

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1192

By: Representative M. Gray

For An Act To Be Entitled

AN ACT TO AMEND THE DIVISION OF WORKFORCE SERVICES LAW; TO AMEND AN EXCLUSION FROM THE DEFINITION OF "EMPLOYMENT" WITHIN THE DIVISION OF WORKFORCE SERVICES LAW; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE DIVISION OF WORKFORCE SERVICES LAW; AND TO AMEND AN EXCLUSION FROM THE DEFINITION OF "EMPLOYMENT" WITHIN THE DIVISION OF WORKFORCE SERVICES LAW.

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

SECTION 1. Arkansas Code § 11-10-210(f)(21), concerning exclusions from the definition of "employment" in the Division of Workforce Services Law, is repealed.

~~(21)(A) Services performed as personal care services for a certified home and community based health services provider licensed under § 20-10-2301 et seq., unless the provider is a state or local government entity or federally recognized Indian tribe as described in 26 U.S.C § 3306(e)(7) or a nonprofit organization as described in 26 U.S.C § 3309(a)(1).~~

~~(B) Subdivision (f)(21)(A) of this section is retroactive to January 1, 2010;~~

SECTION 2. DO NOT CODIFY. Legislative intent.

The General Assembly intends that, on and after the effective date of



this act, personal care services performed by an individual for a home- and community-based service provider are no longer excluded from the definition of employment and that an individual performing personal care services for a home- and community-based service provider is an employee of the home- and community-based service provider and not an independent contractor.