

Stricken language would be deleted from and underlined language would be added to present law.
Act 1100 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S4/21/21
A Bill

SENATE BILL 627

By: Senators T. Garner, B. Ballinger, B. Johnson

For An Act To Be Entitled

*AN ACT TO PROHIBIT THE PROPAGATION OF DIVISIVE
CONCEPTS; TO REVIEW STATE ENTITY TRAINING MATERIALS;
AND FOR OTHER PURPOSES.*

Subtitle

*TO PROHIBIT THE PROPAGATION OF DIVISIVE
CONCEPTS; AND TO REVIEW STATE ENTITY
TRAINING MATERIALS.*

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

SECTION 1. Arkansas Code Title 25, Chapter 1, is amended to add an additional subchapter to read as follows:

Subchapter 6 – Propagation of Divisive Concepts Prohibited

25-1-601. Definitions.

As used in this subchapter:

(1) “Divisive concept” means the concept that:

(A) One race or sex is inherently superior to another race or sex;

(B) The state of Arkansas or the United States is fundamentally racist or sexist;

(C) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(D) An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex;



(E) An individual's moral character is necessarily determined by his or her race or sex;

(F) An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(G) Any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex;

(H) Meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race; or

(I) The term "divisive concept" includes any other form of race or sex stereotyping or any other form of race or sex scapegoating;

(2) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex;

(3)(A) "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex.

(B) "Race or sex scapegoating" encompasses any claim that, consciously or unconsciously, and by virtue of his or her race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others; and

(4)(A) "State entity" means an instrumentality of state government, including

(i) The Department of Agriculture;

(ii) The Department of Commerce;

(iii) The Department of Corrections;

(iv) The Department of Education;

(v) The Department of Energy and Environment;

(vi) The Department of Finance and Administration;

(vii) The Department of Health;

(viii) The Department of Human Services;

(ix) The Department of the Inspector General;

(x) The Department of Labor and Licensing;

- (xi) The Department of the Military;
 - (xii) The Department of Parks, Heritage, and Tourism;
 - (xiii) The Department of Public Safety;
 - (xiv) The Department of Transformation and Shared Services; and
 - (xv) The Department of Veterans Affairs; and
- (B) "State entity" does not include:
- (i) Political subdivisions of the state;
 - (ii) Public schools;
 - (iii) Charter schools;
 - (iv) Institutions of higher education;
 - (v) The offices of constitutional officers; or
 - (vi) Law enforcement training certified by the Commission on Law Enforcement Standards and Training.

25-1-602. Unlawful propagation of divisive concepts by a state entity.

(a) A state entity shall not teach, instruct, or train any employee, contractor, staff member, or any other individual or group, to adopt or believe any divisive concepts.

(b) No employee of the state of Arkansas shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to the divisive concepts defined under § 25-1-601.

25-1-603. State entities – Grants.

The administrative head of all state entities shall review their respective grant programs and identify programs for which the state entity may, as a condition of receiving such a grant, require the recipient to certify that it will not use state funds or assets to promote a divisive concept.

25-1-604. State entity training.

(a)(1) The fair and equal treatment of individuals is an inviolable principle that must be maintained in the state workplace.

(2) The administrative head of each state entity shall use his

or her authority to ensure that the state entity, state entity employees during work hours, and any contractors hired by the state entity to provide training, workshops, forums, or similar programming, for purposes of this section, "training", to state entity employees do not teach, advocate, act upon, or promote in any training to state entity employees any of the divisive concepts as defined in § 25-1-601.

(3) State entity diversity and inclusion efforts shall encourage state entity employees not to judge each other by their color, race, ethnicity, sex, or any other characteristic protected by federal or state law.

(b) The Secretary of the Department of Transformation and Shared Services shall develop rules for the enforcement of the provisions of this subchapter.

(c) Each state entity head shall:

(1) Issue a policy incorporating the requirements of this subchapter into state entity operations;

(2) Request that the state entity thoroughly review and assess not less than annually thereafter, state entity compliance with the requirements of the policy in the form of a report submitted to the Department of Transformation and Shared Services; and

(3) Assign at least one (1) employee of the state entity responsibility for ensuring compliance with the requirements of the policy.

25-1-605. Review of state entity training.

(a) All training programs for state entity employees relating to diversity or inclusion shall, before being used, be reviewed by the respective state entity for compliance with this subchapter.

(b) If a contractor provides a training for state entity employees relating to diversity or inclusion that teaches, advocates, or promotes the divisive concepts defined in § 25-1-601, and such action is in violation of the applicable contract, the state entity that contracted for such training shall evaluate whether to pursue debarment of that contractor, consistent with applicable law and regulations.

25-1-606. Promotion of diversity – Severability.

(a) Nothing in this subchapter shall prevent state entities from

promoting racial, cultural, or ethnic diversity or inclusiveness, provided such efforts are consistent with the requirements of this subchapter.

(b) Nothing in this subchapter shall be construed to prohibit discussing, as part of a larger course of academic instruction, the divisive concepts listed in § 25-1-601 in an objective manner and without endorsement.

(c) If any section of this subchapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this subchapter and the application of its provisions to any other persons or circumstances is severable.

SECTION 2. DO NOT CODIFY. Effective date.
This act shall take effect January 1, 2022.

/s/T. Garner

APPROVED: BECAME LAW ON 5/3/21 WITHOUT THE GOVERNOR'S SIGNATURE.