

Title 17. Professions, Occupations, and Businesses

Chapter VI. State Plant Board, Department of Agriculture

Subchapter A. Generally

Part 26. Rules on Reciprocal, Temporary, and Provisional Licensure

Subpart 1. General Provisions

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"A. Governing Law. These rules are promulgated pursuant to Act 1011 of 2019, Ark Code Ann. §17-1- 108."

17 CAR § 26-101. Conflict of rules.

This part shall supersede any State Plant Board rules governing reciprocal, temporary, and provisional licensing of the occupational licenses enumerated herein.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-102. Incorporation of definitions.

This part hereby incorporate by reference the definitions of each rule governing the licenses addressed herein unless the context clearly indicates otherwise.

Authority. Arkansas Code § 17-1-108.

Subpart 2. Agricultural Consultants

17 CAR § 26-201. Reciprocity.

(a) **Required qualifications.** An applicant applying for reciprocal licensure in agriculture consultancy shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) A license from another jurisdiction is substantially similar to an Arkansas agricultural consultant license if the other jurisdiction's licensure qualifications require:

(i) A bachelor's degree in board-approved crop related field; or

(ii) Has seven (7) years of continuous experience working for a licensed agricultural consultant.

(C) The applicant shall hold his or her occupational licensure in good standing.

(D) The applicant shall not have had a license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics.

(E) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and

(2) The applicant shall be sufficiently competent in the field of agricultural consultancy.

(b) Required documentation.

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2) As evidence that the applicant's license from another United States jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:

(A)(i) Evidence of current and active licensure in that United States jurisdiction.

(ii) The Department of Agriculture may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board; and

(B)(i) Evidence that the other United States jurisdiction's licensure requirements match those listed in subdivision (a)(1)(B) of this section.

(ii) The department may verify this information online or by telephone to the other jurisdiction's licensing board.

(3) To demonstrate that the applicant meets the requirement in subdivisions (a)(1)(C) – (E) for this section, the applicant shall provide the department with:

(A) The names of all United States jurisdictions in which the applicant is currently licensed or has been previously licensed; and

(B)(i) Letters of good standing or other information from each United States jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for the reasons listed in subdivision (a)(1)(D) of this section and does not hold a license on suspended or probationary status as described in subdivision (a)(1)(E) of this section.

(ii) The department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.

(4) As evidence that the applicant is sufficiently competent in the field of agricultural consultancy, an applicant shall pass a written examination administered by the board or Certified Crop Advisor.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-202. Temporary and provisional license.

(a) The Department of Agriculture shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under 17 CAR § 26-201(b)(2).

(b) The temporary and provisional license shall be effective for ninety (90) days, unless the department determines that the applicant does not meet the requirements in 17 CAR § 26-201(a), in which case the temporary and provisional license shall be immediately revoked.

(c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-203. License for person from a jurisdiction that does not license occupation.

(a) **Required qualifications.** An applicant from a United States jurisdiction that does not license agricultural consultants shall meet the following requirements:

(1) The applicant shall be sufficiently competent in the agricultural consultancy; and

(2) Possess a bachelor's degree in a board-approved crop related field.

(b) **Required documentation.**

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2) As evidence that the applicant is sufficiently competent in the field of agricultural consultancy, an applicant shall pass a written examination administered by the board or Certified Crop Advisor.

(3) Provide official transcripts of a bachelor's degree in a board-approved crop related field.

Authority. Arkansas Code § 17-1-108.

Subpart 3. Catfish Processors

17 CAR § 26-301. Reciprocity.

(a) **Required qualifications.** An applicant applying for reciprocal licensure as a catfish processor shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) The applicant shall hold his or her occupational licensure in good standing.

(C) The applicant shall not have had a license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics.

(D) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(2) The applicant shall be sufficiently competent in catfish processing; and

(3) Satisfy the bonding and financial reporting requirements listed in 2 CAR §§ 23-103 and 23-104 of the Rules on Catfish Processors in Arkansas.

(b) Required documentation.

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2)(A) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in another United States jurisdiction.

(B) The Department of Agriculture may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other United States jurisdiction's licensing board.

(3) To demonstrate that the applicant meets the requirement in subdivision (a)(1) of this section, the applicant shall provide the department with:

(A) The names of all United States jurisdictions in which the applicant is currently licensed or has been previously licensed; and

(B)(i) Letters of good standing or other information from each United States jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for the reasons listed in subdivision (a)(1)(C) of this section and does not hold a license on suspended or probationary status as described in subdivision (a)(1)(D) of this section.

(ii) The department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other United States jurisdiction's licensing board.

(4) The applicant shall submit the bonding and financial reporting documentation required in 2 CAR §§ 23-103 and 23-104 of the Rules on Catfish Processors in Arkansas.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-302. Temporary and provisional license.

(a) The Department of Agriculture shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under 17 CAR § 26-301(b)(1)-(2).

(b) The temporary and provisional license shall be effective for ninety (90) days, unless the department determines that the applicant does not meet the requirements in 17 CAR § 26-301(a), in which case the temporary and provisional license shall be immediately revoked.

(c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-303. License for person from a jurisdiction that does not license occupation.

(a) **Required qualifications.** An applicant from a United States jurisdiction that does not license catfish processors shall meet the following requirements:

- (1) The applicant shall be sufficiently competent in the catfish processing; and
- (2) The applicant shall meet the bonding and financial reporting requirements listed in 2 CAR §§ 23-103 and 23-104 of the Rules on Catfish Processors in Arkansas.

(b) **Required documentation.** An applicant shall submit a fully-executed application, the required fee, and the bonding and financial reporting documentation required in 2 CAR §§ 23-103 and 23-104 of the Rules on Catfish Processors in Arkansas.

Authority. Arkansas Code § 17-1-108.

Subpart 4. Commercial Applicators (Individuals)

17 CAR § 26-401. Reciprocity.

(a) **Required qualifications.** An applicant applying for reciprocal licensure as a commercial applicator as defined in Arkansas Code § 20-20-203(4) shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) A commercial applicator license from another United States jurisdiction is substantially similar to an Arkansas commercial applicator license if the other jurisdiction's licensure is issued pursuant to a certification plan approved by the Environmental Protection Agency under 40 C.F.R. § 171.301 et seq.

(C) The applicant shall hold his or her occupational licensure in good standing.

(D) The applicant shall not have had a license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics.

(E) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(2) The applicant shall be sufficiently competent in the commercial applicator occupation as defined in Arkansas Code § 20-20-203(4); and

(3) The applicant shall be employed by a licensed commercial applicator firm.

(b) **Required documentation.**

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:

(A)(i) Evidence of current and active licensure in that jurisdiction.

(ii) The Department of Agriculture may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board; and

(B)(i) Evidence that the other jurisdiction's licensure requirements match those listed in subdivision (a)(1)(B) of this section.

(ii) The department may verify this information online or by telephone to the other jurisdiction's licensing board.

(3) To demonstrate that the applicant meets the requirement in subdivisions (a)(1)(C)-(E) of this section, the applicant shall provide the department with:

(A) The names of all jurisdictions in which the applicant is currently licensed or has been previously licensed; and

(B)(i) Letters of good standing or other information from each jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for the reasons listed in subdivision (a)(1)(D) of this section and does not hold a license on suspended or probationary status as described in subdivision (a)(1)(E) of this section.

(ii) The department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.

(4) As evidence that the applicant is sufficiently competent in the application of restricted use pesticides, an applicant shall pass a licensure exam approved by the department for each licensing category in which the applicant seeks reciprocity.

(5) The applicant shall provide proof of employment with a licensed commercial applicator firm.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-402. Temporary and provisional license.

(a) The Department of Agriculture shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under 17 CAR § 26-401(b)(2) and 26-401(b)(5).

(b) The temporary and provisional license shall be effective for ninety (90) days, unless the department determines that the applicant does not meet the requirements in 17 CAR § 26-401(a), in which case the temporary and provisional license shall be immediately revoked.

(c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-403. License for person from a jurisdiction that does not license occupation.

(a) **Required qualifications.** An applicant from a state that does not license commercial applicators shall meet the following requirements:

(1) The applicant shall be sufficiently competent in the commercial applicator occupation as defined in Arkansas Code § 20-20-203(4); and

(2) The applicant shall be employed by a licensed commercial applicator firm.

(b) **Required documentation.**

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2) As evidence that the applicant is sufficiently competent in the application of restricted use pesticides, an applicant shall pass a licensure exam approved by the Department of Agriculture for each licensing category in which the applicant seeks reciprocity.

(3) The applicant shall provide proof of employment with a licensed commercial applicator firm.

Authority. Arkansas Code § 17-1-108.

Subpart 5. Pest Control Commercial Applicator License (Licensed Operator)

17 CAR § 26-501. Reciprocity.

(a) **Required Qualifications.** An applicant applying for reciprocal licensure as a licensed operator as defined in Arkansas Code § 17-37-102(10) shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) A commercial applicator license from another United States jurisdiction is substantially similar to an Arkansas commercial pest control operator license if the other jurisdiction's licensure is issued pursuant to a certification plan approved by the Environmental Protection Agency under 40 C.F.R. § 171.301 et seq.

(C) The applicant shall hold his or her occupational licensure in good standing.

(D) The applicant shall not have had a license revoked for:

- (i) An act of bad faith; or
- (ii) A violation of law, rule, or ethics.

(E) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(2) The applicant shall be sufficiently competent in the commercial applicator occupation as defined in Arkansas Code § 20-20-203(4); and

(3) The applicant shall be employed by a licensed commercial applicator firm.

(b) Required documentation.

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:

(A)(i) Evidence of current and active licensure in that jurisdiction.

(ii) The Department of Agriculture may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board; and

(B)(i) Evidence that the other jurisdiction's licensure requirements match those listed in subdivision (a)(1)(B) of this section.

(ii) The department may verify this information online or by telephone to the other jurisdiction's licensing board.

(3) To demonstrate that the applicant meets the requirement in subdivisions (a)(1)(C) – (D) of this section, the applicant shall provide the department with:

(A) The names of all jurisdictions in which the applicant is currently licensed or has been previously licensed; and

(B)(i) Letters of good standing or other information from each jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for the reasons listed in subdivision (a)(1)(D) of this section and does not hold a license on suspended or probationary status as described in subdivision (a)(1)(E) of this section.

(ii) The department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.

(4) As evidence that the applicant is sufficiently competent in the application of restricted use pesticides, an applicant shall pass a licensure exam approved by the department for each licensing category in which the applicant seeks reciprocity.

(5) The applicant shall provide proof of employment with a licensed commercial applicator firm.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-502. Temporary and provisional license.

(a) The Department of Agriculture shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under 17 CAR § 26-501(b)(2) – (5).

(b) The temporary and provisional license shall be effective for ninety (90) days, unless the department determines that the applicant does not meet the requirements in 17 CAR § 26-501(a), in which case the temporary and provisional license shall be immediately revoked.

(c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-503. License for person from a jurisdiction that does not license occupation.

(a) **Required qualifications.** An applicant from a state that does not license commercial applicators shall meet the following requirements:

(1) The applicant shall be sufficiently competent in the commercial applicator occupation as defined in Arkansas Code § 20-20-203(4); and

(2) The applicant shall be employed by a licensed commercial applicator firm.

(b) **Required documentation.**

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2) As evidence that the applicant is sufficiently competent in the application of restricted use pesticides, an applicant shall pass a licensure exam approved by the Department of Agriculture for each licensing category in which the applicant seeks licensure.

(3) The applicant shall provide proof of employment with a licensed commercial applicator firm.

Authority. Arkansas Code § 17-1-108.

Subpart 6. Pest Control Agents

17 CAR § 26-601. Reciprocity.

(a) **Required qualifications.** An applicant applying for reciprocal licensure as a pest control agent shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) The applicant shall hold his or her occupational licensure in good standing.

(C) The applicant shall not have had a license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics.

(D) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(2) The applicant shall be sufficiently competent as a pest control agent as defined in Arkansas Code § 17-37-102(1); and

(3) The applicant shall be employed by a licensed commercial applicator firm or individual.

(b) **Required documentation.**

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2)(A) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in another United States jurisdiction for the categories in which the applicant seeks reciprocity.

(B) The Department of Agriculture may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.

(3) To demonstrate that the applicant meets the requirement in subdivisions (a)(1)(B) – (D) of this section, the applicant shall provide the department with:

(A) The names of all United States jurisdictions in which the applicant is currently licensed or has been previously licensed; and

(B)(i) Letters of good standing or other information from each United States jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for the reasons listed in subdivision (a)(1)(C) of this section and does not hold a license on suspended or probationary status as described in subdivision (a)(1)(D) of this section.

(ii) The department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other United States jurisdiction's licensing board.

(4) As evidence that the applicant is sufficiently competent as an agent, an applicant shall pass a licensure exam approved by the department for each licensing category in which the applicant seeks reciprocity.

(5) The applicant shall provide proof of employment with a licensed commercial applicator firm.

Authority. Arkansas Code § 17-1-108.

Subpart 7. Grain Dealers

17 CAR § 26-701. Reciprocity.

(a) **Required qualifications.** An applicant applying for reciprocal licensure as a grain dealer shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) The applicant shall hold his or her occupational licensure in good standing.

(C) The applicant shall not have had a license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics.

(D) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(2) The applicant shall be sufficiently competent in grain dealership; and

(3) Satisfy the bonding and financial reporting requirements listed in 2 CAR § 28-103 of the Rules on Grain Dealers in Arkansas.

(b) Required documentation.

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2)(A) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in another United States jurisdiction.

(B) The Department of Agriculture may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.

(3) To demonstrate that the applicant meets the requirement in subdivisions (a)(1)(B) – (D) of this section, the applicant shall provide the department with:

(A) The names of all United States jurisdictions in which the applicant is currently licensed or has been previously licensed; and

(B)(i) Letters of good standing or other information from each United States jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for the reasons listed in subdivision (a)(1)(C) of this section and does not hold a license on suspended or probationary status as described in subdivision (a)(1)(D) of this section.

(ii) The department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other United States jurisdiction's licensing board.

(4) The applicant shall submit the bonding and financial reporting documentation required in 2 CAR § 28-103 of the Rules on Grain Dealers in Arkansas.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-702. Temporary and provisional license.

(a) The Department of Agriculture shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under 17 CAR § 26-701(b)(2) and 26-701(b)(4).

(b) The temporary and provisional license shall be effective for ninety (90) days, unless the department determines that the applicant does not meet the requirements in 17 CAR § 26-701(a), in which case the temporary and provisional license shall be immediately revoked.

(c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-703. License for person from a jurisdiction that does not license occupation.

(a) **Required qualifications.** An applicant from a United States jurisdiction that does not license grain dealers shall meet the following requirements:

- (1) The applicant shall be sufficiently competent in the grain dealership; and
- (2) The applicant shall meet the bonding and financial reporting requirements listed in 2 CAR § 28-103 of the Rules on Grain Dealers in Arkansas.

(b) **Required documentation.** An applicant shall submit a fully-executed application, the required fee, and the bonding and financial reporting documentation required in 2 CAR § 28-103 of the Rules on Grain Dealers in Arkansas.

Authority. Arkansas Code § 17-1-108.

Subpart 8. Grain Warehouse License

17 CAR § 26-801. Reciprocity.

(a) **Required qualifications.** An applicant applying for reciprocal licensure as a grain warehouse shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) The applicant shall hold his or her occupational licensure in good standing.

(C) The applicant shall not have had a license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics.

(D) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(2) The applicant shall be sufficiently competent in grain warehousing; and

(3) Satisfy the bonding and financial reporting requirements listed in 2 CAR § 29-103 of the Rules on Public Grain Warehouses in Arkansas and Arkansas Code § 2-7-201 et seq.

(b) **Required documentation.**

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2)(A) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit evidence of current and active licensure in another United States jurisdiction.

(B) The Department of Agriculture may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.

(3) To demonstrate that the applicant meets the requirement in subdivision (a)(1) of this section, the applicant shall provide the department with:

(A) The names of all United States jurisdictions in which the applicant is currently licensed or has been previously licensed; and

(B)(i) Letters of good standing or other information from each United States jurisdiction in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for the reasons listed in subdivision (a)(1)(C) of this section and does not hold a license on suspended or probationary status as described in subdivision (a)(1)(D) of this section.

(ii) The department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other United States jurisdiction's licensing board.

(4) The applicant shall submit the bonding and financial reporting documentation required in 2 CAR § 29-103 of the Rules on Public Grain Warehouses in Arkansas and Arkansas Code § 2-7-201 et seq.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-802. Temporary and provisional license.

(a) The Department of Agriculture shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under 17 CAR § 26-801(b)(2) and (b)(4).

(b) The temporary and provisional license shall be effective for ninety (90) days, unless the department determines that the applicant does not meet the requirements in 17 CAR § 26-801(a)(2) and (a)(3), in which case the temporary and provisional license shall be immediately revoked.

(c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-803. License for person from a jurisdiction that does not license occupation.

(a) **Required qualifications.** An applicant from a United States jurisdiction that does not license grain warehousemen shall meet the following requirements:

- (1) The applicant shall be sufficiently competent in the grain warehousing; and
- (2) The applicant shall meet the bonding and financial reporting requirements listed in 2 CAR § 28-103 of the Rules on Grain Dealers in Arkansas.

(b) **Required documentation.** An applicant shall submit a fully-executed application, the required fee, and the bonding and financial reporting documentation required in 2 CAR § 29-103 of the Rules on Public Grain Warehouses in Arkansas and Arkansas Code § 2-7-201 et seq.

Authority. Arkansas Code § 17-1-108.

Subpart 9. Pesticide Dealers

17 CAR § 26-901. Reciprocity.

(a) **Required qualifications.** An applicant applying for reciprocal licensure shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) A license from another United States jurisdiction is substantially similar to an Arkansas pesticide dealer license if the other jurisdiction's licensure authorizes the applicant to engage in the sale of restricted-use pesticides.

(C) The applicant shall hold his or her occupational licensure in good standing.

(D) The applicant shall not have had a license revoked for:

- (i) An act of bad faith; or
- (ii) A violation of law, rule, or ethics.

(E) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;

(2) The applicant shall be sufficiently competent in pesticide dealership; and

(3) Has designated a representative with power of attorney within the state of Arkansas.

(b) Required documentation.

(1) An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

(2) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:

(A)(i) Evidence of current and active licensure in that state.

(ii) The Department of Agriculture may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board; and

(B)(i) Evidence that the other United States jurisdiction's licensure requirements match those listed in subdivision (a)(1)(B) of this section.

(ii) The department may verify this information online or by telephone to the other jurisdiction's licensing board.

(3) To demonstrate that the applicant meets the requirement in subdivisions (a)(1)(C) – (E) of this section, the applicant shall provide the department with:

(A) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(B)(i) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his or her license revoked for the reasons listed in subdivision (a)(1)(D) of

this section and does not hold a license on suspended or probationary status as described in subdivision (a)(1)(E) of this section.

(ii) The department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other jurisdiction's licensing board.

(4) As evidence that the applicant has appointed an in-state representative with power of attorney, the applicant shall submit documentation demonstrating the appointment.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-902. Temporary and provisional license.

(a) The Department of Agriculture shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under 17 CAR § 26-901(b)(2).

(b) The temporary and provisional license shall be effective for ninety (90) days, unless the department determines that the applicant does not meet the requirements in 17 CAR § 26-901(a)(1)-(3), in which case the temporary and provisional license shall be immediately revoked.

(c) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-903. License for person from a jurisdiction that does not license occupation.

(a) **Required qualifications.** An applicant from a United States jurisdiction that does not license pesticide dealers shall meet the following requirements:

(1) The applicant shall be sufficiently competent in pesticide dealership; and

(2) The applicant has appointed a representative with power of attorney within the State of Arkansas.

(b) **Required documentation.** An applicant shall submit a fully-executed application, the required fee, and documentation demonstrating that the applicant has appointed a representative with power of attorney within the State of Arkansas.

Authority. Arkansas Code § 17-1-108.

Subpart 10. Miscellaneous

17 CAR § 26-1001. Reciprocity.

(a) **Required qualifications.** An applicant applying for reciprocal licensure as a nurseryman, nursery dealer, landscape contractor, plant breeder, or lime vendor shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) A license from another jurisdiction is substantially similar to an Arkansas license if it authorizes engaging in the same activities as the particular license for which reciprocity is sought.

(C) The applicant shall hold his or her occupational licensure in good standing.

(D) The applicant shall not have had a license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics.

(E) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; and

(2) The applicant shall be sufficiently competent in the field related to the license for which the applicant is seeking reciprocity.

(b) **Required documentation.** An applicant shall submit a fully-executed application and the required fee for each license in which reciprocity is sought.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-1002. Temporary and provisional license.

(a) The Department of Agriculture shall issue a temporary and provisional license immediately upon receipt of the application and required fee.

(b) The temporary and provisional license shall be effective for ninety (90) days, unless the department determines that the applicant does not meet the requirements in 17 CAR § 26-1001(a), in which case the temporary and provisional license shall be immediately revoked.

Authority. Arkansas Code § 17-1-108.

17 CAR § 26-1003. License for person from a jurisdiction that does not license occupation.

An applicant from a United States jurisdiction that does not license the occupations covered under this section shall meet the following requirements:

- (1) The applicant shall be sufficiently competent in the occupation for which the applicant is seeking a license; and
- (2) An applicant shall submit a fully-executed application and the required fee.

Authority. Arkansas Code § 17-1-108.