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Arkansas Code Title 20. Public Health and Welfare § 20-7-101. Violations--Penalties--Provisions during COVID-19 emergency

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

(a)(1) Every firm, person, or corporation violating any of the provisions of this act or any of the orders or rules issued in accordance with this act is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment not exceeding one (1) month, or both.

(2) Each day of violation shall constitute a separate offense.

(3) During the coronavirus 2019 (COVID-19) public health emergency, a firm, person, or corporation is not liable under subdivision (a)(1) of this section if the violation of the provisions of this act or any orders or rules issued in accordance with this act related to the coronavirus 2019 (COVID-19) public health emergency results from the behavior of a patron or customer of the firm, person, or corporation.

(4) During the coronavirus 2019 (COVID-19) public health emergency, other state agencies that inspect a firm, person, or corporation, including the Alcoholic Beverage Control Division, shall not hold the firm, person, or corporation liable under subdivision (a)(1) of this section if the violation of the provisions of this act or any orders or rules issued in accordance with this act related to the coronavirus 2019 (COVID-19) public health emergency results from the behavior of a patron or customer of the firm, person, or corporation.

(5) Enforcement of orders, rules, or directives is the expressed responsibility of the issuing agency.

(b)(1)(A)(i) Every firm, person, or corporation who violates any of the rules issued or promulgated by the State Board of Health or who violates any condition of a license, permit, certificate, or any other type of registration issued by the board may be assessed a civil penalty by the board. The penalty shall not exceed one thousand dollars (\$1,000) for each violation.

(ii) Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessments.

(B) However, no civil penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the violation.

(2) All fines collected under this subsection shall be deposited into the State Treasury and credited to the Public Health Fund to be used to defray the costs of administering this section.

(3) Subject to such rules as may be implemented by the Chief Fiscal Officer of the State, the disbursing officer for the Department of Health may transfer all unexpended funds relative to fines collected under this subsection,

as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

(4) All rules promulgated pursuant to this subsection shall be reviewed by the House Committee on Public Health, Welfare, and Labor and the Senate Committee on Public Health, Welfare, and Labor or appropriate subcommittees thereof.

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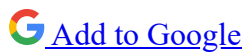
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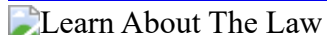
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