

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

SENATE BILL 125

By: Senator D. Johnson  
By: Representative Vines

## For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 20 OF  
THE ARKANSAS CODE CONCERNING PUBLIC HEALTH AND  
WELFARE; AND FOR OTHER PURPOSES.

## Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 20  
OF THE ARKANSAS CODE CONCERNING PUBLIC  
HEALTH AND WELFARE.

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

SECTION 1. Arkansas Code § 20-24-109(b), concerning the licensing of an elevator inspector, elevator mechanic, or elevator contractor, is amended to read as follows to remove obsolete language:

(b)~~(1)~~ The board may license a person as an elevator inspector, elevator mechanic, or elevator contractor without examination if he or she holds an equivalent license for a state or city that has a standard of examination substantially equal to that provided for in § 20-24-108.

~~(2) For a period of one (1) year after August 12, 2005, the board shall issue a mechanic's license to an applicant who provides verifiable proof that he or she worked without direct supervision as an elevator constructor or maintenance or repair person for at least three (3) years before August 12, 2005.~~

SECTION 2. Arkansas Code § 20-27-1502(g)(1)(B), concerning the documentation and consent requirements for body art to be performed on a



person under eighteen (18) years of age, is amended to read as follows to correct a grammatical error:

(B) If the person to undergo body art is under eighteen (18) years of age, the record shall include the printed legal name and signature of the parent or legal guardian.

SECTION 3. Arkansas Code Title 20, Chapter 37, concerning the Legislative Health Adequacy Committee which expired December 31, 2009, is repealed.

~~Chapter 37~~  
~~Legislative Health Adequacy Committee~~

~~20-37-101. Findings—Purpose.~~

~~(a) The General Assembly finds that:~~

~~(1) Adequate health care for school-age children is an important component in maximizing their educational opportunities and classroom performance so that children may obtain an adequate education; and~~

~~(2) There is a need for a study to be conducted to evaluate health care for school-age children and to develop a strategic statewide plan regarding the needs and solutions to health problems of school-age children.~~

~~(b) The purposes of this chapter are to:~~

~~(1) Create a committee to conduct a study to evaluate health care for school-age children; and~~

~~(2) Develop findings and make recommendations to the Joint Committee on Educational Adequacy, the House Committee on Public Health, Welfare, and Labor, the Senate Committee on Public Health, Welfare, and Labor, the General Assembly, and the Governor.~~

~~20-37-102. Legislative Health Adequacy Committee.~~

~~(a)(1) There is established the Legislative Health Adequacy Committee consisting of twenty-two (22) members.~~

~~(2) The following members shall be appointed by the Chair of the House Committee on Public Health, Welfare, and Labor and the Chair of the Senate Committee on Public Health, Welfare, and Labor:~~

~~(A) One (1) member who is a pediatrician;~~

~~(B) One (1) member who is a school nurse currently working in a public elementary school in this state;~~

~~(C) One (1) member who is a school nurse currently working in a public junior high school or high school in this state;~~

~~(D) One (1) member who is currently practicing dentistry in this state;~~

~~(E) One (1) member who is currently working as a classroom teacher in a public elementary school in this state and who is a member of the Arkansas Education Association;~~

~~(F) One (1) member to represent the Arkansas Minority Health Commission;~~

~~(G) One (1) member to represent the community health agencies; and~~

~~(H) Two (2) members each of whom has a child in a public school in this state.~~

~~(3) The Speaker of the House of Representatives shall appoint one (1) member currently working as a principal of a public elementary school.~~

~~(4) The President Pro Tempore of the Senate shall appoint one (1) member currently working as a teacher in a public elementary school.~~

~~(5) The Director of the Department of Health shall nominate to the Chair of the House Committee on Public Health, Welfare, and Labor and the Chair of the Senate Committee on Public Health, Welfare, and Labor:~~

~~(A) One (1) member to represent the Department of Health;~~

~~(B) One (1) member to represent the Arkansas Chapter of the American Academy of Pediatrics;~~

~~(C) One (1) member to represent the Arkansas Academy of Family Practice;~~

~~(D) One (1) member to represent the College of Public Health of the University of Arkansas for Medical Sciences;~~

~~(E) One (1) member to represent the Arkansas Center for Health Improvement; and~~

~~(F) One (1) member to represent the Arkansas Advocates for Children and Families.~~

~~(6) The Commissioner of Education shall nominate to the Chair of the House Committee on Public Health, Welfare, and Labor and the Chair of the~~

~~Senate Committee on Public Health, Welfare, and Labor;~~

~~(A) One (1) member to represent the Department of Education;~~

~~(B) One (1) member to represent the Arkansas School Nurses Association;~~

~~(C) One (1) member to represent the Arkansas Association of Educational Administrators; and~~

~~(D) One (1) member to represent the Arkansas Parent Teacher Association.~~

~~(7) The Department of Human Services shall nominate to the Chair of the House Committee on Public Health, Welfare, and Labor and the Chair of the Senate Committee on Public Health, Welfare, and Labor one (1) member to represent the ARKids First program.~~

~~(b)(1) The Chair of the House Committee on Public Health, Welfare, and Labor and the Chair of the Senate Committee on Public Health, Welfare, and Labor shall appoint a chair for the Legislative Health Adequacy Committee.~~

~~(2) The Chair of the House Committee on Public Health, Welfare, and Labor and the Chair of the Senate Committee on Public Health, Welfare, and Labor shall call the first meeting within thirty (30) days of the appointments by them.~~

~~(3) The Legislative Health Adequacy Committee shall select from its membership a secretary and treasurer.~~

~~(c)(1) Any position on the Legislative Health Adequacy Committee for which no nomination or appointment has been made by May 15, 2004, or within fifteen (15) business days of June 3, 2004, shall be filled by appointment by the Chair of the House Committee on Public Health, Welfare, and Labor and the Chair of the Senate Committee on Public Health, Welfare, and Labor.~~

~~(2) A majority vote of those members present shall be required for any action of the Legislative Health Adequacy Committee.~~

~~(d) Vacancies shall be filled for the unexpired portion of the term in the same manner as is provided in this section for initial appointments.~~

~~(e) The Legislative Health Adequacy Committee shall meet at least monthly.~~

~~(f)(1) The Bureau of Legislative Research shall furnish reasonable staff assistance to the Legislative Health Adequacy Committee.~~

~~(2) The Arkansas Center for Health Improvement, the Department~~

~~of Health, the State Board of Education, and any other state agencies shall upon request assist the Legislative Health Adequacy Committee and provide the Legislative Health Adequacy Committee with necessary resources and information to carry out the purposes of this chapter.~~

~~(g) Members of the Legislative Health Adequacy Committee shall serve without pay but may receive expense reimbursement in accordance with § 25-16-902, if funds are available for that purpose.~~

~~20-37-103. Duties.~~

~~(a) The Legislative Health Adequacy Committee shall:~~

~~(1) Study and evaluate the health care needs of the school-age children of Arkansas to obtain an adequate education;~~

~~(2) Study and evaluate health programs in the schools and their effectiveness in allowing students to obtain an adequate education, including, but not limited to, school nurse programs;~~

~~(3) Study and evaluate whether children are receiving adequate health care and correction of health problems while in school;~~

~~(4) Study and evaluate the effects of inadequate health on the performance of children in the classroom in obtaining an adequate education or equal educational opportunity, or both;~~

~~(5) Develop a strategic statewide plan to ensure adequate health care of school-age children while in the classroom to obtain an adequate education; and~~

~~(6) Develop a strategic statewide plan so that school-age children can become more responsible in making preventative decisions regarding their health and thus increase educational opportunity.~~

~~(b) By September 1, 2004, the committee shall report its initial findings and strategic plan for meeting the health needs of school-age children to the House Committee on Public Health, Welfare, and Labor, the Senate Committee on Public Health, Welfare, and Labor, and the Governor.~~

~~20-37-104. Funding.~~

~~(a)(1) The Legislative Health Adequacy Committee's funding shall be from grants, donations, and any other funds that may be made available through appropriations by the General Assembly.~~

~~(2) Moneys received by the committee shall be used solely for~~

~~the support of the functions of the committee.~~

~~(b)(1) Grants and donations received by the committee shall be cash funds and shall be administered by the Department of Health but shall be subject to appropriation by the General Assembly.~~

~~(2) The department shall disburse moneys from the Health Adequacy Committee Fund at the direction of the committee.~~

~~(3) Any moneys received from grantors and donors that are not expended by the committee shall be returned to the grantors and donors in proportion that each bears to the total of all grants and donations received by the committee.~~

~~20-37-105. Expiration.~~

~~The Legislative Health Adequacy Committee shall expire on December 31, 2009.~~

SECTION 4. Arkansas Code § 20-38-101(3)(A), concerning the definition of "employee" in criminal background checks, is amended to read as follows to correct an improperly subdivided list within a list:

(3)(A) "Employee" means any person who:

(i) Has unsupervised access to clients of a service provider except as provided in subdivision (3)(B) of this section; and

~~(ii)(a)~~ (ii) Meets any of the following criteria:

(a) Provides care to clients of a service provider on behalf of, under the supervision of, or by arrangement with the service provider;

(b) Is employed by a service provider to provide care to clients of the service provider;

(c) Is a temporary employee placed by an employment agency with a service provider to provide care to clients of the service provider; or

(d) Resides in an alternative living home in which services are provided to individuals with developmental disabilities.

SECTION 5. Arkansas Code § 20-56-208, concerning adulterated food, is amended to read as follows to correct an improperly subdivided list and to add clarifying language:

20-56-208. Adulterated food.

A food shall be deemed to be adulterated:

(1)(A) If ~~it~~ the food bears or contains any poisonous or deleterious substance which may render ~~it~~ the food injurious to health.

(B) However, if the substance is not an added substance, the food shall not be considered adulterated under ~~this~~ subdivision (1)(A) of this section if the quantity of the substance in the food does not ordinarily render ~~it~~ the food injurious to health;

~~(B)~~(2) If ~~it~~ the food bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of § 20-56-218;

~~(C)~~(3) If ~~it~~ the food consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if ~~it~~ the food is otherwise unfit for ~~food~~ human consumption;

~~(D)~~(4) If ~~it~~ the food has been produced, prepared, packed, or held under insanitary conditions ~~whereby it~~ where the food may have become contaminated with filth, or ~~whereby it~~ where the food may have been rendered diseased, unwholesome, or injurious to health;

~~(E)~~(5) If ~~it~~ the food is the product of a diseased animal or an animal ~~which~~ that has died otherwise than by slaughter, or that has been fed, or has otherwise fed upon, the uncooked offal of other animals; ~~or~~

~~(F)~~(6) If ~~its~~ the food's container is composed, in whole or in part, of any poisonous or deleterious substance which may render the ~~contents~~ food injurious to health;

~~(2)~~(A)(7) If any valuable constituent has been, in whole or in part, omitted or abstracted ~~therefrom~~ from the food;

~~(B)~~(8) If any substance has been substituted wholly or in part ~~therefor~~ for the food;

~~(C)~~(9) If damage or inferiority has been concealed in any manner; ~~or~~

~~(D)~~(10) If any substance has been ~~added thereto or mixed or packed therewith so as~~ added, mixed, or packed with the food to increase ~~its~~ the food's bulk or weight, to reduce ~~its~~ the food's quality or strength, or to make ~~it~~ the food appear better or of greater value than ~~it~~ the food is;

~~(3)~~(11)(A) If ~~it~~ the food is confectionery and ~~it~~ the food bears or contains any alcohol or nonnutritive article or substance except harmless

coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one percent (4/10 of 1%), harmless natural wax not in excess of four-tenths of one percent (4/10 of 1%), harmless natural gum, and pectin.

(B) However, this subdivision ~~(3)~~ (11) shall not apply to any confectionery ~~by reason of its~~ containing less than one-half of one percent ( $\frac{1}{2}$  of 1%) by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum ~~by reason of its~~ containing harmless nonnutritive masticatory substances; or

~~(4)~~(12) If ~~it~~ the food bears or contains a coal tar color other than one from a batch which has been certified under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301.

SECTION 6. Arkansas Code § 20-57-306(a), concerning vitamins and other ingredients of flour, is amended to read as follows to remove an improperly placed item of a list:

(a)(1) It shall be unlawful for any person to manufacture, mix, compound, sell, or offer for sale within this state or to ship into this state for human consumption in this state any flour, as defined in § 20-57-302, unless the following vitamins and other ingredients are contained in each pound of flour:

~~(1)~~(A) Not less than two milligrams (2 mg) of vitamin B1 (thiamin);

~~(2)~~(B) Not less than one and two-tenths milligrams (1.2 mg) of riboflavin;

~~(3)~~(C) Not less than sixteen milligrams (16 mg) of niacin (nicotinic acid) or nicotinic acid amide (niacin amide); and

~~(4)~~(D) Not less than thirteen milligrams (13 mg) of iron (Fe)+.

~~(5)~~(2) ~~The enrichment of self-rising flour shall require, in In~~ addition to the above ingredients, the enrichment of self-rising flour requires not less than five hundred milligrams (500 mg) of calcium.

SECTION 7. Arkansas Code § 20-59-201(8), concerning the definition of butter, is amended to read as follows to place an undesignated provision within its proper subdivision and to add clarifying language:

(8) Butter.

(A) "Butter" is the food product usually known as

“butter”, and which is made exclusively from milk or cream, or both, with or without common salt and with or without additional coloring matter, to contain not less than eighty percent (80%) by weight of milk fat, all tolerances being allowed for;

(B)(i) “Renovated or process butter” is the product made by melting butter and reworking the butter, without the addition or use of chemicals or any substances except milk, cream, or salt, ~~containing that~~ contains not less than eighty percent (80%) of butterfat or that is made in accordance with ~~such current~~ standards as shall be established by the United States Food and Drug Administration, ~~provided that,~~

(ii) Renovated or process butter may also contain harmless coloring matter.

(iii)(a) the ~~The~~ amount of butterfat in the product of any ~~one (1)~~ manufacturer, or in any given quantity of butter, ~~renovated, or~~ or renovated or process butter, shall be ~~ascertained in the following manner:~~ determined by taking three (3) samples

~~(i) Three (3) samples shall be taken~~ from three (3) different packages of ~~any one (1)~~ the manufacturer or from any one (1) tub or churning of butter and a careful analysis made by the official method adopted by the AOAC International; ~~and.~~

~~(ii)(b) If this analysis shall show~~ shows less than eighty percent (80%) of butterfat, the butter or renovated or process butter ~~thus that was~~ analyzed shall be is deemed adulterated butter, and the manufacturer ~~shall be deemed~~ , upon conviction, is guilty of a Class A misdemeanor, ~~and then the butter must shall be reworked before again being offered for sale.~~

(c) Butter or renovated or process butter that is deemed adulterated butter shall be melted and reworked before being offered for sale;

~~Renovated or process butter may also contain harmless coloring matter;~~

SECTION 8. Arkansas Code § 20-77-2101, concerning definitions for the Medicaid Eligibility Verification System, is amended to read as follows to add limiting language for the definitions:

20-77-2101. Definitions.

As used in this subchapter:

(1) “Arkansas Data Services Hub” means the Arkansas data services hub that provides an electronic method to verify:

(A) Age, residency, and child support information via the Department of Finance and Administration;

(B) Age, marriage, and death information via the Division of Vital Records of the Department of Health;

(C) Age, ~~social security~~ Social Security number, citizenship, and Medicare coverage information via the state online portal to the Social Security Administration;

(D) Employment earnings and unemployment benefit payment information via the Department of Workforce Services; and

(E) Receipt of Supplemental Nutrition Assistance Program benefits;

(2) “Federal Data Services Hub” means the federal data services hub that provides an electronic method to verify:

(A) Social ~~security~~ Security number verification via the Social Security Administration;

(B) Citizenship verification via the Social Security Administration;

(C) Incarceration verification via the Social Security Administration;

(D) Verification of income under Title II of the Social Security Act, 42 U.S.C. § 401 et seq., via the Social Security Administration;

(E) Quarters of coverage information via the Social Security Administration;

(F) Modified adjusted gross income information via the Internal Revenue Service;

(G) Immigration status verification via the United States Department of Homeland Security;

(H) Indicators for lawful presence, qualified noncitizen, and five-year bar status via the United States Department of Homeland Security; and

(I) Public minimum essential coverage;

(3)(A) “Medicaid eligible” means an individual who is eligible for Medicaid benefits.

(B) "Medicaid eligible" does not include establishment of an entitlement to a particular benefit package or the reimbursement of particular medical assistance; and

(4) "Supplemental manual verification investigation" means an investigation conducted by the Department of Human Services or its designee to gather information by methods such as contacting family members, employers, and medical facilities to verify information received via the Medicaid Eligibility Verification System.

SECTION 9. Arkansas Code § 20-79-101 is obsolete and is repealed.

~~20-79-101. Vocational rehabilitation — Federal act accepted.~~

~~The State of Arkansas does, through its General Assembly, accept the provisions and benefits of the act of Congress entitled, "An act to provide for the promotion of vocational rehabilitation of persons, disabled in industry or otherwise and their return to civil employment" approved June 2, 1920, and the State of Arkansas, through the proper authorities hereinafter designated, will observe and comply with the requirements of the act.~~

SECTION 10. DO NOT CODIFY. The enactment and adoption of this act shall not repeal, expressly or impliedly, the acts passed at the regular session of the Ninetieth General Assembly. All such acts shall have full force and effect and, so far as those acts intentionally vary from or conflict with any provision contained in this act, those acts shall have the effect of subsequent acts and as amending or repealing the appropriate parts of the Arkansas Code of 1987.