

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 177

By: Senators C. Tucker, J. Bryant
By: Representatives Gazaway, M. Shepherd

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 17 OF
THE ARKANSAS CODE CONCERNING PROFESSIONS,
OCCUPATIONS, AND BUSINESSES; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE
17 OF THE ARKANSAS CODE CONCERNING
PROFESSIONS, OCCUPATIONS, AND
BUSINESSES.

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

SECTION 1. Arkansas Code § 17-26-607(c)(1)(C), concerning the education of student artists in body art, is reenacted to ratify the decision by the Arkansas Code Revision Commission to insert "may have licensure in the additional fields of body art added by" in order to correct a grammatical error.

(C) A licensed artist wanting to study additional fields of body art training may have licensure in the additional fields of body art added by completing not less than two hundred fifty (250) clock hours of technical and procedural training in each of the other fields of body art in which a student artist is to be licensed in no less than an additional four (4) months after completion and licensure for the initial field of study.

SECTION 2. Arkansas Code § 17-82-302(9)(A) and (B), concerning exemptions from licensing for dentists, dental hygienists, and dental assistants, are amended to read as follows to clarify references:



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(9)(A) The practice of dentistry without compensation for no more than four (4) consecutive days per calendar year in the State of Arkansas by a dentist licensed in another state or the District of Columbia if the dentist has applied for and received a temporary charitable dental license from the board.

(B) An applicant seeking a temporary charitable dental license shall submit an application and any application fees required by the board and:

(i) The name of the supervising dentist who is licensed in Arkansas;

(ii) The dates and location where the applicant desires to practice within Arkansas;

(iii) A copy of the applicant's dental license from ~~another jurisdiction~~ another state or the District of Columbia;

(iv)(a) A letter from the respective dental licensing entity in the ~~home state of the applicant~~ other state or the District of Columbia indicating that the applicant is in good standing.

(b) As used in this subdivision (9)(B)(iv), "good standing" means the individual has an active license without a complaint, investigation, or action against him or her;

(v) A copy of the malpractice insurance policy covering the applicant or a certificate of insurance coverage from the underwriting insurer of the policy; and

(vi) Other pertinent information as determined by the board.

SECTION 3. Arkansas Code § 17-82-304(b), concerning the licensing of dentists, is amended to read as follows to repeal obsolete language and update references:

(b) An applicant+ shall:

~~(1) Shall:~~

~~(A)(1)~~ Be at least twenty-one (21) years of age;

~~(B)(2)~~ Submit upon request proof as required by the board touching upon age and fitness; and

~~(C)(3)~~ Have graduated from an American Dental Association-accredited college of dentistry with the degree of Doctor of Dental Surgery

or Doctor of Dental Medicine; ~~or.~~

~~(2) Shall:~~

~~(A) Be at least twenty one (21) years of age;~~

~~(B) Have graduated from a college of dentistry in North America with the degree of Doctor of Dental Surgery, Doctor of Dental Medicine, or an equivalent degree approved by the board;~~

~~(C) Have passed an examination approved by the board and authorized under § 17-82-303;~~

~~(D) Be a resident of the State of Arkansas and the United States and be in compliance with federal laws of immigration; and~~

~~(E) Serve a period of at least one (1) year under a provisional license issued by the board to foreign graduates and successfully complete the monitoring requirements as ordered by the board at the time the provisional license is issued.~~

SECTION 4. Arkansas Code § 17-83-301 is amended to read as follows to repeal obsolete language and make a stylistic change:

17-83-301. License required.

~~Beginning July 4, 1990, no individual shall~~ An individual shall not practice or offer to practice dietetics within the meaning of this chapter unless he or she is duly licensed or is a student under the provisions of this chapter or is otherwise entitled under § 17-83-104 ~~or § 17-83-302.~~

SECTION 5. Arkansas Code § 17-83-302 is repealed because the section is obsolete.

~~17-83-302. Waivers for licensing.~~

~~(a) For one (1) year beginning July 3, 1989, the Arkansas Dietetics Licensing Board shall waive the examination requirement and grant a license to any person who:~~

~~(1) Has received a baccalaureate or postbaccalaureate degree from a regionally accredited United States college or university with a program in human nutrition, food and nutrition, dietetics, or food systems management;~~

~~(2) Has completed a planned continuous preprofessional experience component in dietetic practice of not fewer than nine hundred (900) hours under the supervision of a registered dietitian or licensed~~

dietitian; and

~~(3) Has been employed in the practice of dietetics for at least three (3) of the last ten (10) years preceding July 3, 1989; or~~

~~(4) Is registered with the Commission on Dietetic Registration.~~

~~(b) Applicants who have obtained their education outside of the United States and its territories must have their academic degree or degrees validated as equivalent to the baccalaureate or postbaccalaureate degree conferred by a regionally accredited college or university in the United States.~~

SECTION 6. Arkansas Code § 17-87-101(a), concerning the licensing of nurses, is amended to read as follows to correct a grammatical error:

(a) In order to safeguard life and health, a person practicing or offering to practice nursing as listed in this subsection for compensation shall be required to submit evidence that he or she is qualified to so practice and shall be licensed as provided in this chapter:

- (1) Professional nursing;
- (2) Advanced practice registered nursing;
- (3) Registered practitioner nursing;
- (4) Practical nursing; or
- (5) Psychiatric technician nursing.

SECTION 7. Arkansas Code § 17-87-104(a), concerning penalties related to the licensing of nurses, is amended to read as follows to clarify a criminal offense:

- (a)(1) It ~~shall be a misdemeanor~~ is unlawful for any person to:
- (A) Sell or fraudulently obtain or furnish any nursing diploma, license, renewal, or record, or aid or abet therein;
 - (B) Practice nursing as defined by this chapter under cover of any diploma, license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;
 - (C) Practice professional nursing, advanced practice nursing, registered nurse practitioner nursing, practical nursing, or psychiatric technician nursing as defined by this chapter unless licensed by the Arkansas State Board of Nursing to do so;
 - (D) Use in connection with his or her name any of the

following titles, names, or initials, if the user is not properly licensed under this chapter:

- (i) Nurse;
- (ii) Registered nurse or R.N.;
- (iii) Advanced practice nurse, advanced practice registered nurse, A.P.N., or A.P.R.N., or any of the following:
 - (a) Advanced registered nurse practitioner, certified nurse practitioner, A.R.N.P., A.N.P., or C.N.P.;
 - (b) Nurse anesthetist, certified nurse anesthetist, certified registered nurse anesthetist, or C.R.N.A.;
 - (c) Nurse midwife, certified nurse midwife, licensed nurse midwife, C.N.M., or L.N.M.; or
 - (d) Clinical nurse specialist or C.N.S.;
- (iv) Registered nurse practitioner, N.P., or R.N.P.;
- (v) Licensed practical nurse, practical nurse, or L.P.N.;
- (vi) Licensed psychiatric technician nurse, psychiatric technician nurse, L.P.T.N., or P.T.N.; or
- (vii) Any other name, title, or initials that would cause a reasonable person to believe the user is licensed under this chapter;
- (E) Practice professional nursing, advanced practice nursing, registered nurse practitioner nursing, practical nursing, or psychiatric technician nursing during the time his or her license shall be suspended;
- (F) Conduct a nursing education program for the preparation of professional nurses, advanced practice registered nurses, nurse practitioners, practical nurses, or psychiatric technician nurses unless the program has been approved by the board;
- (G) Prescribe any drug or medicine as authorized by this chapter unless certified by the board as having prescriptive authority, except that a certified registered nurse anesthetist shall not be required to have prescriptive authority to provide anesthesia care, including the administration of drugs or medicines necessary for the care; or
- (H) Otherwise violate any provisions of this chapter.

(2) ~~Such misdemeanor shall be~~ A first offense under subdivision (a)(1) of this section is a violation punishable by a fine of not less than

twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500). Each subsequent offense ~~shall be~~ under subdivision (a)(1) of this section is an unclassified misdemeanor punishable by fine or by imprisonment of not more than thirty (30) days, or by both fine and imprisonment.

SECTION 8. Arkansas Code § 17-87-604 is amended to read as follows to repeal obsolete language and make a stylistic change:

17-87-604. Effective date.

~~(a)~~ The effective date of this Compact ~~shall be~~ is July 1, 2000.

~~(b) Upon the effective date of this compact, the licensing board shall participate in an evaluation of the effectiveness and operability of the compact. Upon completion of the evaluation, a report shall be submitted to the Legislative Council for its review.~~

SECTION 9. Arkansas Code § 17-87-708(a), concerning penalties related to medication assistive persons, is amended to read as follows to clarify a criminal offense:

(a)(1) It ~~shall be a misdemeanor~~ is unlawful for any person to:

(A) Sell or fraudulently obtain or furnish any medication assistive person's certificate, renewal, or record or aid or abet in any such sale or fraud;

(B) Serve as a medication assistive person under cover of any certificate or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(C) Serve as a medication assistive person unless certified by the Arkansas State Board of Nursing;

(D) Use in connection with his or her name any of the following titles, names, or initials if the user is not properly certified under this subchapter:

- (i) Medication assistive person;
- (ii) M.A.P.;
- (iii) Medication aide;
- (iv) Medication technician;
- (v) Medication assistant;
- (vi) Certified medication aide;
- (vii) C.M.A.;

- (viii) Medication assistant – Certified;
- (ix) MA – C; or
- (x) Any other name, title, or initials that would cause a reasonable person to believe the user is certified under this subchapter;
- (E) Serve as a medication assistive person during the time his or her certification is suspended;
- (F) Conduct an education program for the preparation of medication assistive persons unless the program has been approved by the board; or
- (G) Otherwise violate any provisions of this subchapter.

(2)(A) ~~A misdemeanor~~ A first offense under subdivision (a)(1) of this section ~~shall be~~ is a violation punishable by a fine of not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500).

(B) Each subsequent offense under subdivision (a)(1) of this section ~~shall be~~ is a Class C misdemeanor ~~punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment of not more than thirty (30) days, or by both a fine and imprisonment.~~

SECTION 10. Arkansas Code § 17-89-203(a)(3), concerning meetings and officers of the Arkansas Board of Dispensing Opticians, is amended to read as follows to correct an obsolete reference:

(3) Compile and maintain a book of licensure and a book of registry of all dispensing opticians who are licensed or registered to engage in the business of ophthalmic dispensing in the State of Arkansas, which shall be updated annually. The Arkansas Board of Dispensing Opticians shall annually furnish a copy of the books to the State Board of Optometry and the ~~Ophthalmology Section of the Arkansas Medical Society, Inc.~~ Arkansas Ophthalmological Society;

SECTION 11. Arkansas Code § 17-89-203(a)(5), concerning the powers and duties of the Arkansas Board of Dispensing Opticians, is amended to read as follows to correct an obsolete reference:

(5) Prepare and present an annual report of administration, licensure, registry, and investigation to the State Board of Optometry and to the ~~Ophthalmology Section of the Arkansas Medical Society, Inc.~~ Arkansas Ophthalmological Society;

SECTION 12. Arkansas Code § 17-90-201 is amended to read as follows to clarify the section:

17-90-201. Appointment of members.

(a) The State Board of Optometry shall consist of seven (7) members appointed by the Governor as follows for terms of five (5) years subject to confirmation by the Senate ~~for terms of five (5) years~~:

(1) After consulting The Arkansas Optometric Association, Inc., the Governor shall appoint five (5) members who are licensed optometrists and who have been engaged in the regular practice of optometry in this state for a period of three (3) years; and

(2) ~~Two~~ The Governor shall appoint two (2) members from the state at large who shall not be actively engaged in or retired from the profession of optometry. One (1) member appointed under this subdivision (a)(2) shall represent consumers, and one (1) member appointed under this subdivision (a)(2) shall be sixty (60) years of age or older and shall represent the elderly. ~~Both shall be appointed from the state at large, subject to confirmation by the Senate.~~ The two (2) positions under this subdivision (a)(2) may not be held by the same person. Both members appointed under this subdivision (a)(2) shall be full voting members but shall not participate in the grading of examinations.

(b) All vacancies on the board shall be filled in ~~a like~~ the same manner as an appointment under subsection (a) of this section.

SECTION 13. Arkansas Code § 17-92-206(a), concerning the issuance of bulletins by the Arkansas State Board of Pharmacy, is amended to read as follows to repeal an obsolete reference and make stylistic changes:

(a) ~~It shall be the duty of the~~ The Arkansas State Board of Pharmacy ~~to shall~~ shall issue bulletins from time to time, informing pharmacists of important United States public health regulations, service and regulatory announcements of the United States Natural Resources Conservation Service, and decisions of the United States Department of the Treasury relating to the possession, use, and sale of nonbeverage United States Pharmacopoeia alcohol ~~and to the Harrison Wright Antinarcotic Act.~~

SECTION 14. Arkansas Code § 17-92-301 is amended to read as follows to

clarify references and make stylistic changes:

17-92-301. License required.

(a) ~~No person shall~~ A person shall not perform any of the acts constituting the practice of pharmacy unless the person is:

(1) A licensed pharmacist;

(2) A student or graduate of a recognized college of pharmacy serving an internship under an internship program established and regulated by the Arkansas State Board of Pharmacy;

(3) A pharmacy technician performing the limited functions permitted under this chapter and rules promulgated ~~hereunder~~ under this chapter; or

(4) A hospital pharmacy technician as defined in § 17-92-602 performing the limited functions permitted under ~~that subchapter~~ the Hospital Pharmacies Act, § 17-92-601 et seq., and rules promulgated ~~thereunder~~ under the Hospital Pharmacies Act, § 17-92-601 et seq.

(b) ~~No~~ A person other than a licensed pharmacist shall not use the term “doctor of pharmacy” or “Pharm.D”.

SECTION 15. Arkansas Code § 17-92-302(a) and (b), concerning penalties for the unlicensed practice of pharmacy, are amended to read as follows to clarify references, clarify a criminal offense, and make stylistic changes:

(a) ~~No~~ A person shall not fill a prescription, compound medicines, or otherwise perform the function of a licensed pharmacist unless the person is:

(1) An Arkansas-licensed pharmacist, except students or graduates of a recognized college of pharmacy serving an internship as provided by law and regulated by the Arkansas State Board of Pharmacy;

(2) A pharmacy technician performing the limited functions permitted under this chapter and rules promulgated ~~hereunder~~ under this chapter; or

(3) A hospital pharmacy technician as defined in § 17-92-602 performing the limited functions permitted under ~~that subchapter~~ the Hospital Pharmacies Act, § 17-92-601 et seq., and rules promulgated ~~thereunder~~ under the Hospital Pharmacies Act, § 17-92-601 et seq.

(b) ~~Any person who is not an Arkansas-licensed pharmacist or a student serving internship or a pharmacy technician performing the limited functions permitted under this chapter and rules promulgated hereunder or a hospital~~

~~pharmacy technician as defined in § 17-92-602 performing the limited functions permitted under that subchapter and rules promulgated thereunder, who shall fill a prescription, compound or dispense medicine, or otherwise perform the functions of a pharmacist, shall be guilty of a misdemeanor~~ A violation of subsection (a) of this section is a violation punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100) for the first offense and an unclassified misdemeanor punishable by a fine of not less than one hundred dollars (\$100) or thirty (30) days' imprisonment, or both fine and imprisonment, for each succeeding subsequent offense thereafter.

SECTION 16. Arkansas Code § 17-92-308(c)(1), concerning reciprocity for the practice of pharmacy, is amended to read as follows to clarify a reference to the defined term "practice of pharmacy":

(c)(1) In the interim between sessions of the board and upon satisfactory evidence of the fitness as established by board rule of an applicant for reciprocity, any member of the board, in his or her discretion, may issue a temporary certificate that shall authorize the holder to engage in the practice of pharmacy as defined in § 17-92-101.

SECTION 17. Arkansas Code § 17-92-312 is amended to read as follows:
17-92-312. Revocation and fine – Adulteration of drugs.

Any licensed pharmacist who shall knowingly, intentionally, and fraudulently adulterate or cause to be adulterated any drugs, chemicals, or medical preparations and ~~offer such~~ offers the adulterations for sale ~~shall be deemed upon conviction is~~ guilty of a misdemeanor. ~~Upon conviction, his or her license shall be revoked and, in addition, he or she shall be liable to a penalty violation punishable by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100) and shall have his or her license under this chapter revoked.~~

SECTION 18. Arkansas Code § 17-93-502 is amended to read as follows to repeal obsolete language:

17-93-502. Administration of compact – Rules.

(a) The Arkansas State Board of Physical Therapy is the Physical Therapy Licensure Compact administrator for this state.

(b)(1) The board may adopt rules necessary to implement this subchapter.

~~(2)(A) When adopting the initial rules to implement this subchapter, 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(e) sufficiently in advance of January 1, 2020, so that the Legislative Council may consider the rule for approval before January 1, 2020.~~

(c) The board is not required to adopt the rules of the Physical Therapy Compact Commission.

SECTION 19. Arkansas Code § 17-95-108(b)(1), concerning the informed consent required for gastric bypass surgery, is amended to read as follows to repeal obsolete language:

(b)(1) The Arkansas State Medical Board shall promulgate rules to enforce this section ~~within six (6) months of July 16, 2003.~~

SECTION 20. Arkansas Code § 17-95-209 is amended to read as follows to repeal obsolete language:

17-95-209. Regulation of office-based surgery.

~~Within eighteen (18) months after August 16, 2013, the~~ The Arkansas State Medical Board shall adopt rules to be followed by a physician who performs office-based surgery.

SECTION 21. Arkansas Code § 17-95-304(f), concerning inspectors and use of prescriptions, orders, or records under the Arkansas Medical Practices Act, is amended to read as follows to clarify a reference to a state board and make stylistic changes:

(f)(1) The division ~~shall have the authority to~~ may collect from the ~~individual board~~ Arkansas State Medical Board for utilizing the services delineated in this section:

(1) ~~up~~ Up to fifty dollars (\$50.00) per hour with a maximum of

four thousand dollars (\$4,000) in hourly costs per case;

~~(2) The division shall also have the authority to collect from the individual board utilizing the services delineated in this section for:~~

~~(A) Travel expenses at the level for state employees; and~~

~~(B)(3) Other out-of-pocket costs incurred by the division in carrying out its investigative task.~~

SECTION 22. Arkansas Code § 17-95-306(a)(1), concerning criminal background checks under the Arkansas Medical Practices Act, is amended to read as follows to repeal obsolete language:

(a)(1) ~~Beginning July 1, 2005, every~~ Every person applying for a license or renewal of a license issued by the Arkansas State Medical Board shall provide written authorization to the board to allow the Division of Arkansas State Police to release the results of a state and federal criminal history background check report to the board.

SECTION 23. Arkansas Code § 17-96-103(c), concerning unlawful acts and penalties related to podiatric medicine, is amended to read as follows to clarify a criminal offense and make stylistic changes:

(c) Any person who ~~shall knowingly violate any of the provisions of~~ violates this chapter, upon conviction is guilty of an unclassified misdemeanor and shall be fined a sum not exceeding one thousand dollars (\$1,000) or be imprisoned ~~in the county jail~~ not to exceed thirty (30) days, or be both fined and imprisoned.

SECTION 24. Arkansas Code § 17-96-201 is amended to read as follows to formally create a state board, clarify references, and make stylistic changes:

17-96-201. Creation – Members.

(a) There is created the Arkansas Board of Podiatric Medicine.

~~(a)(1)(b)(1) The Governor shall appoint an examining board to consist of board shall consist of~~ five (5) members appointed by the Governor on September 1, for terms of three (3) years. All members shall be residents of the state for a period of one (1) or more years.

(2) Three (3) members shall be podiatrists and shall have been actually engaged in the practice of podiatric medicine immediately preceding

their appointment. They shall be appointed after consulting the Arkansas Podiatric Medical Association and subject to confirmation by the Senate.

(3) Two (2) members of the ~~Arkansas Board of Podiatric Medicine board~~ shall not be actively engaged in or retired from the profession of podiatric medicine. One (1) member under this subdivision (b)(3) shall represent consumers, and one (1) member under this subdivision (b)(3) shall be sixty (60) years of age or older and shall represent the elderly. Both members under this subdivision (b)(3) shall be appointed from the state at large subject to confirmation by the Senate. The two (2) positions under this subdivision (b)(3) may not be held by the same person. Both members under this subdivision (b)(3) shall be full voting members but shall not participate in the grading of examinations.

(b) All vacancies on the board shall be filled by the Governor to serve for the unexpired term of the member whose place is rendered vacant.

SECTION 25. Arkansas Code § 17-96-301(b)(2), concerning the license required for podiatric medicine and the penalty for unlawful practice of podiatric medicine, is amended to read as follows to clarify a criminal offense, repeal redundant language, and make a stylistic change:

(2) Upon conviction, the person ~~shall be~~ is guilty of ~~a Class A misdemeanor~~ an unclassified misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not less than three (3) months nor more than one (1) year, or both. ~~The fine and imprisonment are to be at the discretion of the court or jury.~~

SECTION 26. Arkansas Code § 17-97-201(a)(3)-(5), concerning the creation and members of the Arkansas Psychology Board, are amended to read as follows to add clarifying language and repeal obsolete language:

(3)(A) The academic psychologist member, the practicing psychologist members, and the psychological examiner members shall be appointed by the Governor after consulting the Arkansas Psychological Association, Inc., and the Arkansas Association of Masters in Psychology, Inc., and subject to confirmation by the Senate.

(B)(i) Of the two (2) members appointed pursuant to subdivision (a)(2)(D) of this section, one (1) member shall represent

consumers, and one (1) member shall be sixty (60) years of age or older and shall represent the elderly.

(ii) Both shall be appointed from the state at large, subject to confirmation by the Senate.

(iii) The two (2) positions may not be held by the same person.

(iv) Both shall be full voting members but shall not vote on or participate in the administration or grading of examinations of applicants for licensure.

(C)(i) Any public member appointed under subdivision (a)(2)(D) of this section ~~after July 28, 1995~~, shall be an Arkansas resident and shall have resided in Arkansas for at least five (5) years immediately preceding appointment.

(ii) Furthermore, the person shall never have been a psychologist or psychological examiner, an applicant or former applicant for licensure as a psychologist or psychological examiner, a member of another mental health profession, a member of a household that includes a psychologist or psychological examiner, or otherwise have conflicts of interest or the appearance of conflicts with his or her duties as a board member.

(4)(A) Each psychologist and psychological examiner appointed to the board ~~after July 28, 1995~~, shall reside within the State of Arkansas, hold a current valid license to practice, and shall have been licensed to practice psychology in Arkansas for at least five (5) years immediately preceding his or her appointment to the board.

(B) At the time of appointment, each such member shall be free of any conflict of interest and the appearance of any conflict with his or her duties as a member of the board.

(C) To the extent possible, psychologist and psychological examiner board members shall be members or fellows of state or national professional organizations, such as the Arkansas Psychological Association, Inc., the Arkansas Association of Masters in Psychology, Inc., or the American Psychological Association.

(5)(A) The Governor shall fill all vacancies on the board for the unexpired term within thirty (30) days after the vacancy occurs.

(B) The Governor shall remove any member from the board if

he or she:

- (i) Ceases to be qualified;
- (ii) Fails to attend three (3) successive board meetings without just cause as determined by the board;
- (iii) Is found to be in violation of this chapter;
- (iv) Pleads guilty or nolo contendere to or is found guilty of a felony listed under § 17-3-102 by a court of competent jurisdiction; or
- (v) Pleads guilty or nolo contendere to or is found guilty of malfeasance, misfeasance, or nonfeasance in relation to his or her board duties by a court of competent jurisdiction.

SECTION 27. Arkansas Code § 17-97-201(b), concerning the creation and members of the Arkansas Psychology Board, is repealed to remove redundant and obsolete language.

~~(b) All vacancies occurring on the board shall be filled by the Governor for the unexpired term and, for the professional members from the list of those qualified, within thirty (30) days after the vacancy occurs.~~

SECTION 28. Arkansas Code § 17-97-310(b), concerning the denial or revocation of a license to practice psychology, is amended to read as follows to clarify the denial of issuance or revocation of a license by the Arkansas Psychology Board due to a criminal offense for consistency with §§ 17-3-102 and 17-97-312:

(b) The ~~When determining whether to deny issuance of or revoke a license due to a criminal offense, the board shall refuse to issue or shall revoke the license of any person who has been found guilty of or pleaded guilty or nolo contendere to any of the offenses listed in § 17-97-312(f) unless the person requests and the board grants a waiver pursuant to § 17-97-312(h) follow § 17-3-102.~~

SECTION 29. Arkansas Code § 17-100-208(a), concerning outside investigators contracted by the Board of Examiners in Speech-Language Pathology and Audiology, is amended to read as follows to clarify its application:

- (a)(1) The Board of Examiners in Speech-Language Pathology and

Audiology shall contract with an outside investigator as needed to perform investigations and conduct inspections of alleged wrongdoing.

(2) An outside investigator ~~contacted~~ contracted with under subdivision (a)(1) of this section shall have expertise or background in the subject matter in which he or she is being contracted to investigate.

SECTION 30. Arkansas Code § 17-101-315 is amended to read as follows to repeal obsolete language and make stylistic changes:

17-101-315. Equine teeth floating.

(a) ~~The Arkansas Livestock and Poultry Commission is prohibited from enforcing commission policy regarding equine teeth floating by either investigating or prosecuting an individual practitioner engaged in equine teeth floating until July 1, 2013.~~

~~(b)(1)~~ Before engaging in the practice of equine teeth floating in the state, an individual practitioner shall present to the ~~commission~~ Arkansas Livestock and Poultry Commission signed letters of recommendation from two (2) clients who have previously employed the individual practitioner and who bear witness to the individual practitioner's ability to perform equine teeth floating.

~~(2)(b)~~ The letters of recommendation under subsection (a) of this section shall be presented to the commission before providing service to a client or performing any procedure on any animal.

SECTION 31. Arkansas Code § 17-101-316(a) and (b), concerning livestock embryo transfer or transplant and livestock pregnancy determination, are amended to read as follows to repeal obsolete language and make stylistic changes:

(a) ~~Until July 1, 2019, the Arkansas Livestock and Poultry Commission is prohibited from investigating or prosecuting under a commission rule or policy an individual technician who engages in both:~~

~~(1) Livestock embryo transfer or transplant; and~~

~~(2) Livestock pregnancy determination.~~

~~(b)~~ Before engaging in livestock embryo transfer or transplant and livestock pregnancy determination in the state, an individual technician shall obtain a certification from the ~~commission~~ Arkansas Livestock and Poultry Commission.

SECTION 32. Arkansas Code § 17-102-104(a), concerning false advertising under the Arkansas Acupuncture Practices Act, is amended to read as follows to clarify a reference to a defined term:

(a) ~~A person defined in § 17-102-102(4)~~ An acupuncturist shall not solicit for patronage or advertise for patronage by any means whatever that are misleading, fraudulent, deceptive, or dishonest.

SECTION 33. Arkansas Code § 17-102-201(a)(5)(A) and (B), concerning the Arkansas State Board of Acupuncture and Related Techniques, is amended to read as follows to repeal obsolete language and correct a reference to a state legislative committee:

(5)(A) On a biennial basis ~~beginning in October 2010~~, the board shall file a written report with the House Committee on Public ~~Heath~~ Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor.

(B) The report shall contain a certified copy of the minutes of all board meetings as required by § 17-102-205 for the calendar years ~~2009 through October 2010 and thereafter~~ covering the period of time since the last report.

SECTION 34. Arkansas Code § 17-102-204(a), concerning the Arkansas State Board of Acupuncture and Related Techniques, is amended to read as follows to repeal obsolete language and make stylistic changes:

(a) The Arkansas State Board of Acupuncture and Related Techniques shall ~~within sixty (60) days of August 1, 1997, and every May thereafter~~ hold a meeting in May each year and elect from ~~its~~ the board's membership a president, a secretary, and a treasurer for terms set by the board.

SECTION 35. Arkansas Code § 17-102-206(b)(5)(B) and (C), concerning the powers and duties of the Arkansas State Board of Acupuncture and Related Techniques, are amended to read as follows to repeal obsolete language:

(B) ~~Within thirty (30) days after July 31, 2009, the Arkansas State Board of Acupuncture and Related Techniques shall promulgate new rules to replace the following existing rules: Title I, Title II, Title III, Title IV, Title V, and Title VI.~~

~~(C)~~ All proposed rules after ~~July 31, 2009~~, shall be approved in writing by the Arkansas State Medical Board under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., but before submission to the Administrative Rules Subcommittee of the Legislative Council;

SECTION 36. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Fifth General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Fifth General Assembly and this act:

(A) The act of the regular session of the Ninety-Fifth General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Fifth General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.