

INTERIM STUDY PROPOSAL 2025-026

State of Arkansas  
95th General Assembly  
Regular Session, 2025

**A Bill**

SENATE BILL 235

By: Senator J. Boyd  
By: Representative Lundstrum

Filed with: Senate Committee on Public Health, Welfare, and Labor  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO CREATE THE VOLUNTARY PORTABLE BENEFIT  
ACCOUNT ACT; AND FOR OTHER PURPOSES.

**Subtitle**

TO CREATE THE VOLUNTARY PORTABLE BENEFIT  
ACCOUNT ACT.

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

SECTION 1. Arkansas Code Title 11, Chapter 4, is amended to add an  
additional subchapter to read as follows:

Subchapter 7 – Voluntary Portable Benefit Account Act

11-4-701. Title.

This subchapter shall be known and may be cited as the "Voluntary  
Portable Benefit Account Act".

11-4-702. Definitions.

As used in this subchapter:

(1)(A) "Bank" means a state bank or a national bank or an out-  
of-state state-chartered bank that has received a certificate of authority  
under § 23-48-1001.

(B) "Bank" shall also include any foreign bank organized

1 under the laws of a territory of the United States, the Commonwealth of  
2 Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, the  
3 deposits of which are insured by the Federal Deposit Insurance Corporation;

4 (2) "Hiring party" means a person who hires or enters into a  
5 contract with an independent contractor;

6 (3)(A) "Voluntary portable benefit account" means an account  
7 that is:

8 (i) Opened by an independent contractor to fund the  
9 purchase of one (1) or more benefit plans;

10 (ii) Administered by a voluntary portable benefit  
11 account provider; and

12 (iii) Assigned to a beneficiary of one (1) or more  
13 benefit plans rather than to an employer or hiring party.

14 (B) "Voluntary portable benefit plan" includes without  
15 limitation:

16 (i) Health insurance;

17 (ii) Income replacement insurance;

18 (iii) Life insurance; and

19 (iv) Retirement benefits; and

20 (4) "Voluntary portable benefit account provider" means the  
21 administrator of a voluntary portable benefit account and includes:

22 (A) A bank;

23 (B) An investment management firm;

24 (C) A technology provider or program manager that offers  
25 services through a bank or investment management firm; or

26 (D) Any other person who demonstrates to the satisfaction  
27 of the Bank Commissioner that the manner in which the bank or person will  
28 administer the voluntary portable benefit account will be consistent with the  
29 voluntary portable benefit account requirements under this subchapter.

30  
31 11-4-703. Voluntary portable benefit account.

32 (a)(1) A person or entity, including an independent contractor or an  
33 internet- or application-based company, may voluntarily contribute funds to a  
34 voluntary portable benefit account for an independent contractor.

35 (2) Employment status as an independent contractor shall be  
36 determined by the employment status factors set out in the Empower

1 Independent Contractors Act of 2019, § 11-1-201 et seq.

2 (3) A contribution to a voluntary portable benefit account shall  
3 not be used as a criterion for determining a worker's employment  
4 classification.

5 (b) A contribution to a voluntary portable benefit account may be made  
6 using the funds of the hiring party or a percentage of funds withheld from  
7 compensation owed to an independent contractor if:

8 (1) The withholding of compensation is expressly agreed to in  
9 writing;

10 (2) The written agreement is clear, unambiguous, and prominently  
11 displayed either in a work contract or a separate notice;

12 (3) The withholdings are voluntary and require an independent  
13 contractor to opt in; and

14 (4) An independent contractor may choose to opt out of the  
15 agreement in subdivision (b)(2) of this section at any time.

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18 Referred requested by the Arkansas Senate  
19 Prepared by: ANS/AMS  
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