

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1467 of the Regular Session

As Engrossed: S3/18/09 H4/2/09

A Bill

State of Arkansas

87th General Assembly

Regular Session, 2009

SENATE BILL 803

By: Senator Madison

For An Act To Be Entitled

AN ACT TO LICENSE MOLD INVESTIGATORS; TO
ESTABLISH STANDARDS FOR MOLD INVESTIGATIONS; TO
ESTABLISH QUALIFICATIONS FOR MOLD INVESTIGATORS;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO LICENSE MOLD INVESTIGATORS; TO
ESTABLISH STANDARDS FOR MOLD
INVESTIGATIONS; AND TO ESTABLISH
QUALIFICATIONS FOR MOLD INSPECTORS.

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

17-54-101. Title.

This chapter shall be known and may be cited as the "Arkansas Mold
Investigator Licensing Act".

17-54-102. Definitions.

As used in this chapter:

(1) "Mold" means any fungus, including spores, hyphae, and
mycellial fragments;

(2) "Board" means the State Plant Board; and

(3)(A)(i) "Mold investigator" means a person who, for a fee,
performs the service of examining residential or commercial buildings to
confirm or refute the presence of a proliferative source of mold in a
residential or commercial building.



1 (ii) "Mold investigation" does not include an
2 employee of an insurance company or an adjuster when the employee or adjuster
3 is adjusting a claim under an insurance policy.

4 (B) A service performed under subdivision (3)(A)(i) of
5 this section may be offered as a singular service or combined with any other
6 services.

7
8 17-54-103. Mold investigation -- Penalty.

9 (a)(1) After January 1, 2010, a person shall not collect a fee for
10 performing services as a mold investigator in the state of Arkansas, nor hold
11 himself or herself out as a mold investigator without being licensed to
12 perform a mold investigation by the State Plant Board.

13 (2) The board may impose a fine not to exceed one thousand
14 dollars (\$1,000) per incident for a violation of this section.

15 (b)(1) A person licensed under this chapter shall satisfactorily
16 demonstrate one (1) or more of the following qualification criteria:

17 (A) Certification as a Certified Industrial Hygienist by
18 the American Board of Industrial Hygiene;

19 (B) Certification as a Certified Microbial Consultant by
20 the American Indoor Air Quality Council or a Certified Indoor Environmental
21 Consultant;

22 (C) Successful completion of at least 20 (twenty) hours of
23 college-level microbiology.

24 (2) A person licensed under this chapter shall not confirm or
25 refute the presence of mold in a residential or commercial building without
26 having first:

27 (A) Performed an onsite investigation of the premises
28 conducted under the best practices set forth in the guidelines established by
29 the American Conference of Governmental Industrial Hygienists and the
30 American Industrial Hygiene Association, as they existed on January 1, 2009;
31 or

32 (B) If air samples or bulk samples of any kind are taken
33 from a residence or commercial building for culture or appropriate
34 examination by a commercial laboratory, the analysis shall be performed by a
35 laboratory accredited by and actively participating in the American
36 Industrial Hygiene Association's Environmental Microbiology Laboratory

1 Accreditation Program.

2 (3) A written copy of an analysis from the laboratory under this
3 chapter shall be provided to the person or entity that has retained the
4 services of the mold investigator.

5 (c) A licensed mold investigator shall not interpret the results of a
6 laboratory analysis or make recommendations based on the laboratory analysis
7 unless the licensed mold investigator has at least one (1) of the credentials
8 listed in subdivision (b)(1) of this section.

9
10 17-54-104. Mold investigator licensure.

11 (a) The State Plant Board shall administer and enforce the licensure
12 of mold investigators in this state.

13 (b) The board shall adopt rules necessary to implement this chapter,
14 including without limitation:

15 (1) Initial registration and annual renewal procedures for
16 licensure of mold inspectors;

17 (2) Collection of an annual license fee not to exceed one
18 hundred fifty dollars (\$150) per person;

19 (3) Collection of fines under § 17-54-103;

20 (4) Establishment of standards of practice and a code of ethics
21 for mold inspectors; and

22 (5) Enforcement of procedures in accordance with the Arkansas
23 Administrative Procedures Act, § 25-15-201, et seq., for the suspension and
24 revocation of mold inspector licenses and for appeals of suspension and
25 revocation actions.

26 (c) Funds received by the board under this chapter shall be deposited
27 into the State Treasury to the credit of the State Plant Board Operations and
28 Facilities Construction Fund and shall be utilized for the general operations
29 of the board.

30 (d) This chapter does not apply to employees of the state performing
31 work within the scope of their official duties.

32
33
34
35 /s/ Madison

36 **APPROVED: 4/10/2009**