

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H3/16/21 H3/22/21
A Bill

HOUSE BILL 1369

By: Representative Slape
By: Senator J. English

For An Act To Be Entitled

AN ACT TO PROVIDE FOR THE CREATION AND ADMINISTRATION OF A REGULATORY DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE APPOINTMENT OF A REGULATORY ADMINISTRATOR OF THE REGULATORY DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO PROVIDE FOR THE ASSIGNMENT OF ENFORCEMENT AGENTS FOR THE REGULATORY DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO AMEND THE LAW CONCERNING ENFORCEMENT AGENTS FOR STATE AGENCIES WITHIN THE REGULATORY DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR THE CREATION OF A REGULATORY DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION, THE APPOINTMENT OF A REGULATORY ADMINISTRATOR, AND THE ASSIGNMENT OF ENFORCEMENT AGENTS.

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

SECTION 1. Arkansas Code Title 25, Chapter 8, Subchapter 1, is amended to add an additional section to read as follows:

25-8-111. Regulatory Division – Regulatory Administrator.

(a) The Regulatory Division is created within the Department of



Finance and Administration and is designated as a law enforcement agency.

(b)(1) Notwithstanding § 25-8-101(b), the Governor shall appoint a Regulatory Administrator of the Regulatory Division.

(2) The Regulatory Administrator shall:

(A) Serve at the pleasure of the Governor;

(B) Report to the Secretary of the Department of Finance and Administration;

(C) Maintain oversight of the Regulatory Division, which shall consist of:

(i) The Alcoholic Beverage Control Division;

(ii) The Alcoholic Beverage Control Enforcement Division;

(iii) Arkansas Tobacco Control; and

(iv) The Arkansas Racing Commission; and

(D)(i) Assign personnel as enforcement agents of the Regulatory Division.

(ii) An enforcement agent assigned under this section:

(a) Shall be considered a full-time law enforcement officer after meeting standards established by the Arkansas Commission on Law Enforcement Standards and Training under § 12-9-101 et seq.;

(b) Has statewide law enforcement authority; and

(c) Has the right to enter, inspect records, and seize contraband in or on any licensed premises as a condition of the license or permit.

SECTION 2. Arkansas Code § 3-2-210 is repealed.

~~3-2-210. Authority of enforcement agent—Deputy Director of Education—Law enforcement officer.~~

~~(a) The right of any enforcement agent, law enforcement officer, or the Deputy Director of Education of the Alcoholic Beverage Control Division, when duly designated by the Director of the Alcoholic Beverage Control Enforcement Division, to enter, inspect records, and seize contraband in or on any licensed premises shall be deemed to be a condition of the license or~~

~~permit to sell alcoholic beverages granted by this state.~~

~~(b) A duly designated enforcement agent or the deputy director shall have all powers, rights, and protection provided to all other law enforcement officers by the laws of this state, specifically including the power of arrest and service of warrants and the right to bear arms in the line of duty.~~

SECTION 3. Arkansas Code § 26-57-266 is repealed.

~~26-57-266. Enforcement agents—Selection—Qualifications—
Authority.~~

~~(a) Arkansas Tobacco Control is designated as a law enforcement agency.~~

~~(b) The Director of Arkansas Tobacco Control shall assign personnel as agents of Arkansas Tobacco Control to conduct investigations of violations of tobacco laws in this state.~~

~~(c) Personnel assigned as agents of Arkansas Tobacco Control shall:~~

~~(1) Be considered fulltime law enforcement officers by the Arkansas Commission on Law Enforcement Standards and Training under § 12-9-101 et seq.; and~~

~~(2) Have statewide law enforcement authority.~~

/s/Slape