



ARKANSAS

ENERGY & ENVIRONMENT

PROPOSED PROMULGATION FOR THE LIQUEFIED PETROLEUM GAS BOARD: “STATE LIQUEFIED PETROLEUM GAS BOARD CODE.”

September 2025

PURPOSE AND AUTHORITY

The Department of Energy and Environment, Liquefied Petroleum Gas Board (“LP Gas Board” or “Board”) proposes this rulemaking to promulgate a rule amendment to “State Liquefied Petroleum Gas Board Code.” The Board is vested with authority for this rulemaking in Ark. Code Ann. § 15-75-207(a) and (b), and Act 441 of 2025. This rulemaking is necessary to fill a regulatory void that will occur when this Act takes effect in April.

BACKGROUND

The Liquefied Petroleum Gas Board has long-established safety requirements regulating the liquefied petroleum gas industry. These regulatory standards were codified in Title 15, Chapter 75 of the Arkansas Code and the rules of the LP Gas Board. In the 2025 legislative session, the Arkansas General Assembly passed Act 441 of 2025 which enabled the Board to update and modernize its rules. The act repealed Arkansas Code §§ 15-75-107, “Odorization of gas,” 15-75-108, “Dealers’ safety meetings for employees,” 15-75-208, “Standards for containers, systems, etc.,” 15-75-401, “Vapor pressure,” 15-75-402, “Strength of butane containers,” 15-75-403, “Strength of propane containers,” 15-75-407, and “Retail sellers to furnish account statements to certain customers.” The act further included Arkansas Code § 15-75-113, which authorizes the board to require and provide training for employees of permit holders. The act also amended Arkansas Code § 15-75 207, “Rules,” to allow the board to promulgate rules to carry out the functions and duties conferred by law, and to adopt through rulemaking standards developed and established by the National Fire Protection Association.

For the liquefied petroleum gas industry, national standards for the transfer and storage of gas have long been developed and established by the National Fire Protection Association (NFPA). NFPA pamphlet number 54 is a safety code applying to the installation of piping systems, appliances, equipment, and related accessories. NFPA pamphlet 58 provides standards for containers and equipment, for delivery and manufacture of liquefied petroleum fuels, design, construction, installation and operation of terminals for delivery of gas to transporters distributors, and users of gas, and design and construction, installation, operation of pipeline terminals that receive gas from interstate pipelines. NFPA 54 and NFPA 58 are the national standards in this industry and have currently been adopted by most state regulatory agencies except Arkansas.

THE PROPOSED RULE AMENDMENTS

The proposed rule amendments adopt NFPA 54 and 58 to regulate the liquefied petroleum gas industry in Arkansas. Because these national standards are being adopted, the LP Gas Board is repealing 15 CAR Sec. 270-101, "General Order," 15 CAR Sec. 270-111, "Containers", 15 CAR 270-112, "Fittings and assembling", 15 CAR Sec. 270-113, "Tank trucks construction and assembly", 15 CAR Sec. 270-114, "Fuel tanks and vaporizers", 15 CAR Sec. 270-115, "Tank trucks-- Operation", 15 CAR Sec. 270-116, "Servicing and filling containers", 15 CAR Sec. 270-117, "Farm vehicles and trailers", 15 CAR Sec. 270-118, "Storage Containers", 15 CAR Sec. 270-119, "Vaporizers and housing"; 15 CAR Sec. 270-120, "Installation and painting of containers", 15 CAR Sec. 270-121, "Appliances", and 15 CAR Sec. 270-122, "Venting."

The remaining sections of the rule have been amended to clarify the rules given the adoption of NFPA 54 and 58 or promulgated to include Arkansas-specific definitions and standards retained by the LP Gas Board.

NECESSITY AND PRACTICAL IMPACT OF RULE AMENDMENTS

The current requirements in the LP Gas Code have been in place since 1965 and are outdated. The purpose of passing Act 441 of 2025 was to provide the LP Gas Board with the authority to modernize its rules and standards. The current national standards followed by many states are NFPA 54 and NFPA 58. The rules proposed by the Board adopt these standards as they are set forth in the 2024 editions. By adopting these standards, the Board will accommodate the interest of the liquefied petroleum gas industry to develop a national regulatory scheme that is consistent, predictable, and encourages economic growth.

The proposed rules also include several current rules that assist the Board in maintaining oversight in the industry and establish Arkansas specific requirements for safety education and industry permits.

Overall, the new rules are necessary to satisfy legislative mandates of Act 441 of 2025, establish national standards for the liquefied petroleum gas industry, and maintain regulatory authority of the LP Gas Board to regulate the industry in the State of Arkansas.

When Act 441 takes effect on April 1, 2026, it will repeal much of the statutory regulatory scheme that governs the liquefied petroleum industry in Arkansas. The Act shifts that regulatory framework to the LP Gas Board, but if this rulemaking is not finalized before April 1, 2026, there will be a significant regulatory void.