

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/27/19 H3/6/19

A Bill

HOUSE BILL 1552

By: Representatives Godfrey, Vaught, Hawks, Della Rosa, D. Douglas, D. Garner, Clowney, G. Hodges,
D. Ferguson, Payton, M. Gray, L. Johnson, D. Whitaker

By: Senator L. Eads

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING NURSING
LICENSURES; TO AUTHORIZE THE ARKANSAS STATE BOARD OF
NURSING TO LICENSE RECIPIENTS OF THE DEFERRED ACTION
FOR CHILDHOOD ARRIVALS POLICY; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING NURSING
LICENSURES.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) The Deferred Action for Childhood Arrivals, also known as "DACA", is a national immigration policy that allows some individuals who are brought to the United States illegally as children to receive a renewable two-year period of deferred action from deportation and to become eligible for a work permit;

(2) In order to be eligible under the Deferred Action for Childhood Arrivals policy, a recipient cannot have a criminal record of felonies or serious misdemeanors;

(3) Several states allow recipients of the Deferred Action for Childhood Arrivals policy to receive occupational or professional licensure;

(4) Arkansas has chosen not to allow recipients of the Deferred



Action for Childhood Arrivals policy to receive occupational or professional licensure which has caused many students who are exempt under the Deferred Action for Childhood Arrivals policy to leave the state after completion of their vocational or professional coursework;

(5) Arkansas is presently suffering from a nursing shortage across the state; and

(6) It is in the best interest of the State of Arkansas to make full use of the skills and talents in the state by ensuring that an individual who is work-authorized under the Deferred Action for Childhood Arrivals policy is able to obtain an occupational or professional license and practice his or her occupation or profession.

(b) It is the intent of this act to authorize recipients of the Deferred Action for Childhood Arrivals policy to receive a nursing license in Arkansas.

SECTION 2. Arkansas Code Title 17, Chapter 87, Subchapter 3, is amended to add an additional section to read as follows:

17-87-313. Licensing of noncitizens.

(a) The Arkansas State Board of Nursing may grant a license under this subchapter to an individual who, in addition to fulfilling the requirements to practice nursing in this state, satisfies the following requirements:

(1) The United States Department of Homeland Security has approved the individual's request for exemption under the Deferred Action for Childhood Arrivals policy;

(2) The individual's exemption status under the Deferred Action for Childhood Arrivals policy has not expired or has been properly renewed; and

(3) The individual has a current and valid employment authorization document issued by the United States Citizenship and Immigration Service.

(b) This section is a state law within the meaning of subsection (c) of 8 U.S.C. § 1621, as existing on January 1, 2019.

(c)(1) The board shall promulgate rules under this section.

(2)(A) When adopting the initial rules to implement this section, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(i) On or before January 1, 2020; or
(ii) If approval under § 10-3-309 has not occurred
by January 1, 2020, as soon as practicable after approval under § 10-3-309.

(B) The board shall file the proposed rule with the
Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,
2020, so that the Legislative Council may consider the rule for approval
before January 1, 2020.

/s/Godfrey

APPROVED: 4/10/19