

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1932

5 By: Representatives Gillam, Branscum, Boyd, Pilkington, D. Ferguson  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING THE REVIEW OF RULES PROMULGATED BY  
9 THE STATE BOARD OF HEALTH AND THE DEPARTMENT OF  
10 HEALTH; AND FOR OTHER PURPOSES.  
11

## Subtitle

12 CONCERNING THE REVIEW OF RULES  
13 PROMULGATED BY THE STATE BOARD OF HEALTH  
14 AND THE DEPARTMENT OF HEALTH.  
15  
16  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 14-236-107(b)(1), concerning the duties of  
22 the Division of Sanitarian Services of the Department of Health, is amended  
23 to read as follows:

24 (1) ~~After review by the House and Senate Interim Committees on~~  
25 ~~Public Health, Welfare, and Labor or appropriate subcommittees thereof adopt,~~  
26 Adopt and from time to time amend, ~~rules and regulations~~ rules governing the  
27 review and approval of subdivisions proposing to utilize individual sewage  
28 disposal systems as the means of sewage disposal for part or all of the lots  
29 in the subdivision and the location, design, construction, installation, and  
30 operation of individual sewage disposal systems proposed for or located in  
31 subdivisions or in platted or unplatted lots or tracts of land pursuant to  
32 the procedures provided in the Arkansas Administrative Procedure Act, § 25-  
33 15-201 et seq., in order that the wastes from the systems will not pollute  
34 any potable water supply, or source of water used for public or domestic  
35 supply purposes, or for recreational purposes, or other waters of this state,  
36 and will not give rise to a public health hazard by being accessible to



1 insects, rodents, or other possible carriers which may come into contact with  
 2 food or potable water, or by being accessible to human beings, and will not  
 3 constitute a nuisance due to odor or unsightly appearance;

4  
 5 SECTION 2. Arkansas Code § 14-262-101(b)(4), concerning local health  
 6 authorities, is repealed.

7 ~~(4) All rules and regulations promulgated pursuant to this~~  
 8 ~~subsection shall be reviewed by the House and Senate Interim Committees on~~  
 9 ~~Public Health, Welfare, and Labor or appropriate subcommittees thereof.~~

10  
 11 SECTION 3. Arkansas Code § 17-38-102(g), concerning prohibitions and  
 12 penalties applicable to plumbers, is repealed.

13 ~~(g) All rules and regulations promulgated pursuant to this section~~  
 14 ~~shall be reviewed by the House Committee on Public Health, Welfare, and~~  
 15 ~~Labor and the Senate Committee on Public Health, Welfare, and Labor or~~  
 16 ~~appropriate subcommittees thereof.~~

17  
 18 SECTION 4. Arkansas Code § 17-51-103 is amended to read as follows:  
 19 17-51-103. Powers and duties of the board.

20 ~~(a) The State Board of Health shall have the authority to~~ may:

- 21 (1) ~~Adopt rules and regulations~~ in accordance with this chapter
- 22 as may be necessary for the administration and enforcement of this chapter;
- 23 (2) Set fees to cover the cost of the administration of this
- 24 chapter;
- 25 (3) Revoke a water system operator's license for cause; and
- 26 (4) Establish minimum educational standards for all applicants
- 27 for licensure.

28 ~~(b) All rules and regulations promulgated pursuant to this chapter~~  
 29 ~~shall be reviewed by the House and Senate Interim Committees on Public~~  
 30 ~~Health, Welfare, and Labor or appropriate subcommittees thereof.~~

31  
 32 SECTION 5. Arkansas Code § 20-7-101(b)(4), concerning penalties  
 33 imposed by the State Board of Health, is repealed.

34 ~~(4) All rules and regulations promulgated pursuant to this~~  
 35 ~~subsection shall be reviewed by the House Committee on Public Health,~~  
 36 ~~Welfare, and Labor and the Senate Committee on Public Health, Welfare, and~~

1 ~~Labor or appropriate subcommittees thereof.~~

2  
 3 SECTION 6. Arkansas Code § 20-7-109(a), concerning the authority of  
 4 the State Board of Health to regulate public health, is amended to read as  
 5 follows:

- 6 (a)~~(1)~~ Power is conferred on the State Board of Health to make all  
 7 necessary and reasonable rules ~~and regulations~~ of a general nature for:
- 8 ~~(A)~~(1) The protection of the public health and safety;
  - 9 ~~(B)~~(2) The general amelioration of the sanitary and  
 10 hygienic conditions within the state;
  - 11 ~~(C)~~(3) The suppression and prevention of infectious,  
 12 contagious, and communicable diseases;
  - 13 ~~(D)~~(4) The proper enforcement of quarantine, isolation,  
 14 and control of such diseases; and
  - 15 ~~(E)~~(5) The proper control of chemical exposures that may  
 16 result in adverse health effects to the public.

17 ~~(2) All rules and regulations promulgated pursuant to this~~  
 18 ~~subsection shall be reviewed by the House Committee on Public Health,~~  
 19 ~~Welfare, and Labor and the Senate Committee on Public Health, Welfare, and~~  
 20 ~~Labor or appropriate subcommittees thereof.~~

21  
 22 SECTION 7. Arkansas Code § 20-13-208 is amended to read as follows:  
 23 20-13-208. State Board of Health – Powers and duties.

24 (a)~~(1)~~ The State Board of Health shall have the responsibility and  
 25 authority to hold public hearings and promulgate and implement ~~rules,~~  
 26 ~~regulations,~~ rules and standards which it deems necessary to carry out the  
 27 provisions of this subchapter.

28 ~~(2) However, before implementing any rules, regulations, or~~  
 29 ~~standards, the board shall submit and obtain the review of the House~~  
 30 ~~Committee on Public Health, Welfare, and Labor and the Senate Committee on~~  
 31 ~~Public Health, Welfare, and Labor or appropriate subcommittees.~~

32 (b) In addition, the board may establish appropriate rules,  
 33 regulations, and standards defining or limiting the emergency medical  
 34 procedures or services that may be rendered by licensed emergency medical  
 35 services personnel who are authorized to legally perform these services under  
 36 the conditions set forth by the board, ~~except that before implementing any~~

1 ~~rules, regulations, and standards, the board shall submit and obtain the~~  
 2 ~~review of the House Committee on Public Health, Welfare, and Labor and the~~  
 3 ~~Senate Committee on Public Health, Welfare, and Labor or appropriate~~  
 4 ~~subcommittees.~~

5  
 6 SECTION 8. Arkansas Code § 20-13-210 is amended to read as follows:

7 20-13-210. Rules and standards – Review required.

8 ~~(a)(1) All rules and standards relating to emergency medical services~~  
 9 ~~promulgated and adopted by the Emergency Medical Services Advisory Council~~  
 10 ~~and the State Board of Health or any other state agency or department~~  
 11 ~~authorized to promulgate and adopt rules to carry out this subchapter shall~~  
 12 ~~be submitted to the House Committee on Public Health, Welfare, and Labor and~~  
 13 ~~the Senate Committee on Public Health, Welfare, and Labor or appropriate~~  
 14 ~~subcommittees thereof for consideration prior to being placed in effect by~~  
 15 ~~the department or agency.~~

16 ~~(2)(a)~~ No rules or standards promulgated to carry out this subchapter  
 17 shall be enforced by any state agency or department until they have been+

18 ~~(A) Submitted to and considered by the House Committee on~~  
 19 ~~Public Health, Welfare, and Labor and the Senate Committee on Public Health,~~  
 20 ~~Welfare, and Labor; and~~

21 ~~(B) Reviewed~~ reviewed and approved by the Legislative  
 22 Council under § 10-3-309.

23 (b) Rules promulgated by the Emergency Medical Services Advisory  
 24 Council shall receive approval of the Governor after he or she receives the  
 25 review and approval of the Legislative Council ~~prior to~~ before effect and  
 26 enforcement.

27  
 28 SECTION 9. Arkansas Code § 20-18-202 is amended to read as follows:

29 20-18-202. Regulatory powers of the State Board of Health.

30 The State Board of Health may adopt, amend, and repeal rules ~~and~~  
 31 ~~regulations~~ for the purpose of carrying out this chapter. ~~All rules and~~  
 32 ~~regulations adopted under this chapter shall be reviewed by the House~~  
 33 ~~Committee on Public Health, Welfare, and Labor and the Senate Committee on~~  
 34 ~~Public Health, Welfare, and Labor or appropriate subcommittees of the House~~  
 35 ~~Committee on Public Health, Welfare, and Labor and the Senate Committee on~~  
 36 ~~Public Health, Welfare, and Labor.~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 10. Arkansas Code § 20-32-106(c), concerning rules regarding the disposal of commercial medical waste, is repealed.

~~(c) All rules and regulations promulgated pursuant to this chapter shall be reviewed by the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor or appropriate subcommittees thereof.~~