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JUSTICE BUILDING, LITTLE ROCK 72201

(501) 371-2007

June 20, 1985

OPINION NO. 85-147

The Honorable Mack Thompson
State Representative
1025 West Emerson
Paragould, Arkansas 72450

Dear Representative Thompson:

This is in response to your request for an opinion on the following:

"Can the legislature legally exempt certain parties (doctors and lawyers) from the regulations and licensing of adoption agencies that are required of all others"?

Child-placement agency licenses are provided by the Child-Placement Agency Licensing Act. Act No. 389 of 1983, codified at Ark. Stat. Ann. §§83-1209 - 83-1221. Ark. Stat. Ann. §83-1215 provides that lawyers or physicians who are actively engaged in their professions within Arkansas are exempt from the provisions of the Act.

It would appear from the language of the Act that the legislature believes that the pre-existing licensing standards for lawyers and physicians provide sufficient safeguards for public health, safety and welfare in the area of child-placement.

It is well settled that a statute is presumed to be constitutional, and will not be declared unconstitutional unless it is forbidden by the State or Federal Constitution in express terms or by necessary implication. St. Louis, Iron Mountain & Southern Railway Co. v. State, 99 Ark. 1, 136 S.W. 938 (1911). Accordingly, the legislature's decision to exempt lawyers and physicians from the above-referenced act seems to be within the discretionary powers.

The Honorable Mack Thompson
June 20, 1985
Page Two

The foregoing opinion, which I hereby approve, was
prepared by Assistant Attorney General Jerry E. Rose.

Sincerely,


STEVE CLARK
Attorney General

SC:JER:sfc

cc: Files