

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H1/18/23
A Bill

HOUSE BILL 1109

By: Representative Ladyman
By: Senators D. Wallace, *Irvin*

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE STATE BOARD OF EXAMINERS OF ALCOHOLISM AND DRUG ABUSE COUNSELORS TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR APPLICANTS FOR LICENSURE; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE STATE BOARD OF EXAMINERS OF ALCOHOLISM AND DRUG ABUSE COUNSELORS TO REQUIRE CRIMINAL BACKGROUND CHECKS FOR APPLICANTS FOR LICENSURE.

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

SECTION 1. Arkansas Code § 17-27-408(a), concerning the licensure requirements for licensed alcoholism and drug abuse counselors, is amended to add an additional subdivision to read as follows:

(11) Has applied for a criminal background check and has not been found guilty of, or pleaded guilty or nolo contendere to, any of the offenses listed in §17-3-102.

SECTION 2. Arkansas Code § 17-27-409(a), concerning the licensure requirements for licensed associate alcoholism and drug abuse counselors, is amended to add an additional subdivision to read as follows:

(12) Has applied for a criminal background check and has not been found guilty of, or pleaded guilty or nolo contendere to, any of the offenses listed in §17-3-102.



SECTION 3. Arkansas Code § 17-27-410(a), concerning the certification requirements for certified alcoholism and drug abuse technicians, is amended to add an additional subdivision to read as follows:

(11) Has applied for a criminal background check and has not been found guilty of, or pleaded guilty or nolo contendere to, any of the offenses listed in §17-3-102.

SECTION 4. Arkansas Code Title 17, Chapter 27, Subchapter 4, is amended to add additional section to read as follows:

17-27-417. Criminal background checks.

(a) The State Board of Examiners of Alcoholism and Drug Abuse Counselors may require each applicant for license renewal and each first-time applicant for a license issued by the board to apply to the Identification Bureau of the Division of Arkansas State Police for a state and national criminal background check, to be conducted by the Identification Bureau of the Division of Arkansas State Police and the Federal Bureau of Investigation.

(b) The criminal background check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(c) The applicant shall sign a release of information to the board and shall be responsible for the payment of any fee associated with the criminal background check.

(d) Upon completion of the criminal background check, the Identification Bureau of the Division of Arkansas State Police shall forward to the board all releasable information obtained concerning the applicant.

(e) The board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal background check.

(f) The board shall follow the licensing restrictions based on criminal records under § 17-3-102.

(g)(1) Any information received by the board from the Identification Bureau of the Division of Arkansas State Police under this section shall not be available for examination except by:

(A) An affected applicant for licensure, or his or her authorized representative; or

(B) A person whose license is subject to revocation, or his or her authorized representative.

(2) A record, file, or document shall not be removed from the custody of the Identification Bureau of the Division of Arkansas State Police.

(h) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that person only.

(i) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than for the background check under subsection (a) of this section.

(j) The board shall adopt the necessary rules to fully implement the provisions of this section.

/s/Ladyman