act provides that a driver's license or identification card issued without a photograph is not valid for federal identification purposes or voter identification purposes.

OFFICE OF MOTOR VEHICLES***Custodian of Records***

ACT 732 (HB1034) establishes the Secretary of the Department of Finance and Administration as the custodian of records for the Office of Motor Vehicle.

RULES OF THE ROAD***Autonomous Vehicles***

ACT 619 (HB1562) repeals the limitation that a person may operate a maximum of three (3) autonomous or fully autonomous vehicles simultaneously on streets and highways.

Bicycles - Crosswalk

ACT 1067 (HB1702) provides that a person operating a bicycle upon a crosswalk has the rights and duties applicable to a pedestrian except that he or she is required to yield the right-of-way and give an audible signal before overtaking and passing a pedestrian.

Driving upon Left Lane

ACT 1090 (HB1849) amends the law concerning when a vehicle may be driven upon the left lane of a multilane highway.

Failure to Remain at Scene of Accident - Penalties

ACT 1035 (SB668) amends Acts 2021, No. 558, to provide that failure to remain at the scene of an accident that results in physical injury to another person is a Class D felony. The act also provides that the driver of a vehicle who is involved in an accident resulting in serious physical injury to or the death of any person and who has knowingly or recklessly failed to remain at the scene of the accident upon conviction is guilty of a Class B felony. The act also provides for the revocation of a license for a person who commits the offense of failure to remain at the scene of an accident that results in death of, physical injury to, or serious physical injury to another person.

Failure to Remain at Scene of Accident - Penalties

ACT 558 (HB1505) provides that it is a Class B felony for a driver to leave the scene of an accident that results in serious physical injury or death and requires the revocation of a person's driver's license or commercial driver license if he or she fails to remain at the scene of an accident that results in physical injury, serious physical injury, or the death of another person.

MOTOR VEHICLES**RULES OF THE ROAD*****Maximum Height***

ACT 871 (HB1418) increases the maximum height of a motor vehicle authorized to operate on a state highway to fourteen feet (14').

Operation of Golf Carts on County Roads

ACT 188 (HB1269) allows counties to authorize by ordinance the operation of a golf cart on county roads. The act declares an emergency and is effective on and after April 15, 2021.

Personal Delivery Device

ACT 926 (HB1767) authorizes the operation of a personal delivery device upon pedestrian areas and on the right outside edge of certain streets and roads; prohibits a personal delivery device from being operated in a manner that unreasonably interferes with motor vehicles or traffic or blocks a public right-of-way; and requires that a personal delivery device yield the right-of-way to a pedestrian.

Racing on a Public Highway - Penalties

ACT 1061 (SB247) provides that a subsequent offense of the crime of racing on a public highway, committed within five (5) years of a prior offense, is a Class A misdemeanor and results in the suspension of the person's driver's license for a period of six (6) months. The act also creates the crime of felony racing on a public highway, which is a Class D felony.

Railroad Crossing

ACT 754 (HB1842) requires a motor vehicle operator to listen and look for any approaching train or on-track equipment before proceeding across a railroad crossing.

School Buses - Unlawful Passing

ACT 264 (HB1265) prohibits an operator of a motor vehicle or motorcycle from unlawfully passing a stopped school bus on a public road, street, or highway; private or public property open to the general public; or a private or public road, driveway, or parking lot belonging to a kindergarten through grade twelve (K-12) private or public school.

Seat Belt - Penalties

ACT 784 (SB537) prohibits the total amount of fines levied for a violation of the mandatory seat belt use law from exceeding forty-five dollars (\$45.00).

SCHOOL BUSES***Unlawful Passing***

ACT 264 (HB1265) prohibits an operator of a motor vehicle or motorcycle from unlawfully passing a stopped school bus on a public road, street, or highway; private or public property open to the general public; or a private or public road, driveway, or parking lot belonging to a kindergarten through grade twelve (K-12) private or public school.

SPECIAL LICENSE PLATES***Buffalo River Community Development***

ACT 541 (SB500) creates the Buffalo River Community Development special license plate and discontinues the collegiate special license plate assigned to the school formerly known as the College of the Ouachitas.

Military and Veterans

ACT 318 (HB1406) allows the issuance of an additional three (3) military and veterans special license plates.

STATE POLICE***Supplemental Motorcycle Traffic Accident Report***

ACT 395 (HB1235) repeals the requirement that all traffic accident reports filed with the Division of Arkansas State Police concerning traffic accidents involving motorcycles, motor driven cycles, motorized bicycles, or any other two-wheeled or three-wheeled motor vehicle be supplemented with a motorcycle traffic accident report.

MOTOR VEHICLES

TECHNICAL CORRECTIONS - TRANSPORTATION

Title 27

[ACT 484](#) (SB442) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 27 of the Arkansas Code.

TOWING AND STORAGE

Arkansas Towing and Recovery Board - Members and Duties

[ACT 789](#) (HB1560) requires that all tow vehicles used for commercial purposes be permitted through the Arkansas Towing and Recovery Board; amends the definition of "consent tow" to exclude repossession of vehicles and defines "repossession"; increases the number of members required to be appointed to the Arkansas Towing and Recovery Board to include one (1) member who is permitted to engage in the repossession of vehicles using a tow vehicle; and creates a repossession towing license and a certificate of registration for consent towing.

Public Notice - Requirements

[ACT 794](#) (HB1811) authorizes the establishment of a website that is sponsored and managed by the Arkansas Towing and Recovery Board for a towing business to post the notice required concerning abandoned vehicles and possessory liens and the procedures for the sale of unclaimed vehicles.

UNLAWFUL PRACTICES

Digital Platforms

[ACT 1077](#) (HB1922) authorizes a motor vehicle dealer to use digital platforms to exchange information, goods, and services between a dealer and a consumer to facilitate retail commercial interactions and prohibits a manufacturer, distributor, distributor branch, or division from failing to allow a motor vehicle dealer to maintain and control the vehicle inventory and service provider for the motor vehicle dealer's digital platforms or exercise control over a motor vehicle dealer's digital platforms without the motor vehicle dealer's permission.

Warranty Work - Reasonable Compensation

[ACT 1077](#) (HB1922) authorizes a motor vehicle dealer to request a change in the labor rate per hour for warranty work or parts mark up warranty work and requires approval or disapproval by the manufacturer, distributor, distributor branch or division, or factory or division branch within forty-five (45) days from the date the request is received or the request is automatically approved. The act amends the law to provide that the principal factor to be considered in the determination of what constitutes reasonable compensation for warranty and recall campaign work is the labor rate per hour or parts rate that is charged by the motor vehicle dealer to the motor vehicle dealer's retail customers, exclusive of routine maintenance performed on the vehicle, and establishes how a motor vehicle dealer shall calculate the labor rate and rate for parts.

USED VEHICLES

Reduced Sales and Use Tax Rate

[ACT 1013](#) (HB1912) provides for a reduced sales and use tax rate for sales of used motor vehicles, trailers, or semitrailers that have a sales price of at least four thousand dollars (\$4,000) but less than ten thousand dollars (\$10,000). The act is effective on and after January 1, 2022.

Tax Levied on Sale

[ACT 277](#) (HB1377) amends the law concerning the tax levied on the sale of a used motor vehicle, trailer, or semitrailer by extending the period of time in which a consumer may sell and subsequently purchase a new or used motor vehicle, trailer, or semitrailer to sixty (60) days.

NATURAL RESOURCESALTERNATIVE FUELS***Electric Vehicle Infrastructure***

ACT 781 (SB632) creates the Electric Vehicle Infrastructure Grant Program within the Department of Energy and Environment to provide grants to public and private entities for the construction, installation, and associated costs connected with the deployment of certain charging facilities and creates the Electric Vehicle Infrastructure Fund. The act declares an emergency and is effective on and after April 20, 2021.

EXTRACTION***Leases and Permits - Oil, Gas, Coal, and Timber***

ACT 455 (HB1442) requires the Commissioner of State Lands to provide and maintain electronic hardware, software, and access for the granting of leases and permits for the extraction of oil, natural gas, casinghead gas, coal and other minerals, and timber or logs. Section 2 of the act concerning this requirement is effective on and after July 1, 2022.

Leases and Permits - Sand, Gravel, Timber, and Minerals

ACT 455 (HB1442) requires the Commissioner of State Lands to provide and maintain electronic hardware, software, and access for the granting of leases and permits for the taking of sand, gravel, timber or logs, or minerals. Sections 1 and 3 of the act concerning this requirement are effective on and after January 1, 2022.

LAND***Arkansas Coordinate System***

ACT 157 (SB148) repeals the proximity-to-station requirement related to the recording of coordinates based on the Arkansas Coordinate System 1983.

OIL, GAS, AND BRINE***Gas Assessment Fees - Collection, Deposit, and Use***

ACT 437 (SB419) extends the sunset date related to the collection, deposit, and use of certain gas assessment fees to July 1, 2023. The act declares an emergency and is effective on and after March 24, 2021.

Oil and Gas Lien

ACT 275 (HB1273) establishes the Oil and Gas Owners' Lien Act of 2021 that grants each interest owner an oil and gas lien to the extent of the interest owner's interest in an oil and gas right to secure the obligations of a first purchaser to pay the sales price. The act addresses the nature, extent, and duration of the oil and gas lien; perfection of the oil and gas security interest; commingling; rights of purchasers; priority relative to other liens or security interests; legal title; waivers; expiration of the oil and gas lien; enforcement and personal actions; and other rights.

STATE PARKS***State Parks, Recreation, and Travel Commission - Fees***

ACT 652 (SB418) amends the authority of the State Parks, Recreation, and Travel Commission related to fees for services and authorizes the State Parks Division to utilize dynamic pricing for events, services, and overnight accommodations. The act authorizes the division to increase fees, rates, tolls, charges, and rentals by up to twenty percent (20%) and to decrease the fees, rates, tolls, charges, and rentals by up to fifty percent (50%).

WATER***Buffalo River Watershed***

ACT 785 (SB536) creates the Buffalo River Conservation Committee to establish measurable objectives and lead partnership projects to benefit water quality and resource management in the Buffalo River Watershed.

NATURAL RESOURCES

WATER

Retail Water Providers - Fiscal Sustainability

ACT 605 (SB386) creates an oversight framework within the Arkansas Natural Resources Commission for retail water providers, sets out criteria to determine providers in fiscal distress and requirements for those providers, requires municipal providers to extend service to nonresidents in certain circumstances, and creates commission training requirements for members of provider boards and an advisory training board.

Tax - Water Resource Conservation Incentives

ACT 875 (HB1314) amends the Water Resource Conservation and Development Incentives Act to increase the amount of the income tax credits allowed for certain water impoundments and for surface water conservation outside of critical areas. The act also extends the time during which unused tax credits may be carried forward to fifteen (15) years. The act is effective for tax years beginning on and after January 1, 2021.

PROFESSIONS AND OCCUPATIONS

ARCHITECTS

License Exemption

ACT 568 (HB1264) creates the Small Town Economic Development Act, which expands an exemption to the licensing requirements for architects by raising the total cumulative value of a project requiring a licensed architect to two hundred fifty thousand dollars (\$250,000).

CONTRACTORS AND SUBCONTRACTORS

Multiyear Registration

ACT 330 (SB258) authorizes nonmandatory multiyear registration and licensing by the Contractors Licensing Board.

Roofing Contractor Registration

ACT 1072 (HB1800) requires a person or entity performing work as a roofing contractor to be registered by the Residential Contractors Committee unless specifically exempted. The act is effective on and after January 1, 2022.

COSMETOLOGISTS

Cosmetology Technical Advisory Committee - Registered Hairstylist

ACT 957 (HB1746) creates a registration process for a registered hairstylist who is not required to have the full license of a cosmetologist.

Permanent and Semipermanent Cosmetics

ACT 900 (SB625) amends the Cosmetology Technical Advisory Committee to include members from the permanent and semipermanent cosmetic industry and the body art industry and establishes procedures for licensure and regulation of permanent cosmetics and semipermanent cosmetics procedures.

Virtual Instruction

ACT 724 (SB580) authorizes virtual instruction for barber schools and cosmological schools.

ELECTRICIANS

Restricted Lifetime Licenses

ACT 720 (HB1756) requires that a person issued a restricted lifetime master electrician license complete certain continuing education and creates a restricted lifetime journeyman electrician license.

FUNERAL HOMES AND BURIAL ASSOCIATIONS

Embalmers and Funeral Directors

ACT 396 (HB1140) modifies the law concerning embalmers and funeral directors; allows for remote classroom instruction for continuing education for a funeral director; and clarifies that the notice required for construction of a crematorium is sufficient if the notice is published in the newspaper's print edition or digital edition, or both.

PROFESSIONS AND OCCUPATIONS**GENERALLY*****Apprenticeships***

ACT 811 (HB1875) creates the Earn and Learn Act, which requires certain occupational licensing entities to grant a license to an applicant who completes an apprenticeship under federal law in the licensed occupation or profession, passes an examination, pays any fees, does not have a disqualifying criminal record, and completes all other requirements for licensure. The act does not apply to a licensing entity that does not license individual workers for which there is an apprenticeship program established under federal law, a license that requires the educational equivalent of a bachelor's degree or higher, or a license issued by the State Board of Barber Examiners or the Department of Health regarding cosmetology. Under the act, licensing entities are required to adopt rules implementing this act on or before January 1, 2022. The act is effective on and after January 1, 2022.

Criminal Background Checks - Maintain Licensure

ACT 762 (HB1520) exempts licensees who were licensed before July 24, 2019, but failed to renew the licenses and students who were in pursuit of an occupational license and would have qualified to hold an occupation license on or before July 24, 2019, from the criminal background disqualification waiver requirements for occupational licenses and from disqualification for occupational licenses based on an offense.

Criminal Background Checks - Waivers

ACT 748 (HB1796) amends occupational criminal background checks to allow waivers of disqualifications or revocations of a license for certain offenses.

Disqualifying Offense - Child Pornography

ACT 826 (HB1179) makes certain offenses concerning child pornography permanent disqualifying offenses on criminal background checks for professions and occupations.

Licensure for Certain Individuals

ACT 746 (HB1735) authorizes occupational or professional licensure for certain individuals who hold a Federal Form I-766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known as a "work permit".

Local Requirements - Restriction on Enactment

ACT 567 (HB1460) creates the Workforce Freedom Act of 2021, which prohibits cities, counties, or other political subdivisions of the state from enacting requirements for licensing, certification, or registration for any profession or occupation in a manner that duplicates a requirement for licensing, certification, or registration that is already enacted by the state, unless specifically authorized by the General Assembly.

Military Occupational Licensing

ACT 135 (SB78) repeals the law pertaining to automatic licensure for active duty service members, returning military veterans, and spouses. The act also establishes the Arkansas Occupational Licensing of Uniformed Service Members, Veterans, and Spouses Act of 2021, which replaces the automatic occupational licensure requirements for uniformed services members, returning uniformed services veterans, and their spouses, includes legislative findings and intent, defines "uniformed service member" and "uniformed service veteran" in place of "active duty military service member" and "returning military veteran", requires acceptance of uniformed service education, training, experience, or service-issued credential when an occupational licensing entity is considering an application for initial licensure, and extends the license expiration and continuing education requirements for one hundred eighty (180) days following the date of the uniformed service member's return from deployment. The act declares an emergency and is effective on and after February 23, 2021.

PROFESSIONS AND OCCUPATIONSGENERALLY***Waiver of Fees***

ACT 725 (SB153) creates the Workforce Expansion Act of 2021, which waives initial filing fees, permit fees, and licensing fees associated with the formation of a business in this state and initial occupational licensing fees for certain individuals. The act is effective on and after January 1, 2022.

HEALTH CARE WORKERS - OTHER***Arkansas Board of Hearing Instrument Dispensers***

ACT 159 (SB88) amends the composition of the Arkansas Board of Hearing Instrument Dispensers.

COVID-19 Pandemic

ACT 510 (HB1521) codifies Executive Orders 20-18 and 20-34, which request all healthcare providers licensed and permitted to practice in this state to provide services in response to the COVID-19 pandemic, allow a healthcare provider to remove limits on working hours for physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered nurses, and licensed practical nurses, allow a healthcare provider to use certain drugs, devices, or products to diagnose, treat, mitigate, or cure COVID-19, and provide limited immunity for a healthcare provider. The act expires on May 1, 2023, unless extended by the General Assembly. The act declares an emergency and is effective on and after April 1, 2021.

Orthotic and Prosthetic Assistants

ACT 445 (SB22) modifies the certification requirements for practicing as an orthotic assistant, orthotic/prosthetic assistant, or prosthetic assistant.

Physician Assistants - Supervision and Prescriptive Authority

ACT 634 (SB152) amends the membership of the Arkansas State Medical Board to add a physician assistant as a board member; clarifies that one (1) member of the Physician Assistant Committee shall be a physician assistant; changes the duties of the Physician Assistant Committee to review and make recommendations at the request of the Arkansas State Medical Board regarding all matters relating to physician assistants; amends the supervision of physician assistants by allowing a physician assistant to provide delegated healthcare services under an agreement with a supervising physician; amends the prescriptive authority of a physician assistant to include drugs listed in Schedule II in certain circumstances; and allows a physician assistant to render care within his or her scope of practice when responding to an emergency or state or local disaster with limited immunity.

Right of Conscience

ACT 462 (SB289) creates the Medical Ethics and Diversity Act, which establishes the right of conscience for healthcare institutions, healthcare payers, and medical practitioners and prohibits a healthcare institution, healthcare payer, or medical practitioner from being discriminated against based on his, her, or its declining to participate in a healthcare service that violates his, her, or its conscience and from being civilly, criminally, or administratively liable for declining to participate in a healthcare service that violates his, her, or its conscience. The act also sets certain procedures for the exercising of the right of conscience and civil remedies for a violation of the right of conscience and requires a healthcare payer to file its conscience policies annually with the State Insurance Department.

PROFESSIONS AND OCCUPATIONS

HEALTH CARE WORKERS - OTHER

Temporary Licensure - Public Health Emergency

[ACT 1055](#) (SB663) modifies the authority of the Department of Health during a public health emergency and allows the department to suspend portions of its rules and implement temporary licensure waivers and flexibilities to cooperate with and assist the Centers for Medicare & Medicaid Services-certified facility flexibilities, including the Hospitals Without Walls initiative, to assist during a public health emergency. The act declares an emergency and is effective on and after April 29, 2021.

HEATING, VENTILATION, AIR CONDITIONING, AND REFRIGERATION

Continuing Education Requirements

[ACT 978](#) (HB1712) authorizes the HVACR Licensing Board to establish continuing education requirements if the board determines that a specific class of license requires continuing education.

HOME INSPECTORS

Arkansas Home Inspector Registration Board

[ACT 492](#) (SB185) repeals obsolete language concerning the powers and duties of the Arkansas Home Inspector Registration Board and the Arkansas Home Inspectors Registration Fund.

MASSAGE THERAPY

Criminal Offenses

[ACT 136](#) (SB87) clarifies the criminal offenses that would cause denial, suspension, or revocation of the license of a massage therapist.

MOTOR VEHICLE SALESPERSON

License

[ACT 504](#) (HB1355) eliminates the licensing requirements for a motor vehicle salesperson and a recreational vehicle salesperson.

NURSES

Certified Registered Nurse Anesthesia - Supervision

[ACT 449](#) (HB1198) amends the definition of "practice of certified registered nurse anesthesia" by removing supervision requirements.

Exemption for Employees of Detention Center

[ACT 439](#) (SB344) adds an exemption from nursing licensure to allow employees of a city or county detention center who do not have a nursing license to draw and measure glucagon or insulin for a person who is incarcerated or in custody.

Full Independent Practice Authority for Certified Nurse Practitioners

[ACT 412](#) (HB1258) authorizes full independent practice authority for certified nurse practitioners who meet certain requirements and creates the Full Independent Practice Credentialing Committee to review and approve applications for full independent practice authority for certified nurse practitioners.

Full Practice Authority - Certified Nurse Midwives

[ACT 607](#) (HB1215) grants full practice authority to certified nurse midwives.

Medication Assistive Persons - Education Programs

[ACT 759](#) (HB1780) allows the training required for medication assistive persons to be provided by certain facilities and allows education programs for licensed practical nurses in certain facilities.

PAWNBROKERS

Arkansas Pawnbroker Act - Repeal

[ACT 491](#) (SB184) repeals the Arkansas Pawnbroker Act, including the statutes creating the Pawnbroker Licensure Commission.

PROFESSIONS AND OCCUPATIONS**PEST CONTROL SERVICES*****Contracts, Reports, and Records***

ACT 934 (HB1199) clarifies the provisions regarding reports of pest control services covering termite and other structural pest work performed the previous calendar month by specifying the requirements of the report and the timeline for producing requested documents to the State Plant Board. The act repeals the requirement to include a contract for the prevention, control, or eradication of termites or other structural pests in the reports.

PHARMACIES AND PHARMACISTS***Home Prescription Delivery Standards***

ACT 922 (HB1852) requires the Arkansas State Board of Pharmacy to promulgate rules defining the standard of care for pharmacies and pharmacists that provide home delivery services in this state, prohibits certain pharmacies and pharmacists from requiring patients to receive their prescriptions through home delivery services, and provides that a pharmacist is not prohibited from charging a nominal fee for home delivery service if the fee is charged to the patient with his or her express consent.

Nursing Home Consultant and Disease State Management Credential

ACT 63 (HB1174) eliminates the nursing home consultant pharmacist permit and the disease state management credential.

Oral Contraceptives

ACT 408 (HB1069) amends the law concerning the practice of pharmacy and authorizes pharmacists to provide access to and administration of oral contraceptives when certain requirements are met.

Pharmacist - Vaccines, Immunizations, and Certain Medications

ACT 406 (HB1134) allows a pharmacist to prescribe, administer, deliver, distribute, or dispense vaccines, immunizations, and medications to treat adverse reactions to administered vaccines or immunizations.

Pharmacy Technicians - Vaccines and Immunizations

ACT 407 (HB1135) authorizes pharmacy technicians to administer vaccines and immunizations.

Prescription Transfer - Disclosures - Prohibition on Data Mining

ACT 1053 (SB617) requires the written consent of a patient to transfer a prescription from a pharmacy; requires disclosures of ownership interest or other possible conflicts of interest to a patient; and prohibits a pharmacy, pharmacist, physician, employee, or entity who owns or controls, is owned or controlled by, or is under ownership or control with an insurance company, health clinic, hospital, rural health center, federally qualified health center, pharmacy benefits manager, pharmaceutical manufacturer, pharmaceutical wholesaler, or pharmacy benefits manager from data mining of patient information.

Treatment of Certain Health Conditions Without a Prescription

ACT 503 (HB1246) allows pharmacists to test and treat certain health conditions, such as influenza, without a prescription within the framework of a statewide written protocol; clarifies that a pharmacist shall not substitute a medication for a therapeutically equivalent medication if the prescriber indicates that no substitution is to be made; sets certain requirements for a pharmacist who tests for certain health conditions using point-of-care testing; modifies physician dispensing to clarify that the approval of the Arkansas State Medical Board to dispense is not required for certain types of prescriptions; and authorizes a physician to delegate to an employee the dispensing of a prescription to his or her patients for the patients' personal use and administration outside the physician's office. The provisions of the act concerning the practice of pharmacy, prescriptions, and point-of-care treatment are effective on and after January 1, 2022.

PROFESSIONS AND OCCUPATIONS

PHYSICAL THERAPISTS AND ATHLETIC TRAINERS

Athletic Trainers - Direct Supervision

[ACT 348](#) (HB1259) amends the Arkansas Athletic Trainers Act to authorize athletic trainers to practice under the direct supervision of a physician.

Licensure Fee Evaluation

[ACT 932](#) (HB1612) requires the Arkansas Board of Physical Therapy to evaluate and restructure licensure fees related to the practice of physical therapy. The act also requires the board to report its findings and recommendations to the Legislative Council.

PHYSICIANS

Billing Decisions for Administering Prescription Medication

[ACT 1105](#) (HB1907) enables a healthcare provider to make appropriate billing decisions that are in the best interest of a patient; establishes the Billing in the Best Interest of Patients Act; clarifies that a healthcare provider determines the appropriate administration of healthcare services and administering of prescription medication for an enrollee that is in the best interest of the enrollee, including billing a healthcare payor or a pharmacy benefits carrier; prevents a healthcare payor from requiring an enrollee to self-administer prescription medication if a healthcare provider determines it is in the best interest of the enrollee for a prescription medication to be administered by a healthcare provider regardless of the formulation or benefit category determination by the health benefit plan; and prohibits a healthcare payor from imposing financial penalties, copayments, coinsurance, or deductibles beyond the ordinary terms required through the enrollee's medical benefit or pharmacy benefit.

Dispensing and Delegation of Physician Dispensing

[ACT 503](#) (HB1246) modifies laws concerning physician dispensing to clarify that the approval of the Arkansas State Medical Board to dispense is not required for certain types of prescriptions; authorizes a physician to delegate to an employee the dispensing of a prescription to his or her patients for the patients' personal use and administration outside the physician's office; allows pharmacists to test and treat certain health conditions, such as influenza, without a prescription within the framework of a statewide written protocol; clarifies that a pharmacist shall not substitute a medication for a therapeutically equivalent medication if the prescriber indicates that no substitution is to be made; and sets certain requirements for a pharmacist who tests for certain health conditions using point-of-care testing. The provisions of the act concerning the practice of pharmacy, prescriptions, and point-of-care treatment are effective on and after January 1, 2022.

Multiyear License or Registration

[ACT 803](#) (HB1582) requires the Arkansas State Medical Board to offer a multiyear license or registration for a physician.

PROFESSIONS AND OCCUPATIONS**PHYSICIANS*****Procurer***

ACT 589 (HB1573) amends the statutes concerning procurers and regulates the use of a procurer by a licensed chiropractic physician. The act prohibits a procurer from stating, implying, or otherwise communicating to another person that the procurer has an affiliation with an insurance company, that payment of an insurance claim or insurance coverage is available or otherwise affected by the person's willingness to see a specific provider, that a government entity has approved or is affiliated with the procurer, or that a specific medical facility is a preferred medical clinic or in-network provider; offering or giving anything of value in connection with a solicitation contact; using a false name or identity during a solicitation; providing or promising to provide a prescription or nonprescription medication or medical supplies unless authorized to prescribe under state law; attempting to solicit another person using a telephone number that is not registered with the Arkansas State Board of Chiropractic Examiners; or making any deceptive or misleading statement within the context of a solicitation. The act also requires registration of a procurer by a chiropractic physician with the Arkansas State Board of Chiropractic Examiners, requires a procurer to establish a telephone training program, and establishes criminal and civil penalties for violations by a procurer.

PSYCHOLOGISTS***Psychological Interjurisdictional Compact***

ACT 883 (HB1760) establishes the Psychological Interjurisdictional Compact, also known as PsyPact, in Arkansas, which allows psychologists licensed in Psychological Interjurisdictional Compact states to provide psychological services via technology or telemedicine and conduct temporary in-person, face-to-face psychology in all Psychological Interjurisdictional Compact states without becoming licensed in each individual state. The act provides that the Arkansas Psychology Board is the Psychological Interjurisdictional Compact administrator for this state and is required to adopt rules by January 1, 2022.

SCRAP METAL DEALERS***Used Catalytic Converters***

ACT 1083 (HB1012) requires all buyers of used catalytic converters to maintain electronic records and be registered with the county sheriff.

SECURITY AGENCIES, INVESTIGATORS, AND SCHOOL SECURITY***Advertising***

ACT 61 (HB1051) requires that licensees regulated under the Private Security Agency, Private Investigator, and School Security Licensing and Credential Act display the company name and license number or a statement referring to a website or toll-free number to obtain licensing information on all advertising and marketing materials. The act declares an emergency and is effective on and after February 4, 2021.

Licensing

ACT 660 (HB1188) exempts the installation of a device that is on property owned or leased by a person monitoring the device from the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act; clarifies the devices to which the exemption applies; and requires a technician that installs a device to submit to a state and national criminal background check.

TECHNICAL CORRECTIONS - PROFESSIONS, OCCUPATIONS, AND BUSINESSES***Title 17***

ACT 476 (SB434) makes technical corrections recommended by the Arkansas Code Revision Commission to Title17 of the Arkansas Code.

PROFESSIONS AND OCCUPATIONSVETERINARIANS***Exemption to Licensure - Chiropractors***

ACT 390 (HB1268) clarifies that a chiropractor licensed in this state and certified by the American Veterinary Chiropractic Association or its equivalent is not prohibited from performing chiropractic upon animals.

Telemedicine - Restricted Licenses

ACT 130 (HB1099) authorizes the Veterinary Medical Examining Board to promulgate rules regarding telehealth and telemedicine and to issue restricted licenses to people who have graduated from an accredited or approved college of veterinary medicine but has not passed the licensing examination.

PROPERTY RIGHTS AND INTERESTSEVICCTIONS***Court Proceedings***

ACT 1052 (SB594) allows a defendant to retain possession of property if the defendant provides adequate security, as determined by the court, that is not less than the amount of the delinquent rent and any rent to accrue during the proceedings for unlawful detainer and forcible entry and detainer.

LANDLORDS AND TENANTS***Implied Residential Quality Standards***

ACT 1052 (SB594) provides implied residential quality standards for lease agreements and rental agreements. The act also provides that the implied residential quality standards are required at the time possession is delivered to the tenant and throughout the term of the lease agreement or rental agreement.

Residential Lease - Termination and Cancellation - Military

ACT 155 (SB165) extends the circumstances in which a soldier, an airman, or the spouse of a soldier or airman may terminate and cancel the lease for his or her primary residence to include when the soldier or airman is assigned to a permanent change of duty station that is located more than (50) miles from the primary residence or is discharged or released from active military service after at least one hundred eighty (180) continuous days of active military duty and under honorable conditions.

Right to Repair

ACT 1073 (HB1805) provides that a real property owner has the right to maintain the premises in good repair and to repair any defect or disrepair found on the premises owned by the real property owner.

Unlawful Detainer and Forcible Entry and Detainer - Court Proceedings

ACT 1052 (SB594) allows a defendant to retain possession of property if the defendant provides adequate security, as determined by the court, that is not less than the amount of the delinquent rent and any rent to accrue during the proceedings for unlawful detainer and forcible entry and detainer.

MORTGAGES AND LIENS***Fair Mortgage Lending Act***

ACT 531 (SB149) amends the Fair Mortgage Lending Act; modifies certain definitions under the Fair Mortgage Lending Act; clarifies the relationship between a loan officer and a mortgage broker or mortgage banker; regulates licensure requirements for entities involved in mortgage transactions; amends the duties of a licensee under the Fair Mortgage Lending Act; and clarifies the authority of the Securities Commissioner under the Fair Mortgage Lending Act.

PROPERTY RIGHTS AND INTERESTS

PERSONAL PROPERTY

Self-Service Storage Facility - Public Sale

[ACT 363](#) (HB1027) allows the operator of a self-service storage facility to advertise a public sale of personal property in a commercially reasonable manner.

REAL PROPERTY - GENERALLY

Agricultural Land Reporting

[ACT 1046](#) (SB312) requires a foreign person required to make a report to the United States Department of Agriculture under the Agricultural Foreign Investment Disclosure Act to also file a copy of the report with the Secretary of the Department of Agriculture.

Lien Notice

[ACT 984](#) (HB1835) provides that a residential contractor shall not have a lien upon the residential real estate if the residential contractor does not provide the owner of the residential real estate the required notice of lien.

Payment or Performance Bonds

[ACT 986](#) (HB1855) amends the law to require a payment bond in a sum equal to the amount of the contract for a public construction contract entered into by the state, subdivision of the state, school district, or local taxing unit in a sum exceeding fifty thousand dollars (\$50,000) or for a construction contract entered into by a church, religious organization, or charitable institution in a sum exceeding twenty thousand dollars (\$20,000). The act authorizes a party letting a real estate construction contract between private parties to require the contractor to furnish a payment bond for the benefit of all persons that can claim a lien and a performance bond for the benefit of the real estate owner. The act amends the law to provide that the person letting the construction contract, public construction contract, or real estate construction contract is not required to pay the contractor until the contractor files the payment bond with the circuit clerk and provides a file-marked copy of the payment bond to the person letting the contract.

Right to Repair

[ACT 1073](#) (HB1805) provides that a real property owner has the right to maintain the premises in good repair and to repair any defect or disrepair found on the premises owned by the real property owner.

REAL PROPERTY - TRANSFERS AND COVENANTS

Beneficiary Deed

[ACT 570](#) (HB1162) prohibits the Department of Human Services from making a claim for reimbursement of federal or state benefits against the interest acquired from a deceased recipient by a grantee of a beneficiary deed.

Eminent Domain - Administrative Warrant

[ACT 945](#) (SB334) authorizes the issuance of an administrative warrant from a judge or magistrate for a state agency to gain access to property to inspect a building for the purposes of establishing the basis for the use of eminent domain in the case of the remediation of a blighted property or for the possession of an abandoned property.

Eminent Domain - Cause of Action - Public Use

[ACT 945](#) (SB334) provides that the owner of private property may raise a defense or bring a cause of action in circuit court to determine whether his or her property is lawfully being taken as blighted or abandoned property or for public use, and a state agency has the burden of proof to show by a preponderance of the evidence that the private property is lawfully being taken for those purposes. The act establishes the definition of "public use" concerning the use of eminent domain by a state agency and exempts the Arkansas Department of Transportation from the burden of proving whether the taking of property is necessary to achieve a public use.

PROPERTY RIGHTS AND INTERESTS

REAL PROPERTY - TRANSFERS AND COVENANTS

Eminent Domain - Definition of "State Agency"

[ACT 1044](#) (SB706) amends the definition of "state agency" as established by Act 945 of 2021 in relation to the use of eminent domain by a state agency to remove the Arkansas Department of Transportation and the State Highway Commission.

Foreclosure Sale

[ACT 1108](#) (SB673) requires that any claims or defenses for the failure to strictly comply with the provisions of the Statutory Foreclosure Act of 1987 be asserted within thirty (30) days of the foreclosure sale to ensure the finality of sales. This act applies retroactively to March 31, 2011.

Power of Attorney

[ACT 356](#) (HB1455) amends the language used in the law concerning the conveyance of real property to change "letter of attorney" to "power of attorney".

Time-Share Interest

[ACT 733](#) (HB1834) amends the Arkansas Time-Share Act to regulate and facilitate the transfer of a time-share interest.

TECHNICAL CORRECTIONS - PROPERTY

Title 18

[ACT 477](#) (SB435) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 18 of the Arkansas Code.

UNCLAIMED PROPERTY

Deposit of Funds

[ACT 86](#) (HB1109) requires the Auditor of State to transfer to the general revenues of the state eighteen million dollars (\$18,000,000) from the remaining unclaimed property funds that have been collected and held for three (3) years, less the amount transferred to the State Central Services Fund.

Notice Requirements

[ACT 77](#) (SB84) repeals the requirement that a notice of lists of abandoned property contain a statement with the internet address of the Auditor of State's official website and the telephone number for the Auditor of State's office.

PUBLIC FINANCE

ACCOUNTING AND BUDGETARY PROCEDURES

Special Appropriation for Promotional Items

[ACT 664](#) (HB1806) allows state agencies to submit a request for a special appropriation for promotional items.

FEDERAL FUNDS

Unanticipated Discretionary Federal Funds

[ACT 446](#) (SB378) provides that, if the State of Arkansas receives unanticipated discretionary federal funds for the purposes of emergency management or disaster relief related to a statewide state of disaster emergency related to public health, the Legislative Council or Joint Budget Committee may request a detailed plan for the distribution and use of the funds before actual expenditures or obligations are incurred. The act requires the Legislative Council or Joint Budget Committee to review the detailed plan within thirty (30) days of its submission and prohibits the funds from being distributed, expended, or otherwise obligated unless the detailed plan is approved by the Legislative Council or Joint Budget Committee. The act declares an emergency and is effective on and after March 24, 2021.

PUBLIC FINANCE**FUNDS - SPECIAL REVENUE, TRUST, AND MISCELLANEOUS*****Agri Fair Fund***

ACT 700 (SB613) establishes a fair-funding program within the Department of Agriculture. The act repeals existing law regarding livestock shows and fairs and establishes the Agri Fair Fund.

Arkansas Construction Industry Craft Training Trust Fund

ACT 647 (SB491) allows the Arkansas Construction Industry Craft Training Trust Fund to be used to support youth apprenticeship or pre-apprenticeship construction trade programs in secondary vocational centers.

Arkansas Cultural Institutions Trust Fund

ACT 777 (SB402) establishes the Arkansas Cultural Institutions Trust Fund Act and the Arkansas Cultural Institutions Trust Fund to be used for major capital improvements at Arkansas cultural institutions. The act establishes the Arkansas Cultural Institutions Trust Fund Review Committee to review applications for grant funds and requires the Division of Arkansas Heritage to promulgate rules to implement the act.

Automotive Technologist Education Grant Fund

ACT 504 (HB1355) creates the Automotive Technologist Education Grant Program and Automotive Technologist Education Grant Fund to be administered by the Arkansas Motor Vehicle Commission with the recommendations of the Office of Skills Development and the Division of Higher Education. The act requires the program to be used to provide discretionary grants to career education programs with a focus on training in the automotive technology field.

Breast Milk Bank Special Fund

ACT 225 (HB1067) creates the Arkansas Breast Milk Bank and the Breast Milk Bank Special Fund.

Electric Vehicle Infrastructure Fund

ACT 781 (SB632) creates the Electric Vehicle Infrastructure Grant Program within the Department of Energy and Environment to provide grants to public and private entities for the construction, installation, and associated costs connected with the deployment of certain charging facilities and creates the Electric Vehicle Infrastructure Fund. The act declares an emergency and is effective on and after April 20, 2021.

Prison Construction Trust Fund

ACT 224 (HB1158) provides that certain funds in the Prison Construction Trust Fund shall be segregated, held, and upon the review and approval of the Secretary of the Department of Corrections and the Board of Corrections, used by the Arkansas Development Finance Authority solely to fund or to provide for the funding of the construction, purchasing, or equipping of certain detention facilities. The act declares an emergency and is effective on and after March 2, 2021.

Rainy Day Fund

ACT 288 (SB205) requires an expenditure, transfer, agreed-upon commitment, or other obligation of funds from the Rainy Day Fund to be reported by the Chief Fiscal Officer of the State to the cochairs of the Legislative Council or Joint Budget Committee. The act expires on the thirty-first day following the sine die adjournment of the regular session of the Ninety-Third General Assembly. The act declares an emergency and is effective on and after March 8, 2021.

PURCHASING AND CONTRACTS***Cooperative Purchasing Agreements - Approval***

ACT 488 (SB401) amends the law concerning the approval of cooperative purchasing agreements.

PUBLIC FINANCE

PURCHASING AND CONTRACTS

Preemption - Advisory Opinions - Notice of Protest - Response to Protest

ACT 793 (HB1853) amends the Arkansas Procurement Law concerning the preemption of other laws and the requirements for providing notice of a protest. The act also allows for the issuance of advisory opinions of the State Procurement Director and the submission of a response to a protest.

Professional Services Contracts

ACT 543 (SB30) requires professional services contracts entered into by the Division of Information Systems to be approved by the Secretary of the Department of Transformation and Shared Services with approval of the Legislative Council or Joint Budget Committee.

Protests - Deadline for Submission

ACT 487 (SB400) clarifies that the deadline for submitting a protest under the Arkansas Procurement Law is fourteen (14) calendar days after the calendar day on which the contract was awarded or the notice of anticipation to award was posted, whichever occurred first.

Public Improvement Contracts

ACT 440 (SB305) raises various amounts regarding the inspection and award of public works contracts to fifty thousand dollars (\$50,000) and defines when emergency contracting procedures may be used by counties and municipalities.

PUBLIC OFFICERS AND EMPLOYEES

APPOINTMENT AND HIRING

Vacant, Unused, or Unnecessary Positions

ACT 796 (HB1779) requires the Office of Personnel Management to annually identify each position authorized for the use of a state agency that has been vacant for two (2) or more years, prohibits a state agency from filling or otherwise utilizing such a position without the prior approval of the Legislative Council or Joint Budget Committee, and provides that a state agency shall not request the further authorization of a position identified by the Office of Personnel Management as having been vacant for two (2) years or more. The act allows a state agency to submit a request to the Office of Personnel Management that a position no longer required for the necessary and efficient operation of the state agency be terminated for the remainder of the fiscal year and identified as a position not requested for continued authorization at the pre-session budget hearings of the Legislative Council and Joint Budget Committee. The act also requires the Legislative Council to study employee position management, control, and efficiency to identify means by which the state can increase efficiency and transparency in state budgeting through the elimination of unnecessary or unused positions at executive branch agencies. The act declares an emergency and is effective on and after April 20, 2021.

ATTENDANCE AND LEAVE

Catastrophic Leave Program

ACT 573 (SB119) amends definitions within the Uniform Attendance and Leave Policy Act and amends the catastrophic leave program to allow certain non-executive branch state entities to establish independent catastrophic leave bank programs and to no longer participate in the established catastrophic leave bank program.

PUBLIC OFFICERS AND EMPLOYEES**ATTENDANCE AND LEAVE*****Critical-Need Employees***

ACT 378 (SB380) amends the Uniform Attendance and Leave Policy Act, including providing that the accumulated annual leave of a critical-need employee shall not exceed forty-five (45) days at the end of each calendar year; providing that the accumulated annual leave of an employee that exceeds the maximum allowed by law at the end of a calendar year shall generally be deposited into the catastrophic leave bank administered by the Office of Personnel Management; allowing a critical-need employee to receive a lump-sum payment for the liquidation of his or her unused annual leave, not to exceed forty-five (45) working days, inclusive of holidays, upon separation from the state agency; allowing a critical-need employee to receive a lump-sum payment for the value of certain annual leave accrued in excess of forty-five (45) days at the end of a calendar year if the employee's request to use the annual leave was denied in written or electronic form due to the staffing needs of the state agency; and authorizing a state agency to instruct a critical-need employee to use annual leave that will exceed forty-five (45) days on one (1) or more specified dates prior to the end of the calendar year. The act declares an emergency and is effective on and after March 17, 2021.

COMPENSATION AND BENEFITS***Classification and Compensation***

ACT 661 (HB1753) provides the classification of positions and amount of compensation for state employees; amends the law concerning the salary of specialized physician positions; allows state agencies to decrease an employee's pay; and amends the number of pool positions. The act declares an emergency and is effective on and after July 1, 2021.

Collective Bargaining Prohibited

ACT 612 (SB341) prohibits collective bargaining by public employees and prohibits public employees from striking, walking away from their duties, physically obstructing the activity or operation of a public employer, or physically impeding the operations of a public employer.

Higher Education Uniform Classification and Compensation

ACT 496 (SB345) amends the Higher Education Classification and Compensation Act, including revising the classification titles and assigned grades approved for the classification and compensation plan, revising the compensation plan for the setting of salaries and salary increases, amending the process for salary adjustments, and repealing a portion of law concerning information technology labor market rates. The act declares an emergency and is effective on and after July 1, 2021.

Payroll Distribution - ABLÉ Account Contributions

ACT 882 (HB1684) allows for the carry forward of contributions to an ABLÉ account in excess of the maximum amount of deductible contributions allowed under the Achieving a Better Life Experience Program Act and allows state employees to have a distribution made from their payroll deposit to an ABLÉ account. The act is effective for tax years beginning on and after January 1, 2021.

State and Public School Life and Health Insurance Board

ACT 1004 (SB693) abolishes the State and Public School Life and Health Insurance Board and transfers the duties and responsibilities to the State Board of Finance. The act declares an emergency and is effective on and after April 28, 2021.

State and Public School Life and Health Insurance Program - Contribution

ACT 654 (HB1766) increases the allowable state contribution to the State and Public School Life and Health Insurance Program to five hundred fifty dollars (\$550).

PUBLIC OFFICERS AND EMPLOYEES**ETHICS AND CONFLICTS OF INTEREST*****Fraudulent or Dishonest Acts***

ACT 367 (HB1238) modifies the Self-Insured Fidelity Bond Program concerning fraudulent or dishonest acts committed by state employees or officials and clarifies fidelity bond requirements under the Self-Insured Fidelity Bond Program.

Public Trust Crime

ACT 540 (SB490) provides that a person convicted of a public trust crime is ineligible as a candidate for a constitutional office, county elected office, or an elected office in a municipality, city, township, or other political subdivision of the state.

FEES***Records and Uniform Filing Fees***

ACT 982 (HB1824) clarifies the fees to be charged for recording certain types of deeds and instruments.

GENERALLY***Arkansas Sovereignty Act of 2021***

ACT 1012 (HB1957) provides that all acts, laws, orders, rules, and regulations of the United States Government that were enacted on or after January 1, 2021, that infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Arkansas Constitution, Article 2, § 5, are invalid in this state, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state. The act also provides that a public officer or employee of this state or a representative, agent, or employee of a municipality, a county, or the state, acting under the color of law, with all the rights, grants, and assignments of a law enforcement officer in the state, shall not enforce or assist federal agencies or officers in the enforcement of any federal statute, executive order, or federal agency directive that conflicts with Arkansas law. Further, the act does not prohibit or otherwise limit a state law enforcement officer, state employee, or employee of a political subdivision of the state from cooperating, communicating, or collaborating with a federal agency if the primary purpose is not law enforcement activity related to a federal ban or the investigation of a violation of a federal ban.

LIABILITY***Self-Insured Fidelity Bond Program***

ACT 367 (HB1238) modifies the Self-Insured Fidelity Bond Program concerning fraudulent or dishonest acts committed by state employees or officials and clarifies fidelity bond requirements under the Self-Insured Fidelity Bond Program.

NOTARIES PUBLIC***Remote Witnessing***

ACT 1047 (SB340) regulates the witnessing of certain documents by a notary public under the Arkansas Electronic Notary Public Act; allows for certain notarial acts to be recognized during a public emergency; and allows for remote witnessing of certain documents by a notary public under the Arkansas Electronic Notary Public Act. Section 1 of the act concerning the public emergency exceptions is retroactive to March 30, 2020, and is effective until Executive Order No. 21-07 expires or the Governor terminates the declared state of emergency under Executive Order No. 21-07 unless the declared state of emergency under Executive Order No. 21-07 is renewed by the Governor. The act declares an emergency and is effective on and after April 29, 2021.

PUBLIC OFFICERS AND EMPLOYEES

OATH OF OFFICE

District Court Judges

[ACT 424](#) (HB1424) provides that a district court judge may administer the oath of office to certain public officials.

TECHNICAL CORRECTIONS - PUBLIC OFFICERS AND EMPLOYEES

Title 21

[ACT 479](#) (SB437) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 21 of the Arkansas Code.

PUBLIC PROPERTY

PUBLIC BUILDINGS, FACILITIES, AND PROPERTY

Libraries - Debit Card and Credit Card Payments

[ACT 380](#) (SB127) provides that a library operated as an entity of the state, a county, or a municipality may accept a legal payment for fines, charges, donations, or purchases and any associated costs through a debit card or credit card in accordance with applicable state and federal law. The act provides that a library may enter into a contract with a debit card or credit card company and pay any fees normally charged by the debit card or credit card company for allowing the library to accept the debit card or credit card as payment. The act provides that when a payment is made through a debit card or credit card, the library shall assess a transaction fee equal to the amount charged to the library by the debit card company or credit card company, which may be added to the payment amount.

Pine Tree Research Station

[ACT 564](#) (HB1694) restricts the sale of the Pine Tree Research Station owned by the Board of Trustees of the University of Arkansas and requires the property to remain open to the public for public use. The act declares an emergency and is effective on and after April 5, 2021.

Signage - Birthplace of the Bowie Knife, Arkansas Heritage Site

[ACT 1056](#) (SB541) requires that the signage for the Birthplace of the Bowie Knife, Arkansas Heritage Site, be erected by December 31, 2021, and prescribes the design for the sign.

State Capitol - Protection

[ACT 1003](#) (SB553) creates the Arkansas State Capitol and Historical Monument Protection Act; prohibits the State Capitol from being vandalized, damaged, destroyed, or otherwise disturbed; prohibits a historical monument from being relocated, vandalized, damaged, destroyed, removed, altered, renamed, rededicated, or otherwise disturbed; creates a process to allow the relocation of a historical monument by application to the Arkansas History Commission; and creates a Class A misdemeanor and Class D felony for a violation. The act declares an emergency and is effective on and after April 28, 2021.

PUBLIC WORKS

Public Improvement Contracts

[ACT 440](#) (SB305) raises various amounts regarding the inspection and award of public works contracts to fifty thousand dollars (\$50,000) and defines when emergency contracting procedures may be used by counties and municipalities.

SALE OF PUBLIC PROPERTY

Adopt a Document Program - Repeal

[ACT 585](#) (HB1444) repeals the Adopt a Document Program administered by the Commissioner of State Lands.

PUBLIC PROPERTY

SALE OF PUBLIC PROPERTY

Extraction of Natural Resources

ACT 455 (HB1442) requires the Commissioner of State Lands to provide and maintain electronic hardware, software, and access for the granting of leases and permits for the taking of minerals, timber, and other resources and for the extraction of oil, natural gas, casinghead gas, coal, and other minerals. Sections 1 and 3 of the act concerning this requirement are effective on and after January 1, 2022.

Record of Sale

ACT 584 (HB1443) repeals the requirement that the Commissioner of State Lands keep a record of land sales.

Relocation Assistance Payments

ACT 808 (SB415) updates the federal law cited in reference to relocation assistance and payments.

TECHNICAL CORRECTIONS - PUBLIC PROPERTY

Title 22

ACT 480 (SB438) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 22 of the Arkansas Code.

RETIREMENT

LOCAL POLICE AND FIRE PENSION AND RELIEF FUNDS

Deferred Retirement Option Plan

ACT 73 (SB7) requires funds accumulated during a member's participation in the deferred retirement option plan to be distributed or annuitized by April 1 of the year following the calendar year in which a member becomes seventy-two (72) years of age. The act declares an emergency and is effective on and after July 1, 2021.

Qualified Plans

ACT 73 (SB7) requires distributions of benefits to begin no later than April 1 of the year following the calendar year during which the member becomes seventy-two (72) years of age or terminates employment with the employer, whichever is later. The act declares an emergency and is effective on and after July 1, 2021.

Underfunded Plans

ACT 347 (HB1008) provides that a firemen's relief and pension fund that provides benefits to volunteer members shall receive funding without meeting certain employer contribution requirements if the firemen's relief and pension fund is less than fifty percent (50%) funded as of the most recent actuarial valuation and is administered by the Arkansas Local Police and Fire Retirement System.

LOCAL POLICE AND FIRE RETIREMENT SYSTEM

Deferred Retirement Option Plan - Benefit Distribution

ACT 374 (SB5) requires all funds in the deferred retirement option plan to be distributed in a manner prescribed by the Board of Trustees of the Arkansas Local Police and Fire Retirement System no later than April 1 of the year following the calendar year in which the participant becomes seventy-two (72) years of age. The act declares an emergency and is effective on and after April 1, 2021.

RETIREMENT**LOCAL POLICE AND FIRE RETIREMENT SYSTEM*****Disability Retirement - Disability***

ACT 72 (SB4) requires approved duty disability retirement that is effective on or after April 1, 2021, to be classified as catastrophic duty disability, hazardous duty disability, or ordinary duty disability in accordance with the criteria in the rules for disability retirement established by the Board of Trustees of the Arkansas Local Police and Fire Retirement System. The act provides that, except for a disability retiree, a retiree who again becomes an employee of an employer covered by the system shall not be eligible to apply for or receive disability benefits if her or she becomes disabled. The act provides that an approved disability annuity shall be forfeited immediately if a retiree becomes employed in a position that has the retiree perform a duty that requires him or her to perform an emergency medical service function or that is similar to his or her former employment as a certified law enforcement officer, certified firefighter, or first responder. The act provides that when determining eligibility to apply for or receive a benefit under this section, workers' compensation laws, workers' compensation rules, opinions regarding workers' compensation, and determinations regarding workers' compensation shall not be considered. The act declares an emergency and is effective on and after April 1, 2021.

Employer Accumulation Accounts and Contributions

ACT 72 (SB4) provides that, beginning January 1, 2022, the Board of Trustees of the Arkansas Local Police and Fire Retirement System may add an additional amount to a paid service employer contribution to account for the cost of providing a disability benefit for each employee of the employer. The act provides that the employer contribution and any applicable penalty charged or assessed does not qualify for inclusion in funding with or the receipt of premium tax revenues. The act declares an emergency and is effective on and after April 1, 2021.

Forfeiture and Restoration

ACT 344 (HB1205) allows a retiree who participated in the Local Police and Fire Deferred Retirement Option Plan, retired early, or retired before January 1, 2020, to return to employment after he or she retires if the retiree was a retiree for at least ninety (90) days and either returns to employment with another covered employer or returns to employment in an entry-level position with the covered employer from which the retiree retired. The act provides that a retiree who returns to employment in a position appointed by a mayor, city manager, or city administrator is not required to return to employment in an entry-level position with the covered employer from which he or she retired.

Reciprocal Service Credit - Benefit Calculation

ACT 374 (SB5) provides that, for the purpose of reciprocal service credit under the Arkansas Local Police and Fire Retirement System, only an Arkansas statewide defined benefit retirement system that is qualified under the Internal Revenue Code is eligible. The act provides that, in determining the benefit amount, the system shall use credited service under the system, the benefit formula of the system, and the final average pay of the system. The act also provides that in determining the benefit amount, the system shall use the final average pay of the reciprocal system furnishing the highest final average pay at the time of retirement if the member has established reciprocity before April 1, 2021, and has member contributions on account with the system. The act declares an emergency and is effective on and after April 1, 2021.

RETIREMENT**LOCAL POLICE AND FIRE RETIREMENT SYSTEM*****Right to Benefit - Legal Process***

ACT 374 (SB5) provides that the right of a person to an annuity, the return of accumulated contributions, the annuity itself, any annuity option, any other right accrued or accruing, and all moneys belonging to a plan are unassignable and are not subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any claim or process of law. The act declares an emergency and is effective on and after April 1, 2021.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM***Board of Trustees of the Arkansas Public Employees' Retirement System - Membership***

ACT 686 (HB1298) requires the three (3) nonstate employee trustees appointed by the Governor to consist of at least one (1) currently elected county judge and at least one (1) mayor. The act adds four (4) additional members to the Board of Trustees of the Arkansas Public Employees' Retirement System who are required to be retired from employment covered by the Arkansas Public Employees' Retirement System. The act provides that two (2) of the four (4) additional members shall be appointed by the President Pro Tempore of the Senate and the remaining two (2) shall be appointed by the Speaker of the House of Representatives. The act provides that two (2) of the four (4) new members shall be retired law enforcement officers who are not retired members of the State Police Retirement System.

Border Municipal Airport Authority

ACT 519 (HB1282) provides that "nonstate employees" under the Arkansas Public Employees' Retirement System includes border municipal airport employees. The act provides that "participating public employer" includes a border municipal airport authority and defines "border municipal airport authority" under the system.

Collection of Debts and Overpayments - Setoff Against Tax Refunds

ACT 281 (HB1352) provides that the definition of "claimant agency" as applicable to setoffs against state tax refunds includes the Arkansas Public Employees' Retirement System. The act provides that the definition of "debt" as applicable to setoffs against state tax refunds includes any overpayment of a monthly benefit or lump sum from the Arkansas Public Employees Retirement System. The act declares an emergency and is effective on and after March 8, 2021.

Deferred Retirement Option Plan - Duration of Participation

ACT 518 (HB1281) provides that the duration of participation in the Arkansas Public Employees' Retirement System Deferred Retirement Option Plan shall not exceed ten (10) years. The act declares an emergency and is effective on and after March 31, 2021.

Final Average Compensation

ACT 370 (HB1346) provides that for a member first hired by an Arkansas Public Employees' Retirement System-covered employer on or after July 1, 2022, the average of the five (5) highest annual compensations paid to the member during a completed fiscal year of credited service with a public employer shall determine the final average compensation to be used to determine the member's monthly retirement benefit. The act provides that, for a member first hired by a system-covered employer before July 1, 2022, the average of the three (3) highest annual compensations paid during a completed fiscal year of credited service with a public employer determines the final average compensation to be used in determining a member's monthly retirement benefit.

RETIREMENT**PUBLIC EMPLOYEES' RETIREMENT SYSTEM*****Member Contributions - Increase***

ACT 365 (HB1348) provides that, beginning July 1, 2022, and continuing each following fiscal year, the contribution rate under the Arkansas Public Employees' Retirement System shall be increased in increments of twenty-five hundredths of one percent (0.25%) per fiscal year. The act provides that an increase in the contribution rate shall not result in a contribution rate greater than seven percent (7%).

Redetermination of Benefits

ACT 366 (HB1347) provides that, for a person who is first hired by an Arkansas Public Employees' Retirement System-covered employer on or after July 1, 2022, and retires under the eligibility requirements of the system, the redetermined benefit amount shall be the amount of the monthly benefit otherwise payable as of the immediately preceding July 1 increased by a cost-of-living adjustment. The act prohibits the redetermined benefit amount of the monthly benefit to be paid to the person from being less than the redetermined benefit amount of the monthly benefit paid to the person in the preceding year.

Termination Period

ACT 20 (SB162) provides that the one-hundred-eighty-day required termination period does not apply to a member of the Arkansas Public Employees' Retirement System who returns to temporary employment with the House of Representatives, the Senate, the Bureau of Legislative Research, Arkansas Legislative Audit, or the Arkansas Code Revision Commission during a regular session, fiscal session, or special session in a session-only position requiring specialized institutional knowledge and experience. The act declares an emergency and is effective on and after February 2, 2021.

Volunteer Firefighters and Police Officers

ACT 687 (HB1274) amends the definition of "employee" as it applies to the Arkansas Public Employees' Retirement System to include a person who otherwise meets the definition of "employee" in a position covered by the Arkansas Public Employees' Retirement System while also serving as a volunteer firefighter or volunteer police officer in a separate position covered by the Arkansas Local Police and Fire Retirement System.

RETIREMENT SYSTEMS - GENERALLY***Reciprocal Service Credit***

ACT 711 (HB1325) clarifies the law concerning reciprocal service credit among the public employment retirement systems. The act declares an emergency and is effective on and after July 1, 2021.

STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM***Average Compensation***

ACT 149 (SB104) amends the definition of "average compensation" as it applies to the Arkansas State Highway Employees' Retirement System. The act provides that for an active member on June 30, 2021, "average compensation" shall not be less than the average of the highest annual compensation paid to the member during any period of the thirty-six (36) consecutive months of creditable service calculated as of June 30, 2021. The act declares an emergency and is effective on and after July 1, 2021.

RETIREMENT**STATE HIGHWAY EMPLOYEES' RETIREMENT SYSTEM*****Benefit Increase - Deferred Retirement Option Plan Participation***

ACT 150 (SB106) provides that a member beginning participation in the Arkansas State Highway Employees' Deferred Retirement Option Plan after June 30, 2021, is ineligible to receive an additional amount added to his or her annuity to offset the cost of health insurance and health care. The act provides that a member participating in the plan shall be eligible to receive an additional amount added to his or her annuity to offset the cost of health insurance and health care if the member ceases participation in the plan, the member terminates his or her employment with the Arkansas Department of Transportation, and annuity benefit payments to the member begin. The act declares an emergency and is effective on and after July 1, 2021.

Deferred Retirement Option Plan - Employer and Employee Contributions

ACT 138 (SB103) provides that, beginning on July 1, 2021, the state shall remit contributions to the Arkansas State Highway Employees' Retirement System for a member participating in the Arkansas State Highway Employees' Deferred Retirement Option Plan in an amount equal to the employer contribution for an active employee. The act provides that, for an employee hired before July 1, 2021, the employee contribution to the Arkansas State Highway Employees' Retirement System shall cease upon beginning participation in the plan. The act also provides that, for an employee hired after June 30, 2021, the employee shall be required to remit member contributions to the system in an amount equal to the current active employee contribution rate upon beginning participation in the plan. The act requires an employee hired after June 30, 2021, to contribute the current member contribution rate for active members to the system. The act declares an emergency and is effective on and after July 1, 2021.

Employer Contributions Rate - Approval

ACT 137 (SB102) requires that the employer contribution rate proposed by the Board of Trustees of the Arkansas State Highway Employees' Retirement System be approved by the State Highway Commission.

Survivor Annuity Benefits - Marriage Eligibility Requirement

ACT 139 (SB105) allows an annuity to be paid to a surviving beneficiary if the beneficiary was the retiree's spouse for at least one (1) year immediately preceding the first payment due date of the retired member's annuity. The act declares an emergency and is effective on and after July 1, 2021.

STATE POLICE RETIREMENT SYSTEM***Benefits - Tier I***

ACT 415 (HB1343) provides that, upon retirement, a member of Tier I of the State Police Retirement System shall receive a straight life pension equal to one and sixty-six-hundredths percent (1.66%) of his or her final average compensation multiplied by the number of years and any fraction of a year of his or her credited service.

Benefits - Tier II

ACT 415 (HB1343) provides that, upon retirement, a member of Tier II of the State Police Retirement System shall receive a straight life pension equal to two and sixty-five-hundredths percent (2.65%) of the member's final average compensation multiplied by the number of years and any fraction of a year of his or her service.

Board of Trustees - Membership

ACT 415 (HB1343) provides that one (1) active or retired member enrolled in the Tier I benefits program shall be a member of the Board of Trustees of the State Police Retirement System.

RETIREMENT**STATE POLICE RETIREMENT SYSTEM*****Eligibility for Deferred Retirement, Voluntary Retirement, and Benefits - Tier I***

ACT 415 (HB1343) allows any member who has acquired at least five (5) years but less than twenty-eight (28) years of actual service and has attained age sixty-five (65) to retire upon written application filed with the Board of Trustees of the State Police Retirement System. The act allows any member who acquired twenty-eight (28) or more years of actual service to retire at any age upon written application filed with the board. The act provides that, for members with less than twenty-eight (28) actual years of service, the age sixty-five (65) requirement shall be reduced by one (1) month for every two (2) months of public safety credit but in no event to an age younger than fifty-two (52). The act allows a member of Tier I of the State Police Retirement System who has at least twenty-eight (28) years of credited service and who is eligible to receive a service retirement pension to elect to participate in the Arkansas State Police Officers Deferred Retirement Option Plan.

Eligibility for Deferred Retirement, Voluntary Retirement, and Benefits - Tier II

ACT 415 (HB1343) allows a member who has acquired at least five (5) years but less than twenty-eight (28) years of credited service and has attained age sixty-five (65) to retire upon his or her written application filed with the Board of Trustees of the State Police Retirement System. The act allows any member who has acquired twenty-eight (28) or more years of credited service to retire at any age upon his or her written application filed with the board. The act provides that, for members with less than twenty-eight (28) credited years of service, the age sixty-five requirement shall be reduced by seventy-five hundredths (0.75) of a month for each credited month of service but in no event to an age younger than fifty-five (55). The act allows a state police officer to elect to participate in the Arkansas State Police Officers' Tier Two Deferred Retirement Option Plan and defer the receipt of benefits if the state police officer has at least twenty-eight (28) years of actual service as a member of the State Police Retirement System's Tier Two Benefit Plan, including service credit a member earns after April 3, 1997, as a member of the plan and the member's service credit from a reciprocal retirement system.

Employer Contributions

ACT 415 (HB1343) requires the Division of Arkansas State Police, as an employer, to make contributions to the State Police Retirement System of twenty-six percent (26%) of active member payroll.

Tier Two Deferred Retirement Option Plan

ACT 280 (HB1350) provides that a state police officer may elect to participate in the Arkansas State Police Officers' Tier Two Deferred Retirement Option Plan and defer the receipt of benefits if the state police officer has at least thirty (30) years of actual service as a member of the State Police Retirement System's Tier Two Benefit Plan, including service credit a member earns after April 3, 1997, as a member of the plan and the member's service credit from a reciprocal retirement system. The act repeals the definition of "actual service" as it relates to the plan. The act declares an emergency and is effective on and after July 1, 2021.

TEACHER RETIREMENT SYSTEM***Alternate Retirement Plan***

ACT 545 (SB235) amends the definition of "alternate retirement plan" as it applies to the Arkansas Teacher Retirement System to include retirement plans based on the purchase of contracts approved by the Career Education and Workforce Development Board before July 1, 2019.

RETIREMENT**TEACHER RETIREMENT SYSTEM*****Annuity Benefit - Distribution to Beneficiary Spouse***

ACT 279 (HB1326) provides that the distribution of a former member's benefits under the Arkansas Teacher Retirement System shall be made or begun by April 1 of the calendar year following the later of the calendar year in which the member attains age seventy-two (72) or the calendar year in which the member retires. The act declares an emergency and is effective on and after July 1, 2021.

Contributory Member Designation

ACT 443 (SB232) provides that, effective July 1, 2021, regardless of an earlier election to be a noncontributory member of the Arkansas Teacher Retirement System, an active member whose status later changes from nonteacher status to administrator or teacher status under a contract for one hundred eighty-five (185) days or more shall become a contributory member of the Arkansas Teacher Retirement System. The act provides that, effective July 1, 2021, a member under contract with a covered employer for one hundred eighty-five (185) days or more shall be a contributory member of the system. The act provides that a member under contract with a covered employer for one hundred eighty-four (184) days or less may make an irrevocable election to become a contributory member of the system. The act declares an emergency and is effective on and after July 1, 2021.

Deferred Retirement Option Plan - Residue Calculation

ACT 279 (HB1326) provides for the calculation of a deceased Teacher Deferred Retirement Option Plan participant's residue that would have been paid. The act declares an emergency and is effective on and after July 1, 2021.

Delinquent Employer - Compelling of Payments

ACT 220 (HB1320) provides that if an employer fails to remit moneys that are required by law or rule to the Arkansas Teacher Retirement System by the date and at the frequency established by the Board of Trustees of the Arkansas Teacher Retirement System, the system shall impose an interest penalty equal to the actuarially assumed rate of return on investments of the Arkansas Teacher Retirement System Fund in the form of interest applied on an annual basis to the moneys due. The act provides that, beginning on July 1, 2022, the member and employer contributions made by an employer shall be reported electronically by the employer through the Arkansas Teacher Retirement System portal and paid by the employer through electronic transfer. The act provides that an employer shall submit a written request for a temporary waiver to the board by July 1, 2022, when the employer is unable to report contributions electronically through the Arkansas Teacher Retirement System or pay contributions to the Arkansas Teacher Retirement System by electronic transfer. The act provides that a request for a temporary waiver shall include a timeline for when the employer will be able to comply with the payment and reporting requirements under this section.

Disability Retirement

ACT 223 (HB1279) provides that a favorable determination letter from the Social Security Administration finding that a member of the Arkansas Teacher Retirement System is unable to perform his or her current work duties creates a rebuttable presumption that the member qualifies to receive disability retirement benefits. The act provides that if the medical committee finds that a member is not qualified to receive disability benefits, the member may request a second review if the member submits additional medical documentation. The act provides that, after being determined eligible to receive disability retirement benefits, a member's application for disability retirement is void unless the member submits all documents and election forms required to begin annuity payments or an extension is granted by the Arkansas Teacher Retirement System.

RETIREMENT**TEACHER RETIREMENT SYSTEM*****Early Retirement - Annuity Percentage Decrease***

ACT 279 (HB1326) establishes the calculation used to determine the percent decrease of an annuity following voluntary early retirement under the Arkansas Teacher Retirement System. The act declares an emergency and is effective on and after July 1, 2021.

Early Retirement - Special Allowances

ACT 425 (HB1299) prohibits the amount of special allowances for any institution of higher education from exceeding, in the aggregate during any fiscal year, an amount equal to five percent (5%) of the aggregate paid for personnel costs during the preceding fiscal year for the institution.

Final Average Salary

ACT 221 (HB1319) provides that the final average salary used to calculate a retirement benefit is the highest salary at the time of retirement of the Arkansas Teacher Retirement System or any reciprocal system in which the member has at least two (2) years of service credit. The act provides that employer- and employee-accrued contributions attributable to the concurrent service may be refunded to the employer and member. The act declares an emergency and is effective on and after March 2, 2021.

Final Average Salary - Calculation

ACT 279 (HB1326) establishes the applicable number of highest salary service year salaries used in calculating the final average salary when a member of the Arkansas Teacher Retirement System has at least the minimum number of years of credited service required for the final average salary formula. The act declares an emergency and is effective on and after July 1, 2021.

Final Average Salary - Compensation for Accumulated Unused Sick Leave

ACT 189 (HB1339) repeals the law providing that compensation for accumulated unused sick leave under this section shall not be used by the Arkansas Teacher Retirement System in calculating the final average salary.

General Omnibus

ACT 279 (HB1326) amends various provisions of Title 24 of the Arkansas Code concerning the Arkansas Teacher Retirement System. The act declares an emergency and is effective on and after July 1, 2021.

Member Contributions - Refund

ACT 279 (HB1326) provides that if a member of the Arkansas Teacher Retirement System discontinues covered employment and does not plan to be rehired by a covered employer, the member may elect to be paid a refund of his or her contributions and regular interest credited to the member's deposit account within six (6) months following the date the member's written application is filed with the Arkansas Teacher Retirement System. The act declares an emergency and is effective on and after July 1, 2021.

RETIREMENT**TEACHER RETIREMENT SYSTEM*****Reciprocal Service Credit - Alternate Retirement Plan***

ACT 427 (HB1275) defines "alternate retirement plan" as it applies to the Arkansas Teacher Retirement System and provides that reciprocal service earned from participation in an alternate retirement plan shall be used only if the member's contributions to the alternate retirement plan have not been withdrawn in full or in part from the alternate retirement plan by the member. The act provides that a withdrawal made by the member from an alternate retirement plan after the member attains fifty-nine and one-half (59 1/2) years of age or an eligible rollover transaction under the Internal Revenue Code does not prevent a member from establishing reciprocal service in an alternate retirement plan. The act provides that the use of reciprocal service may be restored by repaying to an alternate retirement plan a withdrawal made from the alternate retirement plan by the member before the member attained fifty-nine and one-half (59 1/2) years of age, if allowed by the alternate retirement plan. The act prohibits a salary earned from participation in an alternate retirement plan from being used in the final average salary calculated by the system. The act declares an emergency and is effective on and after March 23, 2021.

Service Credit - Cancellation of Contributory Service Credit

ACT 190 (HB1340) allows contributory service credit in the Arkansas Teacher Retirement System to be converted to noncontributory service credit for the fiscal year for which there is a member contribution balance due to the system if the member who owes the member contribution balance elects to have the system convert the contributory service credit rather than pay the balance due. The act also repeals provisions of the law concerning unreported service. The act declares an emergency and is effective on and after July 1, 2021.

Service Credit - Contract Buyouts, Settlements, and Judgments

ACT 279 (HB1326) prohibits a member from accumulating service credit in the Arkansas Teacher Retirement System during the time that payments under a contract buyout agreement, settlement, claim, judgment, arbitration award, decree, or court-order are paid to the member by the employer unless the member continues to work on-site for the employer or the service credit or additional salary is purchased. The act provides that an employer shall provide a copy of a settlement agreement or court order to the system so that the system can calculate the cost to purchase service credit, additional salary, or both service credit and additional salary. The act requires the system to allow a member or employer to purchase service credit, or additional salary, or both, for the member for either service credit the member would have earned but for termination or salary that would have been paid but for employment discrimination to resolve a claim of wrongful termination or employment discrimination that results in a settlement agreement or court order. The act requires that service credit earned by a member from an employer from the date of termination by an employer to the date of the settlement agreement or court order be subtracted from the amount of service credit allowed for purchase. The act provides that the cost to purchase service credit, additional salary, or both shall be established using the actuarial equivalent as calculated by the system using the member's service history at the time of the purchase. The act declares an emergency and is effective on and after July 1, 2021.

Service Credit - National Guard and Armed Forces

ACT 279 (HB1326) requires service in the National Guard or armed forces reserve service to be credited to the year in which it was rendered even if the member of the Arkansas Teacher Retirement System has concurrent service with a covered employer. The act declares an emergency and is effective on and after July 1, 2021.

RETIREMENT**TEACHER RETIREMENT SYSTEM*****Service Credit Purchase***

ACT 279 (HB1326) requires all payments for service credit purchases to be received by the Arkansas Teacher Retirement System before the member's first annuity installment or T-DROP deposit occurs. The act declares an emergency and is effective on and after July 1, 2021.

Summer Work Program - Youth Participants

ACT 691 (HB1300) provides that the term "employee" does not include a participant in a summer work program whose compensation is disbursed by a covered employer through an agreement with an administrator of a summer work program to serve as a pass-through fiscal agent if the participant is enrolled in a secondary public school as a student, employed for a period between the first day of June and the last day of August, and participating in a program in which the covered employer is acting as a pass-through fiscal agent. The act provides that, at the request of the Arkansas Teacher Retirement System, a covered employer shall provide the system with a memorandum of understanding, partnership agreement, or another similar document related to the covered employer's actions as a pass-through fiscal agent for the described summer work program participants. The act provides that a covered employer who acts as a pass-through fiscal agent is not required to report the described summer work program participants as employees for purposes of the system.

Termination of Active Membership

ACT 290 (SB174) prohibits a member from being terminated from employment for purposes of retirement eligibility if, within six (6) calendar months of the member's effective date of retirement, the member becomes employed with a covered employer and has not attained normal retirement age. The act amends the definition of "normal retirement" as applicable to the Arkansas Teacher Retirement System. The act is effective on and after September 1, 2021.

Voluntary Retirement - Beginning Date of Annuity

ACT 279 (HB1326) provides that, if a member has accrued a full year of service credit for a fiscal year, the annuity shall not begin earlier than July 1 after the fiscal year ends unless the Board of Trustees of the Arkansas Teacher Retirement System adopts by rule or resolution an earlier beginning date for all members whose retirement will not result in a reduction of classroom teachers. The act declares an emergency and is effective on and after July 1, 2021.

STATE AGENCIES, BOARDS, AND COMMISSIONS**ADMINISTRATIVE RULES - GENERALLY*****Administrative Procedure Act - Exemption***

ACT 704 (SB288) provides a limited exemption to the rule promulgation procedure for a state entity not subject to the Arkansas Administrative Procedure Act to allow the state entity the ability to make name changes and to remove the term "regulation" from rules by filing the amended rules with the Secretary of State and submitting a letter to the Legislative Council without legislative review or approval.

STATE AGENCIES, BOARDS, AND COMMISSIONS**ADMINISTRATIVE RULES - GENERALLY*****Adoption of Required Rules***

ACT 595 (HB1720) amends Arkansas law concerning the review of newly enacted laws and the adoption of required rules, including requiring the Bureau of Legislative Research to file a report with the Legislative Council identifying the rules specifically required by newly enacted laws; requiring the executive head of an agency or his or her designee to provide monthly written updates to the Legislative Council or its appropriate subcommittee concerning its progress in promulgating a required rule; requiring the executive head of an agency or his or her designee to appear before the Legislative Council or its appropriate subcommittee on a monthly basis if a required rule has not been filed for adoption by June 1 of the year following a regular session of the General Assembly; providing that an agency is not required to appear before the Legislative Council or its appropriate subcommittee if a newly enacted law requiring a rule is the subject of litigation; and establishing a process that an agency may follow if it believes a rule is not necessary for the operation of a newly enacted law that requires the adoption of a rule.

Code of Arkansas Rules

ACT 64 (HB1216) revises certain laws concerning administrative rules to allow for the development of the Code of Arkansas Rules, including requiring the Bureau of Legislative Research to replace certain inappropriate terms regarding individuals with disabilities with respectful language; providing that the definition of a rule under the Arkansas Administrative Procedure Act does not include a technical correction made by the Bureau of Legislative Research through a process created in the act, a form developed by an agency to implement or interpret a rule unless the promulgation of the form as a rule is required by law, or the addition of formatting to one (1) or more rules in order to create a handbook, manual, pamphlet, or other similar publication; requiring the Bureau of Legislative Research to complete the codification of the Code of Arkansas Rules by January 1, 2024; and allowing the Legislative Council to extend the deadline for completion of the Code of Arkansas Rules.

Fee or Penalty

ACT 1101 (HB1937) provides that a committee or subcommittee of the General Assembly does not have to state specific grounds if the committee or subcommittee does not approve a rule containing a fee or penalty and requires an agency assessing or imposing a fee or penalty to promulgate the fee or penalty by rule.

Report, Sunset, Extension, and Repeal of Rules

ACT 65 (HB1217) concerns the extension and repeal of administrative rules. The act amends the process for the systematic review of agency rules by providing that the Legislative Council shall evaluate agency rules in six (6) rule review groups over a twelve-year period, with one (1) rule review group evaluated every two (2) years and each rule review group being reevaluated every twelve (12) years. The act provides for the expiration of agency rules unless the rules are extended or repealed by the Legislative Council and provides that if an agency fails to submit its required rule report for the evaluation, its rules shall expire. The act also establishes a mechanism for an agency to repeal a rule that does not meet the definition of a rule in an expedited fashion and provides that the repeal of a rule through the expedited mechanism is effective immediately and not subject to the Arkansas Administrative Procedure Act.

STATE AGENCIES, BOARDS, AND COMMISSIONS**AGRICULTURE*****Meat Inspection***

ACT 418 (HB1315) creates a State Meat Inspection Program to inspect slaughtered livestock, livestock carcasses, parts of livestock carcasses, meat, and meat food products processed from livestock slaughtered for human food within the state; creates the State Meat Inspection Program Fund; amends the Arkansas Meat and Meat Products Inspection Act and the Arkansas Meat and Meat Products Certification Act; and transfers authority over meat inspection to the Department of Agriculture. The act declares an emergency and is effective on and after March 23, 2021.

Ouachita River Commission

ACT 928 (HB1726) transfers the Ouachita River Commission from the Department of Agriculture to the Department of Parks, Heritage, and Tourism. The act declares an emergency and is effective on and after July 1, 2021.

Plant Industries

ACT 557 (HB1679) amends laws related to plant industries regarding pesticide control, fertilizer registration, and lime vendor licensing by moving certain duties to the Department of Agriculture from the State Plant Board and eliminating the lime vendor license.

Unpaved Roads Program

ACT 901 (SB637) amends the Arkansas Unpaved Roads Program Act to transfer duties to the Department of Agriculture and to authorize the department to promulgate rules and award grant funds.

ARKANSAS HOME INSPECTOR REGISTRATION BOARD***Repealed Obsolete Language***

ACT 492 (SB185) repeals obsolete language concerning the powers and duties of the Arkansas Home Inspector Registration Board and the Arkansas Home Inspectors Registration Fund.

ARKANSAS REHABILITATION SERVICES***Forgiveness of Student Loan Program***

ACT 282 (HB1200) amends the Arkansas Rehabilitation Services Forgiveness of Student Loan Program to clarify requirements for eligibility and places limitations on payments under the program, including the total payments to all employees per fiscal year.

BAIL BONDS***Board Changes***

ACT 1033 (SB641) amends the membership of the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board.

CAPITOL ARTS AND GROUNDS***Membership and Duties***

ACT 696 (HB1730) amends the membership and duties of the Capitol Arts and Grounds Commission and allows the commission to promulgate rules under the Arkansas Administrative Procedure Act.

CEMETERIES***Embalmers and Funeral Directors***

ACT 396 (HB1140) modifies the law concerning embalmers and funeral directors; allows for remote classroom instruction for continuing education for a funeral director; and clarifies that the notice required for construction of a crematorium is sufficient if the notice is published in the newspaper's print edition or digital edition, or both.

STATE AGENCIES, BOARDS, AND COMMISSIONSCEMETERIES***Perpetually Maintained Cemeteries***

ACT 731 (HB1141) amends the Cemetery Act for Perpetually Maintained Cemeteries; adds burial parks or mausoleums to the definition of "cemetery"; defines "properly maintained"; clarifies that a survey or map is required for a cemetery that has at least ten (10) acres of land; requires that an individual of the cemetery company be designated to be responsible for the permit application; adds columbarium to the application process; changes the requirements of the maintenance fund and the trustees of the maintenance fund; and amends the requirements for disbursement of the Insolvent Cemetery Loan Fund.

CLAIMS AGAINST THE STATE***Indemnification***

ACT 613 (HB1775) clarifies that direct supervision by a state official or employee is necessary for the state to be required to provide indemnification for certain actions of local governments and their employees.

Representation by an Attorney

ACT 494 (SB281) provides that representation by an attorney licensed to practice law in this state before the Arkansas State Claims Commission is not required if the amount of money at issue is less than two thousand dollars (\$2,000) or if the claim is an uncontested claim for the reissuance of a warrant for the refund of a liquor license permit application fee.

EDUCATION - PUBLIC***Secretary's Designees to Boards and Commission***

ACT 321 (SB63) provides the Secretary of the Department of Education may appoint a designee to appear on behalf of the secretary at a meeting of a board or commission of which the secretary is a member in his or her official capacity as secretary. The act provides that the designee of the secretary may vote on the secretary's behalf.

EMERGENCY MANAGEMENT***Arkansas Continuity of Operations Program***

ACT 70 (SB128) requires the Division of Emergency Management to administer the Arkansas Continuity of Operations Program, which assists state departments, boards, and commissions in developing, maintaining, and testing emergency operations plans.

EMPLOYEES - GENERALLY***Critical-Need Employees***

ACT 378 (SB380) amends the Uniform Attendance and Leave Policy Act, including providing that the accumulated annual leave of a critical-need employee shall not exceed forty-five (45) days at the end of each calendar year; providing that the accumulated annual leave of an employee that exceeds the maximum allowed by law at the end of a calendar year shall generally be deposited into the catastrophic leave bank administered by the Office of Personnel Management; allowing a critical-need employee to receive a lump-sum payment for the liquidation of his or her unused annual leave, not to exceed forty-five (45) working days, inclusive of holidays, upon separation from the state agency; allowing a critical-need employee to receive a lump-sum payment for the value of certain annual leave accrued in excess of forty-five (45) days at the end of a calendar year if the employee's request to use the annual leave was denied in written or electronic form due to the staffing needs of the state agency; and authorizing a state agency to instruct a critical-need employee to use annual leave that will exceed forty-five (45) days on one (1) or more specified dates prior to the end of the calendar year. The act declares an emergency and is effective on and after March 17, 2021.

STATE AGENCIES, BOARDS, AND COMMISSIONS**EMPLOYEES - GENERALLY*****Equal Employment Hiring Program - Language***

ACT 88 (HB1121) provides consistent language for use by all state entities, including state departments, agencies, boards, and commissions, regarding the equal employment hiring program.

Vacant, Unused, or Unnecessary Positions

ACT 796 (HB1779) requires the Office of Personnel Management to annually identify each position authorized for the use of a state agency that has been vacant for two (2) or more years, prohibits a state agency from filling or otherwise utilizing such a position without the prior approval of the Legislative Council or Joint Budget Committee, and provides that a state agency shall not request the further authorization of a position identified by the Office of Personnel Management as having been vacant for two (2) years or more. The act allows a state agency to submit a request to the Office of Personnel Management that a position no longer required for the necessary and efficient operation of the state agency be terminated for the remainder of the fiscal year and identified as a position not requested for continued authorization at the pre-session budget hearings of the Legislative Council and Joint Budget Committee. The act also requires the Legislative Council to study employee position management, control, and efficiency to identify means by which the state can increase efficiency and transparency in state budgeting through the elimination of unnecessary or unused positions at executive branch agencies. The act declares an emergency and is effective on and after April 20, 2021.

FINANCE AND ADMINISTRATION (DFA)***Appointment of Director of Tobacco Control***

ACT 917 (SB597) amends the law to allow the Secretary of the Department of Finance and Administration, rather than the Governor, to employ the Director of Arkansas Tobacco Control.

Waiver of Ad Valorem Taxes on Utilities and Carriers

ACT 719 (HB1043) creates a ten-year statute of limitations on the collection of certain ad valorem taxes on utilities and carriers and authorizes the Secretary of the Department of Finance and Administration to waive ad valorem taxes and penalties assessed on utilities and carriers in certain circumstances.

GENERALLY***Boards and Commissions - Review by Joint Performance Review Committee***

ACT 276 (HB1356) provides a process for the evaluation of state boards and commissions; allows the suspension of a state board or commission if no report has been submitted; and establishes a process for the Joint Performance Review Committee to recommend that a state board or commission be abolished.

Business Protections Related to COVID-19

ACT 401 (SB254) provides that businesses are not liable to the Department of Health or other state agencies for the behavior of patrons or customers during the coronavirus 2019 (COVID-19) public health emergency. The act declares an emergency and is effective on and after March 18, 2021.

COVID-19 Vaccine Passports Prohibited

ACT 1030 (SB615) prohibits the requirement of vaccine passports in Arkansas.

Display of National Motto

ACT 410 (HB1654) requires the national motto to be displayed in buildings maintained or operated by taxpayer funds.

STATE AGENCIES, BOARDS, AND COMMISSIONSGENERALLY***Mandatory Face Coverings - Ended and Prohibited***

ACT 1002 (SB590) ends mandatory face covering requirements not imposed by a private business or state-owned or state-controlled healthcare facility and prohibits a state agency or entity, political subdivision of the state, or a state or local official from mandating a face mask, face shield, or other face covering.

Nonprofit Entities- Personal Information

ACT 1021 (SB535) creates the Government Interaction with Nonprofit Entities Act, which limits the regulation and reporting requirements of nonprofit organizations by a state agency and protects personal information of nonprofit entities.

Prohibition on Mandatory COVID-19 Vaccine Requirement

ACT 977 (HB1547) prohibits the state, a state agency or entity, and a political subdivision of the state from mandating a vaccine or immunization for coronavirus 2019 (COVID-19) and governs requirements for a vaccine or immunization for coronavirus 2019 (COVID-19) in certain situations when approved by Legislative Council. The act declares an emergency and is effective on and after April 28, 2021.

Propagation of Divisive Concepts - Prohibition

ACT 1100 (SB627) prohibits the propagation or teaching of divisive concepts by a state entity and creates a mechanism to review training by state entities to ensure the fair and equal treatment of individuals in the state workplace. The act is effective on and after January 1, 2022.

Public Service Internship Program

ACT 379 (SB118) creates the Arkansas Public Service Internship Program, which will allow students to intern with cabinet-level departments to obtain experience in state government, and requires the Office of Personnel Management to develop a curriculum and activities for the program. The act declares an emergency and is effective on and after March 17, 2021.

Report to Legislative Council

ACT 413 (HB1480) requires each secretary of a cabinet-level department to provide an oral report to Legislative Council before November 1 of each odd-numbered year concerning the state of the department.

Special Appropriation for Promotional Items

ACT 664 (HB1806) allows state agencies to submit a request for a special appropriation for promotional items.

Taxpayer Funds Used for Advertisement

ACT 1043 (SB691) requires all advertisements that feature the image of an elected official to contain a disclaimer stating if the communication or advertisement is paid for with taxpayer funds.

Taxpayer Resource Transaction - Prohibited

ACT 561 (HB1589) prohibits a governmental entity from entering into a taxpayer resource transaction with an abortion provider or an affiliate of an abortion provider.

HEALTH***Controlled Substance Scheduling by the Department of Health***

ACT 514 (HB1619) provides that a prescription drug approved by the United States Food and Drug Administration is excluded from Schedule VI unless the Secretary of the Department of Health objects.

STATE AGENCIES, BOARDS, AND COMMISSIONSHEALTH***Statewide State of Disaster Emergency Related to Public Health***

ACT 403 (SB379) authorizes the Governor to declare a statewide state of disaster emergency related to public health, which shall not continue for longer than sixty (60) days unless renewed by the Governor, so long as the Legislative Council does not vote to deny the request for renewal. Under the act, if the Governor declares a statewide state of disaster emergency related to public health, the House of Representatives and the Senate shall each convene as a committee of the whole within eight (8) business days of the declaration to vote upon and debate a concurrent resolution to terminate the declaration. The act provides that if the Governor notifies the Legislative Council of his or her desire to renew a statewide state of disaster emergency related to public health, he or she may also request the renewal of an executive order or proclamation issued to meet or mitigate dangers to the people and property of the state presented or threatened by a statewide state of disaster emergency related to public health. Under the act, the Legislative Council may terminate an executive order or proclamation issued after a statewide state of disaster emergency related to public health has been renewed. The act provides that a directive of the State Board of Health or its designee related to a statewide state of disaster emergency related to public health and imposing restrictions upon individuals, commerce, or travel is subject to review and termination by the Executive Subcommittee of the Legislative Council, which shall meet within four (4) business days of the issuance of the directive. The act provides that a directive shall not continue for longer than thirty (30) days unless renewed by the board or its designee, so long as the Legislative Council does not deny the request for renewal. The act declares an emergency and is effective on and after March 19, 2021.

HEARING INSTRUMENT DISPENSERS***Board Composition***

ACT 159 (SB88) amends the composition of the Arkansas Board of Hearing Instrument Dispensers.

HERITAGE DIVISION***Capitol Zoning District Commission***

ACT 534 (SB352) creates the Capitol Zoning District Commission within the Division of Arkansas Heritage of the Department of Parks, Heritage, and Tourism and establishes the right to appeal the actions of the commission under the Arkansas Administrative Procedure Act.

Cultural Institutions Trust Fund

ACT 777 (SB402) establishes the Arkansas Cultural Institutions Trust Fund Act and the Arkansas Cultural Institutions Trust Fund to be used for major capital improvements at Arkansas cultural institutions. The act establishes the Arkansas Cultural Institutions Trust Fund Review Committee to review applications for grant funds and requires the Division of Arkansas Heritage to promulgate rules to implement the act.

Use of Fees Under Arkansas Historic Rehabilitation Income Tax Credit Act

ACT 840 (HB1555) increases the annual cap on the Arkansas historic rehabilitation income tax credit beginning fiscal year 2022, allows the Division of Arkansas Heritage to use fees collected under the Arkansas Historic Rehabilitation Income Tax Credit Act for personnel costs related to the administration of the act, and extends the sunset date of the act.

STATE AGENCIES, BOARDS, AND COMMISSIONSHIGHWAYS AND TRANSPORTATION***Eminent Domain***

ACT 945 (SB334) provides that the owner of private property may raise a defense or bring a cause of action in circuit court to determine whether his or her property is lawfully being taken as blighted or abandoned property or for public use, and a state agency has the burden of proof to show by a preponderance of the evidence that the private property is lawfully being taken for those purposes. The act establishes the definition of "public use" concerning the use of eminent domain by a state agency and exempts the Arkansas Department of Transportation from the burden of proving whether the taking of property is necessary to achieve a public use.

Eminent Domain - Definition of "State Agency"

ACT 1044 (SB706) amends the definition of "state agency" as established by Act 945 of 2021 in relation to the use of eminent domain by a state agency to remove the Arkansas Department of Transportation and the State Highway Commission.

HISTORY COMMISSION***Arkansas State Capitol and Historical Monument Protection Act***

ACT 1003 (SB553) creates the Arkansas State Capitol and Historical Monument Protection Act; prohibits the State Capitol from being vandalized, damaged, destroyed, or otherwise disturbed; prohibits a historical monument from being relocated, vandalized, damaged, destroyed, removed, altered, renamed, rededicated, or otherwise disturbed; creates a process to allow the relocation of a historical monument by application to the Arkansas History Commission; and creates a Class A misdemeanor and Class D felony for a violation. The act declares an emergency and is effective on and after April 28, 2021.

INFORMATION SYSTEMS***Data and Transparency Panel***

ACT 742 (SB526) amends the duties and membership of the Data and Transparency Panel to include representation from all cabinet-level departments.

Professional Services Contracts

ACT 543 (SB30) requires professional services contracts entered into by the Division of Information Systems to be approved by the Secretary of the Department of Transformation and Shared Services with approval of the Legislative Council or Joint Budget Committee.

INSPECTOR GENERAL***Office of Internal Audit***

ACT 671 (HB1559) modifies the auditing powers and duties of the Internal Audit Section; renames the Internal Audit Section as the Office of Internal Audit; grants the Office of Internal Audit subpoena power; and requires uniformity in all audits conducted in the Executive Branch.

Tax Appeals Commission

ACT 586 (HB1468) creates the Independent Tax Appeals Commission Act, which provides for the creation of the Tax Appeals Commission within the Department of Inspector General to resolve disputes between the Department of Finance and Administration and taxpayers. The act outlines the appointment, qualifications, and duties of the commissioners on the commission and the jurisdiction of the commission. The act also establishes requirements for service of process, pleadings, hearings, and decisions of the commission and requires the Secretary of the Department of Inspector General to provide information to the legislature concerning the commission and the Independent Tax Appeals Commission Act. Under the act, the commission will hear disputes beginning January 1, 2023.

STATE AGENCIES, BOARDS, AND COMMISSIONS

LAW ENFORCEMENT

Secretary of the Department of Public Safety

[ACT 93](#) (HB1262) requires the Secretary of the Department of Public Safety to be classified and designated as a law enforcement officer.

MEDICAL BOARD

Membership and Physician Assistants

[ACT 634](#) (SB152) amends the membership of the Arkansas State Medical Board to add a physician assistant as a board member; clarifies that one (1) member of the Physician Assistant Committee shall be a physician assistant; changes the duties of the Physician Assistant Committee to review and make recommendations at the request of the Arkansas State Medical Board regarding all matters relating to physician assistants; amends the supervision of physician assistants by allowing a physician assistant to provide delegated healthcare services under an agreement with a supervising physician; amends the prescriptive authority of a physician assistant to include drugs listed in Schedule II in certain circumstances; and allows a physician assistant to render care within his or her scope of practice when responding to an emergency or state or local disaster with limited immunity.

MOTOR VEHICLES

Automotive Technologist Education Grant Program

[ACT 504](#) (HB1355) creates the Automotive Technologist Education Grant Program and Automotive Technologist Education Grant Fund to be administered by the Arkansas Motor Vehicle Commission with the recommendations of the Office of Skills Development and the Division of Higher Education. The act requires the program to be used to provide discretionary grants to career education programs with a focus on training in the automotive technology field.

PARKS, HERITAGE, AND TOURISM

Ouachita River Commission - Transfer

[ACT 928](#) (HB1726) transfers the Ouachita River Commission from the Department of Agriculture to the Department of Parks, Heritage, and Tourism.

Tourism Division - Great River Road Division

[ACT 495](#) (SB313) transfers the Great River Road Division into the Tourism Division of the Department of Parks, Heritage, and Tourism.

PHYSICAL THERAPY BOARD

Licensure Fees Evaluation

[ACT 932](#) (HB1612) requires the Arkansas Board of Physical Therapy to evaluate and restructure licensure fees related to the practice of physical therapy. The act also requires the board to report its findings and recommendations to the Legislative Council.

PLANT BOARD

Membership and Appointment

[ACT 361](#) (HB1210) amends the makeup of the State Plant Board, increases the board's membership, and requires Governor appointment and Senate confirmation of potential members.

REAL ESTATE

Time-Share Transfer

[ACT 733](#) (HB1834) requires a time-share interest transfer services provider to register with the Arkansas Real Estate Commission.

STATE AGENCIES, BOARDS, AND COMMISSIONS

RECORDS AND REPORTS - GENERALLY

Identification of cost savings

ACT 1111 (SB671) provides that, no later than August 1 of each year, a cabinet-level department shall submit a written report to the Governor, the Secretary of the Department of Transformation and Shared Services, and Arkansas Legislative Audit containing certain information, including the calculated difference between cash expenditures for the fiscal year just ended and the fiscal year immediately prior to the fiscal year just ended, a specific itemization of cost savings, and an identification and explanation of the cause of the cost savings. The act requires Arkansas Legislative Audit to review each written report and conduct any procedures necessary to verify the contents of the written report. The act declares an emergency and is effective on and after May 3, 2021.

Report, Sunset, Extension, and Repeal of Rules

ACT 65 (HB1217) concerns the extension and repeal of administrative rules. The act amends the process for the systematic review of agency rules by providing that the Legislative Council shall evaluate agency rules in six (6) rule review groups over a twelve-year period, with one (1) rule review group evaluated every two (2) years and each rule review group being reevaluated every twelve (12) years. The act provides for the expiration of agency rules unless the rules are extended or repealed by the Legislative Council and provides that if an agency fails to submit its required rule report for the evaluation, its rules shall expire. The act also establishes a mechanism for an agency to repeal a rule that does not meet the definition of a rule in an expedited fashion and provides that the repeal of a rule through the expedited mechanism is effective immediately and not subject to the Arkansas Administrative Procedure Act.

Security Incidents

ACT 260 (HB1110) requires a state entity to report a security incident to the Legislative Auditor, including any unauthorized access to an information system of a public entity, destruction of the data of an information system of a public entity or an information system of a public entity, or acquisition of data from an information system of a public entity; requires a public entity that experiences a security incident to disclose an initial report of the security incident within five (5) business days to the Legislative Auditor and provide regular updates; requires the Legislative Auditor to maintain a list of security incidents and report the security incidents experienced by a public entity to the Legislative Council, Legislative Joint Auditing Committee, and Joint Committee on Advanced Communications and Information Technology on or before December 15 of each year; clarifies that if the Legislative Auditor believes the security incident to be significant, the Legislative Auditor shall notify the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House and Senate cochairs of the Legislative Council, the cochairs and the co-vice chairs of the Legislative Joint Auditing Committee, and the cochairs of the Joint Committee on Advanced Communications and Information Technology; and clarifies that a report, update, notification, or list created in regard to a security incident is exempt from disclosure under the Freedom of Information Act of 1967 as a security function.

STATE HOLIDAYS

Arkansas Music Appreciation Day

ACT 575 (SB283) provides additional Arkansas musicians to be recognized on Arkansas Music Appreciation Day.

Arkansas Music Appreciation Day

ACT 59 (HB1013) provides additional Arkansas musicians to be recognized on Arkansas Music Appreciation Day.

STATE AGENCIES, BOARDS, AND COMMISSIONS

STATE HOLIDAYS

John R. "Johnny" Cash Day

[ACT 916](#) (SB405) creates John R. "Johnny" Cash Day as a state memorial day.

STATE SYMBOLS

State Steam Locomotive

[ACT 405](#) (HB1657) designates the St. Louis Southwestern No. 819, class L1 4-8-4 "Northern" type steam locomotive as the official steam locomotive of the State of Arkansas.

TAX APPEALS COMMISSION

Conforming Changes to Laws Relating to Administration of State Taxes

[ACT 593](#) (HB1705) amends the law concerning the hearing and appeal of state tax disputes to provide for conforming changes in the law necessitated by the creation of the Independent Tax Appeals Commission Act. The act is effective on and after January 1, 2023.

Creation

[ACT 586](#) (HB1468) creates the Independent Tax Appeals Commission Act, which provides for the creation of the Tax Appeals Commission to resolve disputes between the Department of Finance and Administration and taxpayers. The act outlines the appointment, qualifications, and duties of the commissioners on the commission and the jurisdiction of the commission. The act also establishes requirements for service of process, pleadings, hearings, and decisions of the commission and requires the Secretary of the Department of Inspector General to provide information to the legislature concerning the commission and the Independent Tax Appeals Commission Act. Under the act, the commission will hear disputes beginning January 1, 2023.

TECHNICAL CORRECTIONS - STATE GOVERNMENT

Title 1

[ACT 463](#) (SB421) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 1 of the Arkansas Code.

Title 25

[ACT 482](#) (SB440) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 25 of the Arkansas Code.

TOBACCO

Appointment of Director of Arkansas Tobacco Control

[ACT 917](#) (SB597) amends the law to allow the Secretary of the Department of Finance and Administration, rather than the Governor, to employ the Director of Arkansas Tobacco Control.

TAXES

ADMINISTRATION OF LOCAL TAXES

Assessment Coordination Division

[ACT 823](#) (HB1543) requires the Assessment Coordination Division to send the Governor and Legislative Council an annual report that includes a list of the taxable property in the state, organized in tabular form by county and category, regarding taxable property and a description of any new guideline or any update to a guideline that is at least ten (10) years old. The act also provides that any new guideline required to be included in the report shall not take effect before the division reports the guideline to Legislative Council.

Collection by Sheriff - Administration by Collector

[ACT 452](#) (HB1634) repeals the law concerning a sheriff's authority to collect taxes, the law concerning when a county collector must visit a township to publish certain notices, and the statute that regulates situations in which a collector maintains more than one (1) tax book at different sites.

TAXES**ADMINISTRATION OF LOCAL TAXES*****Early Payment of Personal Property Tax***

ACT 307 (HB1345) allows county collectors to collect personal property taxes before the first business day in March if the tax books have been delivered, the real and personal property taxes have been certified for collection, and the county collector opens the tax books. The act declares an emergency and is effective on and after March 9, 2021.

Professional Development Recognition

ACT 411 (HB1638) clarifies the set of persons who are eligible for payments recognizing their professional development in the field of the administration of ad valorem property taxation and specifies how and when a person must prove that the professional development has been completed. The act declares an emergency and is effective on and after March 22, 2021.

Property Tax - Utilities and Carriers - Statute of Limitations - Waiver

ACT 719 (HB1043) creates a ten-year statute of limitations on the collection of certain ad valorem taxes on utilities and carriers and authorizes the Secretary of the Department of Finance and Administration to waive ad valorem taxes and penalties assessed on utilities and carriers in certain circumstances.

Sales and Use Tax - Monthly Electronic Report

ACT 1059 (HB1868) requires the Secretary of the Department of Finance and Administration to give a monthly electronic report to any city or county that requests it showing the amount of sales and use taxes generated within the boundaries of the city or county. The act exempts the electronic report received by the city or county from disclosure under the Freedom of Information Act of 1967. The act is effective on and after January 1, 2022.

School Elections

ACT 85 (HB1104) repeals the requirement that the Commissioner of Elementary and Secondary Education approve the date of a school election concerning a tax rate or debt issue.

Use of Electronic Tax Records, Assessments, and Signatures

ACT 278 (HB1383) allows for the use of electronic reproductions of tax records, the electronic assessment of property, and the use of electronic or facsimile signatures of county officials in relation to tax books and clarifies that certain duties are assigned to the preparer of the tax books.

ADMINISTRATION OF STATE TAXES***Bureau of Legislative Research Access to Information Derived from Tax Records***

ACT 876 (HB1469) allows the Bureau of Legislative Research to have direct access to non-confidential aggregate and statistical information derived from state tax collection and administration records for use in state budgeting and forecasting and in the preparation of fiscal impact statements on proposed legislation. The act is effective on and after January 1, 2022.

Disclosure of Information - Courts and Prosecutors - Tax Collection

ACT 732 (HB1034) amends the law concerning the disclosure of taxpayer information to courts, at a judicial proceeding, to the Division of Workforce Services in relation to pandemic unemployment assistance, and to the Attorney General, prosecutors, and other attorneys prosecuting violations of state tax laws. The act also allows for the disclosure of taxpayer information for the purpose of tax collection in certain proceedings.

Disclosure to Local Governments Regarding Sales and Use Tax Credits and Rebates

ACT 776 (SB528) amends the law concerning the confidentiality of tax records to allow for the disclosure of certain information related to sales and use tax credits and rebates to impacted local governments. The act is effective on and after January 1, 2022.

TAXES**ADMINISTRATION OF STATE TAXES*****Franchise Tax - Administration and Collection***

ACT 523 (SB525) reverses changes made under Act 819 of 2019 by returning the administration and collection of the franchise tax to the Secretary of State. The act declares an emergency and is effective on and after April 1, 2021.

Highway Revenues - Distribution to Local Governments

ACT 438 (SB416) provides that if a municipality incorporates during a year in which a federal decennial census is being conducted, then, until the data from the federal decennial or special census is made available, the municipality's population estimate is based on the most recent federal decennial census as calculated by the Arkansas Geographic Information Systems Office. The act also provides that, until the official data from the federal decennial or special census is made available, the office's calculation is the basis for the distribution of highway revenues to that municipality. The act declares an emergency and is effective on and after March 24, 2021.

Offset of Tax Delinquency upon Final Assessment

ACT 718 (HB1048) authorizes the offset of a tax refund toward a state tax delinquency when a final assessment of tax has been issued.

Tax Appeals Commission - Conforming Changes

ACT 593 (HB1705) amends the law concerning the hearing and appeal of state tax disputes to provide for conforming changes in the law necessitated by the creation of the Independent Tax Appeals Commission Act. The act is effective on and after January 1, 2023.

Tax Appeals Commission - Creation

ACT 586 (HB1468) creates the Independent Tax Appeals Commission Act, which provides for the creation of the Tax Appeals Commission to resolve disputes between the Department of Finance and Administration and taxpayers. The act outlines the appointment, qualifications, and duties of the commissioners on the commission and the jurisdiction of the commission. The act also establishes requirements for service of process, pleadings, hearings, and decisions of the commission and requires the Secretary of the Department of Inspector General to provide information to the legislature concerning the commission and the Independent Tax Appeals Commission Act. Under the act, the commission will hear disputes beginning January 1, 2023.

Waiver of Certificate of Indebtedness Filing Fee

ACT 145 (HB1041) authorizes the Secretary of the Department of Finance and Administration to waive the certificate of indebtedness filing fees in certain circumstances.

COLLECTION AND ENFORCEMENT***Claimant Agency***

ACT 373 (HB1241) adds the State Insurance Department and the Self-Insured Fidelity Bond Program as claimant agencies for purposes of the collection of delinquent taxes.

Collection Assistance Fee - Reduction

ACT 1065 (HB1698) provides that the five-percent collection assistance fee charged for setting off debts against state tax refunds applies to the setoff of debts owed to a circuit court, district court, county court, city court, or housing authority.

Offset of Tax Delinquency upon Final Assessment

ACT 718 (HB1048) authorizes the offset of a tax refund toward a state tax delinquency when a final assessment of tax has been issued.

TAXES**COLLECTION AND ENFORCEMENT*****Sale of Tax-Delinquent Property***

ACT 447 (HB1229) changes the process for the sale of tax-delinquent land to authorize auctions online or by mail and to allow property not sold at the initial auction to be sold, first, at an unsold-property auction or, second, by a negotiated sale. The act also prohibits anyone whose home of record is outside the United States from purchasing tax-delinquent property and requires the Commissioner of State Lands to cancel the person's deed if the person has already purchased tax-delinquent property. The act declares an emergency and is effective on and after March 24, 2021.

Setoff Against State Tax Refund - Public Employees' Retirement System

ACT 281 (HB1352) provides that the definition of "claimant agency" as applicable to setoffs against state tax refunds includes the Arkansas Public Employees' Retirement System. The act provides that the definition of "debt" as applicable to setoffs against state tax refunds includes any overpayment of a monthly benefit or lump sum from the Arkansas Public Employees Retirement System. The act declares an emergency and is effective on and after March 8, 2021.

INCOME TAX***Allocation - Nonresident Income***

ACT 1019 (SB484) clarifies that nonresident income is allocated based on where the employee is located when performing the work associated with the income. The provisions of the act concerning the allocation of income are effective for tax years beginning on and after January 1, 2021. The act declares an emergency and is effective on and after April 29, 2021.

Credit - Historic Rehabilitation - Increase Cap and Extend Sunset Date

ACT 840 (HB1555) increases the annual cap on the Arkansas historic rehabilitation income tax credit beginning fiscal year 2022, allows the Division of Arkansas Heritage to use fees collected under the Arkansas Historic Rehabilitation Income Tax Credit Act for personnel costs related to the administration of the act, and extends the sunset date of the act.

Credit - Public Roads Improvements - Increase Amount and Extend Carry Forward

ACT 628 (SB481) increases the amount of the income tax credit allowed under the Arkansas Public Roads Improvements Credit Act and extends the carry-forward period applicable to the unused portions of the income tax credit. The act is effective for tax years beginning on and after January 1, 2020.

Credit - Railroad Track Maintenance Expenditures

ACT 967 (HB1456) creates an income tax credit for certain railroad track maintenance expenditures and requires the Department of Finance and Administration to adopt rules to enable the certification of the income tax credit earned by a taxpayer. The act is effective for tax years beginning on and after January 1, 2021.

Credit - Retired Law Enforcement Investigating Cold Cases

ACT 841 (HB1513) creates an income tax credit for retired law enforcement officers who work on behalf of the Division of Arkansas State Police to investigate cold cases. The act is effective for tax years beginning on and after January 1, 2022.

Credit - Stillborn Child

ACT 935 (HB1457) creates an income tax credit for a stillborn child. The act is effective for tax years beginning on and after January 1, 2021.

Credit - Waste Reduction and Recycling - Qualified Specialty Steel Products

ACT 895 (SB543) amends the definition of "qualified specialty steel products manufacturing facility" for purposes of the income tax credit for waste reduction, reuse, or recycling equipment. The act is effective for tax years beginning on and after January 1, 2021.

TAXES**INCOME TAX*****Credit - Water Resource Conservation and Development - Time for Project Completion***

ACT 563 (HB1773) extends the time period during which projects are required to be completed under the Water Resource Conservation and Development Incentives Act. The act applies retroactively to all projects for which a certificate of tax credit approval was issued on or after January 1, 2017.

Credit - Water Resource Conservation Incentives

ACT 875 (HB1314) amends the Water Resource Conservation and Development Incentives Act to increase the amount of the income tax credits allowed for certain water impoundments and for surface water conservation outside of critical areas. The act also extends the time during which unused tax credits may be carried forward to fifteen (15) years. The act is effective for tax years beginning on and after January 1, 2021.

Credit - Wood Energy Products and Forest Maintenance

ACT 594 (HB1706) creates the Arkansas Wood Energy Products and Forest Maintenance Income Tax Credit, which provides an income tax credit for a portion of the costs of certain wood energy products equipment. The act is effective for tax years beginning on and after January 1, 2021.

Deduction - 529 Plans

ACT 966 (HB1509) changes the name of the statutes governing Arkansas's 529 college-savings program from "Arkansas Tax-Deferred Tuition Savings Program" to the "Arkansas Brighter Future Fund Plan." The act also adopts recent changes contained in the Internal Revenue Code as in effect on January 1, 2020.

Deduction - Carry Forward of Contributions to ABLE Account

ACT 882 (HB1684) allows for the carry forward of contributions to an ABLE account in excess of the maximum amount of deductible contributions allowed under the Achieving a Better Life Experience Program Act and allows state employees to have a distribution made from their payroll deposit to an ABLE account. The act is effective for tax years beginning on and after January 1, 2021.

Deduction - Classroom Teachers

ACT 971 (HB1157) doubles the income tax deduction allowed to classroom teachers for expenses they incur in providing materials for their classroom. The act is effective for tax years beginning on and after January 1, 2021.

Exemption - COVID-19 Relief Program Funds

ACT 248 (HB1361) conforms state income tax laws to federal laws relating to the tax treatment of coronavirus 2019 (COVID-19) relief programs, including the Paycheck Protection Program, emergency financial aid grants, and the Coronavirus Food Assistance Program. The act is effective for tax years beginning on and after January 1, 2019. The act declares an emergency and is effective on and after March 2, 2021.

Exemption - Unemployment Compensation Benefits for 2020 and 2021

ACT 154 (SB236) exempts unemployment compensation benefits received in 2020 or 2021 from income tax. The act declares an emergency and is effective on and after May 4, 2021.

Filing - Extension of Deadline for 2020 Returns

ACT 635 (SB593) changes the deadline for filing 2020 income tax returns for taxpayers other than Subchapter C corporations to May 17, 2021. The act declares an emergency and is effective on and after April 12, 2021.

Filing - Extension of Extended Deadline

ACT 629 (SB420) extends the extended deadline for filing state income tax returns to one (1) month after the due date of the federal income tax return. The act is effective for tax years beginning on and after January 1, 2021.

TAXES**INCOME TAX*****Pass-Through Entity Tax in Lieu of Income Tax***

ACT 362 (HB1209) creates the Elective Pass-Through Entity Tax Act, which allows pass-through entities to elect to have their income be subject to the pass-through entity tax instead of the state income tax. The act is effective for tax years beginning on and after January 1, 2022.

Refunds - Check-Off Programs

ACT 765 (HB1360) creates the Law Enforcement Family Relief Check-off Program, which allows an individual taxpayer to designate some or all of the taxpayer's income tax refund to the program, which assists the family of an Arkansas-certified law enforcement officer who was killed in the line of duty or diagnosed by a medical professional with a terminal illness. The act is effective on and after January 1, 2022.

Returns by Tax Practitioners - Electronic Filing Required

ACT 143 (HB1031) requires the electronic filing of income tax returns by tax practitioners. The act is effective for tax years beginning on and after January 1, 2021.

Tax Credit - Educational Scholarships

ACT 904 (SB680) creates the Philanthropic Investment in Arkansas Kids Program Act, which creates a tax credit for eligible contributions made to a sponsor-granting organization, the total of which shall not exceed two million dollars (\$2,000,000) per calendar year.

Withholding - Casino Winnings

ACT 592 (HB1703) requires casinos to report gambling winnings to the Secretary of the Department of Finance and Administration and to withhold and remit state income tax from gambling winnings.

Withholding - Employer Outside Arkansas

ACT 1019 (SB484) amends the definition of "employer" for purposes of income tax withholding to include a person doing business in or deriving income from sources outside this state who has control of the payment of wages to an individual for services performed within Arkansas. The provision of the act concerning the definition of "employer" is effective on and after May 1, 2021. The act declares an emergency and is effective on and after April 29, 2021.

Withholding - Unemployment Compensation Benefits

ACT 283 (HB1049) allows for the withholding of income tax from unemployment compensation benefits and unemployment insurance benefits. The act provides that the withholding will not occur until the Division of Workforce Services' computer technology and information management systems are prepared to handle the withholding and the United States Secretary of Labor either approves the program or determines that approval is not necessary.

PRIVILEGE TAXES***Medical Marijuana Tax - Extend Sunset Date***

ACT 434 (SB465) extends the sunset date for the Arkansas Medical Marijuana Special Privilege Tax Act of 2017 to July 1, 2023. The act declares an emergency and is effective on and after March 24, 2021.

PROPERTY TAX***Assessment - Producing Mineral Interests***

ACT 668 (HB1755) defines "oil well" and "production equipment" for purposes of property taxation. The act requires that oil wells and production equipment be assessed as real property and sets the manner in which that assessment must be conducted. The act is effective for assessment years beginning on and after January 1, 2022.

TAXES**PROPERTY TAX*****Early Payment - Personal Property Tax***

ACT 307 (HB1345) allows county collectors to collect personal property taxes before the first business day in March if the tax books have been delivered, the real and personal property taxes have been certified for collection, and the county collector opens the tax books. The act declares an emergency and is effective on and after March 9, 2021.

Redemption Deed

ACT 584 (HB1443) requires the Commissioner of State Lands to issue a redemption deed in the name of the redeemer of tax-delinquent property.

Use of Electronic Tax Records, Assessments, and Signatures

ACT 278 (HB1383) allows for the use of electronic reproductions of tax records, the electronic assessment of property, and the use of electronic or facsimile signatures of county officials in relation to tax books and clarifies that certain duties are assigned to the preparer of the tax books.

Utilities and Carriers - Statute of Limitations - Waiver

ACT 719 (HB1043) creates a ten-year statute of limitations on the collection of certain ad valorem taxes on utilities and carriers and authorizes the Secretary of the Department of Finance and Administration to waive ad valorem taxes and penalties assessed on utilities and carriers in certain circumstances.

SPECIAL EXCISE TAXES***Long-Term Vehicle Rentals - Repeal of Tax***

ACT 146 (HB1042) repeals the Arkansas special excise tax levied on long-term rental vehicles.

STABILIZATION TAX***Calculation***

ACT 369 (HB1407) modifies the method of calculating the stabilization tax in certain circumstances under the Division of Workforce Services Law and provides that, for the rate year beginning January 1, 2022, and ending December 31, 2022, the stabilization tax shall be the lesser of the amount determined under current law or two-tenths of one percent (0.2%). The act is effective on and after January 1, 2022.

STATE SALES AND USE TAXES***Delay of Payment by Restaurants***

ACT 705 (SB479) authorizes the expansion of outdoor dining by restaurants without prior approval from the Alcoholic Beverage Control Division and delays the payment of restaurant sales taxes. The act declares an emergency and is effective on and after April 14, 2021.

Disclosure to Local Governments Regarding Sales and Use Tax Credits and Rebates

ACT 776 (SB528) amends the law concerning the confidentiality of tax records to allow for the disclosure of certain information related to sales and use tax credits and rebates to impacted local governments. The act is effective on and after January 1, 2022.

Exemption - Aircraft Based Outside of the State

ACT 142 (HB1010) removes the weight restriction applicable to the sales and use tax exemption for aircraft that will be based outside of this state. The act is effective on and after October 1, 2021.

Exemption - Bullion, Coins, or Currency

ACT 1109 (SB336) defines "bullion" and "coin or currency" and exempts the purchase of bullion and coins or currency from sales and use taxes. The act is effective on and after October 1, 2021.

TAXES**STATE SALES AND USE TAXES*****Exemption - Car Washes***

ACT 144 (HB1033) clarifies the sales tax exemption that applies to a car wash operator's sale of a car wash and removes extraneous references to digital magazines in the sales tax laws. The act is effective on and after October 1, 2021.

Exemption - Electronic Devices

ACT 944 (SB181) adds electronic devices, including without limitation computers, tablets, e-readers, printers, cell phones, and calculators, as items that are exempt from sales and use tax during the sales tax holiday. The act declares an emergency and is effective on and after July 1, 2021.

Exemption - Isolated Sales at Special Events

ACT 972 (HB1054) allows the sales tax exemption for isolated sales to apply at special events. The act is effective on and after October 1, 2021.

Exemption - Items Used in Printing - Articles of Commerce

ACT 880 (HB1596) applies the sales and use tax exemption for sales for resale to items sold for use in printing and provides a definition of "article of commerce" for purposes of the sales tax exemption for certain machinery and equipment. The act is effective on and after October 1, 2021.

Exemption - Parent Teacher Organization

ACT 873 (HB1023) provides an exemption from sales tax for all services by a parent teacher organization that is organized as a 501(c)(3) nonprofit and is affiliated with a public school. By amending the definition of a "special event," the act also exempts from sales tax any fundraising event of a parent teacher organization if the organization sold tickets to the event and the proceeds from the ticket sales are used directly to assist the public school in fulfilling its mission of educating children.

Exemption - Poultry Farm

ACT 970 (HB1196) exempts the purchase of water from sales and use tax when the water is used exclusively in the operation of a poultry farm. The act also requires the Department of Finance and Administration to promulgate rules to administer the act. The act is effective on and after October 1, 2021.

Exemption - Public Schools - Educational Materials

ACT 914 (SB244) provides a sales tax exemption for a public school's purchase of electronic equipment needed to make use of technology-based educational materials and electronic software. The act declares an emergency and is effective on and after July 1, 2021.

Exemption - Sales by Charities

ACT 807 (HB1374) provides that a sale by a charitable organization does not compete with a for-profit business, and is therefore exempt from sales and use tax, when the sales transaction either is not a continuing transaction or is held no more than ten (10) times a year.

Exemption - Volunteer Fire Departments - Treatment of Appearance Fees

ACT 125 (HB1026) clarifies that appearance fees of fifty dollars (\$50.00) or less received by a volunteer firefighter are not considered compensation for the purpose of determining whether a fire department is eligible for the sales and use tax exemption for fire protection equipment and emergency equipment for a volunteer fire department. The act is effective on and after October 1, 2021.

Reduced Rate - Certain Used Motor Vehicles, Trailers, and Semitrailers

ACT 1013 (HB1912) provides for a reduced sales and use tax rate for sales of used motor vehicles, trailers, or semitrailers that have a sales price of at least four thousand dollars (\$4,000) but less than ten thousand dollars (\$10,000). The act is effective on and after January 1, 2022.

TAXESSTATE SALES AND USE TAXES***Reduced Rate - Coal Used in Manufacturing***

ACT 915 (SB26) applies a reduced sales and use tax rate to sales of coal that will be used in manufacturing. The act is effective on and after October 1, 2021.

Sale of a Used Motor Vehicle, Trailer, or Semitrailer by Consumer

ACT 277 (HB1377) amends the tax levied on the sale of a used motor vehicle, trailer, or semitrailer by extending the period of time in which a consumer may sell and subsequently purchase a new or used motor vehicle, trailer, or semitrailer to sixty (60) days.

TECHNICAL CORRECTIONS - TAXATION***Title 26***

ACT 483 (SB441) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 26 of the Arkansas Code.

TECHNOLOGYBROADBAND/CONNECTIVITY***Local Government***

ACT 67 (SB74) amends the Telecommunications Regulatory Reform Act of 2013; allows a government entity to purchase from a private provider and provide voice, data, broadband, video, or wireless telecommunications services; adds a consolidated utility district to the definition of a "government entity" under the Telecommunications Regulatory Reform Act of 2013; and provides that, if certain government entities issue bonds to acquire equipment to provide the allowable services, the government entity shall partner, contract, or otherwise affiliate with an entity that is experienced in the operation of the facilities to be acquired, conduct due diligence, provide notice of at least ten (10) days before a public hearing is held on the project, conduct a public hearing on the project, and hold an election as required by law concerning the issuance of bonds. The act declares an emergency and is effective on and after February 4, 2021.

COMPUTERS AND SOFTWARE***Private Security Agency, Private Investigator, and School Security Licensing***

ACT 660 (HB1188) exempts the installation of a device that is on property owned or leased by a person monitoring the device from the Private Security Agency, Private Investigator, and School Security Licensing and Credentialing Act; clarifies the devices to which the exemption applies; and requires a technician that installs a device to submit to a state and national criminal background check.

INFORMATION SYSTEMS***Telecommunications***

ACT 805 (HB1467) repeals the Arkansas Lifeline Individual Verification Effort Corporation Act.

STATE GOVERNMENT***Access to Data***

ACT 763 (HB1514) prohibits a data company from preventing authorized access by a public entity to the public entity's data; clarifies that data that is stored by a data company for a public entity is the property of the public entity; prohibits a data company from selling, disclosing, or otherwise using the data that it stored for a public entity without express authorization from the public entity unless the data is open or released in the public domain by the public entity; regulates the return of data that is stored by a data company for a public entity upon the expiration or termination of a public contract; provides for the appropriate process to destroy data that is stored by a data company for a public entity; and clarifies that a data company and public entity can negotiate appropriate terms and conditions under a public contract.

TOBACCOENFORCEMENT***Procedural Enhancements to Enforcement***

ACT 929 (HB1683) amends the procedural enhancements to enforcement mechanisms of the Master Settlement Agreement concerning the Arkansas Tobacco Products Tax Act of 1977. The act increases the time period to deposit quarterly installments of escrow deposits to thirty (30) days; requires a nonparticipating manufacturer to post a bond with the Attorney General as a condition of inclusion in the state directory of tobacco manufacturers; allows a tobacco product manufacturer that elects to place funds into escrow to make an irrevocable assignment of the interest to the benefit of the state; and clarifies penalties against a tobacco wholesaler.

REGULATION***Permits - Grace Period***

ACT 386 (SB338) amends the Arkansas Tobacco Products Act of 1977 to allow a buyer of a permitted retail location a grace period to operate under the selling owner's permit for a maximum of thirty (30) days from the date of the sale as long as both the seller and the Division of Tobacco Control agree to the grace period.

Retail Sales - Cigars

ACT 940 (SB628) authorizes Arkansas-based cigar shops to sell cigars online to buyers inside or outside the state.

TOURISMCULTURAL RESOURCES, MUSEUMS, AND LIBRARIES***Arkansas Cultural Institutions Trust Fund Act***

ACT 777 (SB402) establishes the Arkansas Cultural Institutions Trust Fund Act and the Arkansas Cultural Institutions Trust Fund to be used for major capital improvements at Arkansas cultural institutions. The act establishes the Arkansas Cultural Institutions Trust Fund Review Committee to review applications for grant funds and requires the Division of Arkansas Heritage to promulgate rules to implement the act.

Libraries - Debit and Credit Card Payments

ACT 380 (SB127) provides that a library operated as an entity of the state, a county, or a municipality may accept a legal payment for fines, charges, donations, or purchases and any associated costs through a debit card or credit card in accordance with applicable state and federal law. The act provides that a library may enter into a contract with a debit card or credit card company and pay any fees normally charged by the debit card or credit card company for allowing the library to accept the debit card or credit card as payment. The act provides that when a payment is made through a debit card or credit card, the library shall assess a transaction fee equal to the amount charged to the library by the debit card company or credit card company, which may be added to the payment amount.

PARKS, RECREATION, AND TRAVEL COMMISSION***Dynamic Pricing***

ACT 652 (SB418) amends the authority of the State Parks, Recreation, and Travel Commission related to fees for services and authorizes the State Parks Division to utilize dynamic pricing for events, services, and overnight accommodations. The act authorizes the division to increase fees, rates, tolls, charges, and rentals by up to twenty percent (20%) and to decrease the fees, rates, tolls, charges, and rentals by up to fifty percent (50%).

TOURISMPROMOTION AND DEVELOPMENT***Entertainment Districts***

[ACT 874](#) (HB1228) authorizes a designated entertainment district in an area with established entities authorized to sell alcoholic beverages and amends a definition related to on-premises consumption of alcoholic beverages to include consumption within the boundaries of a designated entertainment district that is contiguous with the premises.

TOURISM DIVISION***Great River Road Division***

[ACT 495](#) (SB313) transfers the Great River Road Division into the Tourism Division of the Department of Parks, Heritage, and Tourism.

UTILITIESELECTRIC***Energy Consumption***

[ACT 877](#) (HB1557) requires electric utilities to have an emergency plan in place for emergency warming centers and emergency cooling centers during certain weather events; requires an electric utility to directly notify local governments of certain emergency measures that are used to reduce energy consumption in response to extreme weather events; and clarifies that "directly notify" does not include the use of social media.

Pole Attachments

[ACT 377](#) (SB263) regulates the attachment of signs or the temporary attachment of a flag of the United States, the state flag, or a flag of a municipality to a pole owned by the municipality.

GAS***Restoration of Damages Through Securitization***

[ACT 641](#) (SB588) amends the Arkansas Electric Utility Storm Recovery Securitization Act; allows a gas utility to recover the cost of restoration of damages caused by storms and related perils through securitization of the storm restoration and related costs; and allows the recovery through securitization by an electric utility and a gas utility of reasonable and prudent costs to purchase and receive natural gas, fuel, or purchased power at extraordinary cost in immediate preparation for or in response to a storm. The act declares an emergency and is effective on and after April 12, 2021.

PIPELINES***Gas Rates***

[ACT 156](#) (SB136) modifies gas rates to determine the lowest or most advantageous market for pipeline companies; clarifies the process for determining the lowest or most advantageous market; allows the Arkansas Public Service Commission to take into consideration various factors in determining the lowest and most advantageous market, including price, methodology of production, reliability of supply, impact on customer choice, and conditions associated with transportation or storage; and clarifies that the Arkansas Public Service Commission may allow a gas line or company reasonable purchases of natural gas or natural gas alternatives as an operating expense if the purchase is in the public interest.

RATES AND CHARGES***Discrimination Prohibited***

[ACT 308](#) (SB137) prohibits discrimination by a local government on the basis of the energy source of a utility service and clarifies that a local government shall not enact or adopt any ordinance, policy, or action that infringes, prohibits, or otherwise impairs the right of a customer to purchase, use, connect, or reconnect to a utility service or to install equipment for the purpose of purchasing a utility service.

UTILITIES**RATES AND CHARGES*****Formula Rate Review***

ACT 404 (HB1662) amends the Formula Rate Review Act; allows for the adjustment of the rates of an electric utility under the Formula Rate Review Act; adds regulatory parameters to the Arkansas Public Service Commission's electric utility rate review process; clarifies the cost-allocation of certain electric utilities; clarifies that the required information for formula rate review includes historical averages and actual historical year change in revenue for a historical year; amends the formula for adjustments under the Formula Rate Review Act; and modifies the term for formula rate review under the Formula Rate Review Act. The act is effective retroactively to any formula rate review approved and in effect under the Formula Rate Review Act on or before March 15, 2021. The act declares an emergency and is effective on and after March 22, 2021.

Formula Rate Review

ACT 894 (SB489) amends the Formula Rate Review Act; allows for the adjustment of the rates of an electric utility; adds regulatory parameters to the Arkansas Public Service Commission's electric utility rate review process; clarifies the cost-allocation of certain electric utilities; clarifies that the procedure for a rate change under the Formula Rate Review Act includes water or sewer public utility rates; clarifies that, in a formula rate review test period that uses a test period based on a projected year, an electing public entity may support any portion of the electing public utility's projected data through the use of information that relies on historical averages; clarifies that the required information for a formula rate review includes historical averages and actual historical year change in revenue for a historical year; clarifies the applicable process for certain formula for adjustments under the Formula Rate Review Act and allowance recoveries; and modifies the term for formula rate review under the Formula Rate Review Act. The act is effective retroactively to any formula rate review approved and in effect under the Formula Rate Review Act on or before March 15, 2021. The act declares an emergency and is effective on and after April 25, 2021.

STORM RECOVERY***Municipal Electric Utility***

ACT 903 (SB689) allows a municipal electric utility to finance costs associated with storms and related perils; allows the financing by a municipal electric utility of costs to purchase gas, fuel, or power in preparation for or in response to a storm; and authorizes municipal electric utilities to issue bonds to pay costs associated with severe storms if the Arkansas Public Service Commission has similarly authorized the issuance of bonds by an electric utility or a gas utility under the Arkansas Electric Utility and Gas Utility Storm Recovery Securitization Act. The act declares an emergency and is effective on and after April 26, 2021.

TECHNICAL CORRECTIONS - PUBLIC UTILITIES AND REGULATED INDUSTRIES***Title 23***

ACT 481 (SB439) makes technical corrections recommended by the Arkansas Code Revision Commission to Title 23 of the Arkansas Code.

TELECOMMUNICATIONS***Collection of Surcharges - Telecommunications Equipment Fund***

ACT 263 (HB1201) modifies the procedure for collecting surcharges to fund the Telecommunications Equipment Fund; clarifies that at the close of the fiscal year, a determination shall be made as to whether the amount of revenues collected under the equipment distribution program is equal to or exceeds three (3) times the annual expenditures of the equipment distribution program in order to determine whether a petition to cease collection of the surcharge should be filed; and provides for a petition to reinstate the collection of a surcharge that has been ceased.

UTILITIES

TELECOMMUNICATIONS

Low-Income Consumers

[ACT 805](#) (HB1467) repeals the Arkansas Lifeline Individual Verification Effort Corporation Act.

WELFARE AND GOVERNMENTAL ASSISTANCE

ASSISTANCE PROGRAMS

Supplemental Nutrition Assistance Program - Benefits

[ACT 419](#) (HB1512) amends the Employment Opportunities for Able-bodied Adults Act of 2019 to eliminate the no-good-cause exemptions to the work requirement for Supplemental Nutrition Assistance Program benefits except for an individual currently in foster care or residing in a domestic violence shelter.

GENERALLY

Integrity in Welfare Programs - Medicaid Eligibility Verification System

[ACT 780](#) (SB295) establishes program integrity procedures to verify eligibility for participation in the Arkansas Medicaid Program and the Supplemental Nutritional Assistance Program; requires the Department of Human Services to enter into data matching agreements with various state and federal entities to verify eligibility for participation in the Arkansas Medicaid Program and the Supplemental Nutritional Assistance Program; requires the Department of Human Services to provide data regarding program integrity of the Arkansas Medicaid Program and the Supplemental Nutritional Assistance Program on its website; and amends the Medicaid eligibility verification system to specify that Arkansas is an "assessment state," which means that the state can elect to have the federally facilitated marketplace make assessments of Medicaid eligibility and then transfer the account of an individual to the state Medicaid agency for a final eligibility determination.

HUMAN SERVICES DEPARTMENT

Beneficiary Deed

[ACT 570](#) (HB1162) prohibits the Department of Human Services from making a claim for reimbursement of federal or state benefits against the interest acquired from a deceased recipient by a grantee of a beneficiary deed.

MEDICAID

Abortion - Prohibition of Funding

[ACT 358](#) (HB1408) provides that the restrictions regarding the awarding of public funds to entities that perform abortions apply to funding through the Arkansas Medicaid Program.

Advanced Practice Registered Nurse - Primary Care Provider

[ACT 569](#) (HB1254) authorizes the Arkansas Medicaid Program to recognize an advanced practice registered nurse as a primary care provider.

Assessment Fee and Program on Medical Transportation Providers

[ACT 444](#) (SB189) amends the law concerning the assessment fee and program on medical transportation providers within the Arkansas Medicaid Program to make technical corrections, include nonemergency ambulance services within the definition of "medical transportation", clarify the definition of "medical transportation provider", and clarify that the program does not impact scheduled appointments of nonemergency transportation providers that are contracted with the Department of Human Services or subject the nonemergency transportation providers that are contracted with the department to any part of the upper payment limits or access payments. The act declares an emergency and is effective on and after March 24, 2021.

WELFARE AND GOVERNMENTAL ASSISTANCE**MEDICAID*****Autism Spectrum Disorder***

ACT 656 (HB1545) amends the language regarding the Medicaid waiver for autism spectrum disorder to specify that at least two (2) qualified professionals are required to diagnose a child as having autism spectrum disorder; clarifies that a "qualified professional" includes only a licensed physician, licensed psychologist, or licensed speech-language pathologist; and makes technical corrections to the language regarding the Medicaid waiver for autism spectrum disorder. The act also amends the definitions for insurance coverage of autism spectrum disorder.

Behavioral and Mental Health Via Telemedicine

ACT 624 (HB1176) authorizes reimbursement from the Arkansas Medicaid Program for certain behavioral and mental health services provided via telemedicine. The act declares an emergency and is effective on and after April 8, 2021.

Behavioral Health Services

ACT 764 (HB1459) requires the Arkansas Medicaid Program to reimburse healthcare providers for behavioral health services provided in a federally qualified health center.

Colocation for Outpatient Behavioral Healthcare Agencies

ACT 760 (HB1682) authorizes colocation for outpatient behavioral healthcare agencies.

Consent Decrees

ACT 899 (SB621) requires the Arkansas Medicaid Program and the Department of Human Services to have all consent decrees regarding Medicaid rates reconsidered on or before December 1, 2021.

Continuous Glucose Monitor

ACT 643 (SB521) mandates that the Arkansas Medicaid Program cover a continuous glucose monitor for an individual if the individual has either a presence of type 1 diabetes or any other sort of diabetes with the use of insulin more than two (2) times daily or evidence of Level 2 or Level 3 hypoglycemia or diagnosis of glycogen storage disease type 1a and regular follow-up with a healthcare provider at a minimum every six (6) months to assess for ongoing benefit.

Diagnostic Laboratory Services Cap

ACT 891 (SB395) modifies the annual cap on diagnostic laboratory services in the Arkansas Medicaid Program.

Low-Income Disabled Working Program Category

ACT 923 (HB1847) amends the eligibility for long-term care Medicaid assistance to allow the Department of Human Services to exclude, to the extent approved by the federal government, assets accumulated in an independence account or retirement benefit by a beneficiary on the low-income disabled working person category of Medicaid to ensure that the beneficiary would be eligible for long-term care medical assistance in the Arkansas Medicaid Program.

Medicaid Provider-Led Organized Care Act - Ownership Interest

ACT 508 (HB1515) amends the Medicaid Provider-Led Organized Care Act to prohibit ownership interest in more than one (1) risk-based provider organization on and after January 1, 2023.

WELFARE AND GOVERNMENTAL ASSISTANCE**MEDICAID*****New Products and Label Expansions Access***

ACT 745 (SB143) requires that the Arkansas Medicaid Program provide immediate access to and reimbursement for new products and label expansions approved by the United States Food and Drug Administration or outpatient drugs with a federal rebate agreement in place and prohibits the program from denying or delaying coverage or reimbursement for new products and label expansions for an existing covered product approved by the United States Food and Drug Administration. The act also requires that the Department of Human Services appoint two (2) individuals who are currently treating rare diseases or conditions to the Arkansas Medicaid Drug Utilization Review Board.

Off-Label Use of Drug Treatments for PANS/PANDAS

ACT 637 (SB387) authorizes off-label use of drug treatments to treat Medicaid beneficiaries with pediatric acute-onset neuropsychiatric syndrome (PANS) and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infection (PANDAS).

Peer Support Specialist

ACT 782 (SB607) modifies the requirements for a peer support specialist in the Arkansas Medicaid Program and removes a reference to the Arkansas Substance Abuse Certification Board.

Personal Care Medicaid Reimbursement

ACT 571 (HB1548) creates the Personal Care Medicaid Reimbursement Act, which requires the Arkansas Medicaid Program to conduct a review of the reimbursement rates for personal care services within one hundred eighty (180) days of the Department of Labor and Licensing publishing an increase in the state or federal minimum wage if the wage is higher than the minimum wage that applies to employees in Arkansas. The act also requires the Arkansas Medicaid Program to submit a state plan amendment, waiver, or other necessary authorization to modify the reimbursement rate of personal care services within one hundred eighty (180) days of the completion of the review of the reimbursement rates.

Prescription Limitations

ACT 758 (HB1781) requires the Arkansas Medicaid Program to allow an adult beneficiary to have six (6) prescriptions per month, not including medication for certain conditions, and requires that prescriptions issued under the program be renewed at time intervals consistent with and no stricter than state and federal laws.

Referrals Prohibited for Mental Health Counseling

ACT 886 (HB1862) prohibits requiring certain referrals from a primary care provider in order for a beneficiary in the Arkansas Medicaid Program to receive mental health counseling.

Vagus Nerve Stimulation Therapy System

ACT 830 (HB1810) requires certain reimbursement rates in the Arkansas Medicaid Program for vagus nerve stimulation therapy system devices.

WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS**ADMINISTRATION OF ESTATE*****Collection of Small Estate***

ACT 423 (HB1449) allows the distributee of an estate to open a checking account or savings account in a bank within this state in the name of the estate and on behalf of the estate without filing a petition for probate and administration or obtaining a court order granting a petition for probate and administration.

WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS**BENEFICIARIES*****Life Insurance or Annuity - Change of Beneficiary***

ACT 925 (HB1801) prohibits a change to a designated or named beneficiary of a life insurance policy or annuity contract through a will; and clarifies that only a change to a life insurance policy or annuity contract can change the designated or named beneficiary of a life insurance policy or annuity contract.

FIDUCIARY DUTY***Uniform Fiduciary Income and Principal Act***

ACT 1088 (HB1693) enacts the Uniform Fiduciary Income Principal Act, which includes unitrust conversion rules that enable trusts to participate in modern investment trends, clarifies that the act applies to life estates or other term interests in which the interest of a person or group will be succeeded by another person or group, clarifies that the income and principal rules of the state that is the principal place of administration of the trust are the governing law of the trust, authorizes a fiduciary to make adjustments between income and principal when certain conditions are met, and authorizes a fiduciary to adjust between income and principal if the fiduciary determines the adjustments will assist with the impartial administration of the trust or estate. The act repeals the Uniform Principal Income Act. The act is effective on and after January 1, 2022.

Uniform Power of Attorney Act - Specific Grant of Authority - Trust Creation

ACT 804 (HB1518) allows an agent under a power of attorney to create an inter vivos trust on behalf of the principal or with the principal's property if the power of attorney expressly grants the agent the authority and the exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject. The act allows a trust to be created by an agent under a power of attorney that expressly grants the agent the authority to create a trust and provides that a trust created by an agent under a power of attorney is valid if the trust is created by an agent under a power of attorney executed by the settlor and the settlor had the capacity to create a trust at the time he or she executed the power of attorney.

GUARDIANS AND GUARDIANSHIP***Temporary Guardian***

ACT 701 (SB586) provides that a parent may appoint a temporary guardian for his or her minor child in the event of the death of the parent.

Ward's Bill of Rights

ACT 516 (HB1648) creates a Ward's Bill of Rights. The act repeals the law concerning the rights of relatives and amends the law concerning the rights of wards and proposed wards with regard to hearings. The act also amends the law concerning the appointment of emergency and temporary guardians for incapacitated persons.

WILLS, ESTATES, AND FIDUCIARY RELATIONSHIPS

INTESTATE SUCCESSION

Posthumously Conceived Children

[ACT 924](#) (HB1829) provides that a child of a decedent who is conceived and born after the death of the decedent is the legitimate child of the decedent for the purposes of intestate succession if the decedent consented in a record to the use of his or her genetic material to posthumously conceive a child by assisted reproduction or the intent of the decedent to conceive a child by assisted reproduction after the death of the decedent is established by clear and convincing evidence and the embryo of the posthumously conceived child is in utero no later than twenty-four (24) months after the death of the decedent. The act provides that within six (6) months of the death of a decedent, a person designated by the decedent to control the decedent's genetic material shall provide written notice advising the personal representative with the authority to control the distribution of the decedent's estate of the availability of the decedent's genetic material for possible use. The act provides that if a personal representative with the authority to control the distribution of the decedent's estate receives the written notice before the six-month period to provide the notice lapses, the fiduciary shall retain any remaining assets of the decedent's estate to which a posthumous child of the decedent may have a valid claim until three (3) years after the death of the decedent.

TRUSTS

Creditor's Claims - Spendthrift and Discretionary Trusts

[ACT 801](#) (HB1718) provides that property that was contributed to an irrevocable trust for the benefit of a person and was subject to a limited power of appointment or a general power of appointment in another person is not deemed to have been contributed by the settlor, and a person who would otherwise be treated as a settlor or deemed settlor of the irrevocable trust shall not be treated as a settlor. The act also defines "limited power of appointment".

PROPOSED CONSTITUTIONAL AMENDMENTS

HJR 1005 - A CONSTITUTIONAL AMENDMENT TO BE KNOWN AS THE "CONSTITUTIONAL AMENDMENT AND BALLOT INITIATIVE REFORM AMENDMENT."

If approved by voters at the 2022 general election, the amendment would require that initiatives proposed by the citizens of the state under Arkansas Constitution, Article 5, § 1, and constitutional amendments proposed by the General Assembly under Arkansas Constitution, Article 19, § 22, and Arkansas Constitution, Amendment 70, § 2, be approved when receiving at least sixty percent (60%) of the votes cast on the proposed initiative or proposed constitutional amendment. The proposed amendment would also require that a measure subject to a referendum be repealed if the measure is rejected by a majority of the electors voting upon the matter.

SJR 10 - AN AMENDMENT TO THE ARKANSAS CONSTITUTION CONCERNING EXTRAORDINARY SESSIONS OF THE GENERAL ASSEMBLY.

If approved by voters at the 2022 general election, the amendment would allow the General Assembly to convene in extraordinary session upon the issuance of a joint written proclamation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate or upon the submission of a written proclamation containing the signatures of at least 2/3 of the members of the House of Representatives and at least 2/3 of the members of the Senate to the Speaker of the House of Representatives and the President Pro Tempore of the Senate requesting that the General Assembly convene in extraordinary session. The proposed amendment would also provide that no business other than the purpose set forth in the joint written proclamation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate or the written proclamation containing the signatures of at least 2/3 of the members of the House of Representatives and at least 2/3 of the members of the Senate shall be considered at an extraordinary session convened under the proposed amendment, and it would require the General Assembly to establish by joint rule during each regular session procedures for an extraordinary session under the proposed amendment. The proposed amendment provides that it does not restrict the authority of the Governor to convene an extraordinary session of the General Assembly under Arkansas Constitution, Article 6, § 19.

SJR 14 - AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE THE "ARKANSAS RELIGIOUS FREEDOM AMENDMENT."

If approved by voters at the 2022 general election, the amendment would provide that government may never burden a person's freedom of religion except in the rare circumstance that the government demonstrates that application of the burden to the person is in furtherance of a compelling government interest and is the least restrictive means of furthering that compelling government interest.

EFFECTIVE DATE OF ACTS

Acts that do not contain an emergency clause or a specified effective date become effective on the ninety-first day following the date that the General Assembly adjourns sine die or temporarily recesses for at least ninety (90) days. According to the method of calculation stated in Ark. Atty. Gen. Op. 2021-029, the effective date for acts of the 93rd General Assembly that were considered by the General Assembly on or before April 28, 2021, and that do not contain an emergency clause or a specified effective date is July 28, 2021.

GENERAL ASSEMBLY MEETING DATES
AND EFFECTIVE DATES SINCE 1969

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
67 th	1969	January 13 – May 8	8/7/69 *
67 th – FES	1970	March 2 – March 7	6/6/70 *
68 th	1971	January 11 – April 19	7/19/71 *
68 th – FES	1972	February 7 – February 16	5/17/72 *
69 th	1973	January 8 – January 14, 1974	7/24/73: #73-120
69 th – FES	1974	June 24 – August 1	10/31/74 *
70 th	1975	January 13 – April 9	7/9/75 **
70 th – Exten	1976	January 12 – January 28	4/28/76: #76-50
70 th – FES	1976	September 8 – September 10	NA
71 st	1977	January 10 – August 14	7/6/77: #77-57
71 st – FES	1977	August 2 – August 5	11/4/77 **
72 nd	1979	January 8 – April 20	7/20/79: #79-88
72 nd – EXT.	1980	January 7 – January 17	(No legislation passed)
72 nd – FES	1980	January 17 – January 24	4/24/80: #80-42
72 nd – SES	1980	April 15 – April 18	NA
73 rd	1981	January 12 – March 18	6/17/81: #81-76
73 rd – FES	1981	November 16 – November 25	2/24/82 **
74 th	1983	January 10 – April 4	7/4/83: #83-74
74 th – FES	1983	October 4 – November 10	2/9/84: #83-228
75 th	1985	January 14 – March 29	6/28/85: #85-108
75 th – FES	1985	June 17 – June 21	9/20/85 **
75 th – SES	1986	April 28 – May 1	7/31/86: #86-337

* Bureau Calculation

** Bureau Calculation, confirmed by Secretary of State

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
76 th	1987	January 12 – April 20	7/20/87: #87-156
76 th – FES	1987	June 2 – June 5	9/4/87 **
76 th – SES	1987	October 6 – October 9	1/8/88 **
76 th – TES	1988	January 26 – February 5	5/6/88 **
76 th – 4 th ES	1988	July 11 – July 14	10/13/88 **
77 th	1989	January 9 – April 3	7/3/89: #89-078
77 th – FES	1989	June 20 – June 23	9/22/89 **
77 th – SES	1989	July 25 – July 27	10/26/89 **
77 th – TES	1989	October 23 – November 3	2/2/90 **
78 th	1991	January 14 – April 15	7/15/91: #91-119
78 th – FES	1992	February 24 – March 4	6/3/92: #92-114A & #93-025A
78 th – SES	1992	December 14 – December 18	3/19/93: #93-025A
79 th	1993	January 11 – May 14	8/13/93: #93-149A
79 th – FES	1994	February 28 – March 2	6/1/94: #94-076
79 th – SES	1994	August 15 – August 24	11/23/94: #94-273
80 th	1995	January 9 – April 28	7/28/95: #95-119
80 th – FES	1995	October 17 – October 20	1/19/96 *
81 st	1997	January 13 – May 2	8/1/97: #97-144
82 nd	1999	January 11 – April 30	7/30/99: #99-120
82 nd – FES	2000	April 3 – April 7	NA
82 nd – SES	2000	December 13 – 15	NA
83 rd	2001	January 8 – May 14	8/13/01: #2001-138
83 rd – FES	2002	June 10 – June 12	NA
84 th	2003	January 13 – April 16	7/16/03: #2003-119
84 th – FES	2003	May 5 – May 9	NA
84 th – SES	2003	Dec. 8, 2003 – June 9, 2004	6/3/04: #2004-186

* Bureau Calculation
 ** Bureau Calculation, confirmed by Secretary of State

General Assembly	Year	Dates in Session	Effective date without emergency clause/AG Opin. No.
85 th	2005	January 10 – May 13	8/12/05: #2005-110
85 th – FES	2006	April 3 – April 21	7/21/06: #2006-080
86 th	2007	January 8 – May 1	7/31/07: #2007-164
86 th – FES	2008	March 31 – April 2	NA
87 th	2009	January 12 – May 1	7/31/09: #2009-090
87 th – Fiscal	2010	February 8 – March 4	6/3/10: #2010-031
88 th	2011	January 10 – April 27	7/27/11: #2011-056
88 th – Fiscal	2012	February 13 – March 9	6/8/12 *
89 th	2013	January 14 – May 17	8/16/13: #2013-049
89 th – FES	2013	October 17 – October 19	1/18/14 *
89 th – Fiscal	2014	February 10 – March 19	6/18/14 *
89 th – SES	2014	June 30 – July 2	10/1/14: #2014-078
90 th	2015	January 12 – April 22	7/22/15: #2015-044
90 th – FES	2015	May 26 – May 28	8/27/15: #2015-094
90 th – SES	2016	April 6 – April 8	7/8/16 *
90 th – Fiscal	2016	April 13 – May 9	8/8/16 *
90 th – TES	2016	May 19 – May 23	8/22/16 *
91 st	2017	January 9 – May 1	8/1/17: #2017-052
91 st – FES	2017	May 1 – May 3	8/2/17: #2017-061
91 st – Fiscal	2018	February 12 – March 12	6/12/18: #2018-073
91 st – SES	2018	March 13 – March 15	6/14/18: #2018-074
92 nd	2019	January 14 – April 24	7/24/19: #2019-034 7/30/19 (Act 1092)
92 nd – FES	2020	March 26 – March 28	NA
92 nd – Fiscal	2020	April 8 – April 24	NA
93 rd	2021	January 11 – April 28 [†]	7/28/21: #2021-029

* Bureau Calculation

** Bureau Calculation, confirmed by Secretary of State

† Under HCR1015 of 2021, the regular session is extended until such time that the Ninety-Third General Assembly is able to complete its work on congressional redistricting.

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