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4. [§ 20-7-110](#)

Arkansas Code Title 20. Public Health and Welfare § 20-7-110. Study and prevention of diseases

Current as of March 28, 2024 | Updated by [Findlaw Staff](#)

(a)(1) The State Board of Health has general supervision and control of all matters pertaining to the health of the citizens of this state.

(2) The board shall make a study of the causes and prevention of infectious, contagious, and communicable diseases, and, except as otherwise provided in this act, the board shall have direction and control of all matters of quarantine rules and enforcement. The board shall have full power and authority to prevent the entrance of such diseases from points outside the state.

(3) The board shall also have direction and control over all sanitary and quarantine measures for dealing with all infectious, contagious, and communicable diseases within the state and direction and control to suppress them and prevent their spread.

(b) Whenever the health of the citizens of this state is threatened by the prevalence of any epidemic or contagious disease in this or any adjoining state and, in the judgment of the Governor, the public safety demands action on the part of the board, then the Governor shall call the attention of the board to the facts and order it to take such action as the public safety of the citizens demands to prevent the spread of the epidemic or contagious disease.

(c)(1)(A) The board or its designee may adopt directives imposing restrictions upon individuals, commerce, or travel to prevent the introduction of infectious, contagious, and communicable disease into the state or from one place to another within the state.

(B) A directive under subdivision (c)(1)(A) of this section shall not be subject to the Arkansas Administrative Procedure Act, [§ 25-15-201 et seq.](#), and [§ 10-3-309](#).

(C) The board or its designee shall not combine multiple subjects or directives into a single directive under subdivision (c)(1)(A) of this section.

(2)(A) If the Governor has declared a statewide state of disaster emergency related to public health under [§ 12-75-107\(g\)](#) and the board or its designee, either upon its own motion or pursuant to an order of the Governor under subsection (b) of this section, adopts one (1) or more directives imposing restrictions upon individuals, commerce, or travel under subdivision (c)(1)(A) of this section within the area of the statewide state of disaster emergency related to public health, then the directive shall be subject to review and termination by the Executive Subcommittee of the Legislative Council.

(B) A directive issued under this subdivision (c)(2) shall:

- (i) Not continue for longer than thirty (30) days unless renewed under this subsection;
 - (ii) Become effective immediately upon its issuance by the board or its designee;
 - (iii) Be drafted in a manner that allows for the Executive Subcommittee of the Legislative Council to vote upon each directive separately; and
 - (iv) Remain in effect unless a majority of a quorum of the Executive Subcommittee of the Legislative Council votes to terminate the directive.
- (C) If the board or its designee issues more than one (1) directive under subdivision (c)(2)(A) of this section, the Executive Subcommittee of the Legislative Council may consider each directive individually.
- (D) The Executive Subcommittee of the Legislative Council shall meet to consider the termination of a directive under subdivision (c)(2)(A) of this section within four (4) business days of its issuance.
- (E) If the Executive Subcommittee of the Legislative Council, by a majority vote of a quorum present, does not vote to terminate a directive under subdivision (c)(2)(A) of this section, it shall continue for the number of days specified by the board or its designee.
- (F) If the Executive Subcommittee of the Legislative Council votes to terminate a directive, the directive shall be terminated immediately.
- (3)(A) A directive under subdivision (c)(2) of this section shall not continue for longer than thirty (30) days from the date of its issuance by the board or its designee unless renewed by the board or its designee, so long as the Legislative Council does not deny the request for renewal.
- (B) If the board or its designee desires to renew a directive under subdivision (c)(2) of this section, it shall submit a written statement to the Legislative Council at least ten (10) days prior to the date on which the directive will expire that includes without limitation the following information:
- (i) The number of days that the directive will continue, not to exceed thirty (30) days; and
 - (ii) The rationale for continuing the directive.
- (C) A directive under subdivision (c)(3)(A) of this section shall be renewed unless the Legislative Council, by a majority vote of a quorum present, denies the request to renew the directive.
- (D) After receiving the written statement under subdivision (c)(3)(B) of this section, the Legislative Council may consider the renewal of a directive at any time prior to the expiration of the directive.
- (E) If the Legislative Council does not deny the request to renew the directive by a majority vote of a quorum present prior to the expiration of the directive, the directive shall be renewed for the number of days specified by the board or its designee in the written statement under subdivision (c)(3)(B)(i) of this section.
- (4)(A) The Legislative Council may meet at any time to perform its duties under this section, including without limitation during a regular session, fiscal session, or extraordinary session of the General Assembly.
- (B) Except as provided in this section, the duties of the Legislative Council under this section shall not be delegated to a subset of the membership of the Legislative Council, including without limitation a subcommittee of the Legislative Council.
- (C) The Legislative Council may adopt rules concerning the performance of its duties under this section.

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