

Stricken language would be deleted from and underlined language would be added to present law.
Act 542 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H3/7/23 H3/15/23
A Bill

HOUSE BILL 1468

By: Representatives Long, *Richmond, Bentley, Breaux, Joey Carr, Crawford, Lundstrum, McAlindon, McClure, Milligan, Rose, Rye*

By: *Senator M. Johnson*

For An Act To Be Entitled

AN ACT TO CREATE THE GIVEN NAME ACT; TO PROTECT FACULTY MEMBERS, TEACHERS, AND EMPLOYEES OF PUBLIC SCHOOLS AND STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION FROM COMPELLED SPEECH; TO PROHIBIT REQUIRING FACULTY MEMBERS, TEACHERS, AND EMPLOYEES OF PUBLIC SCHOOLS AND STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION TO USE A PERSON'S PREFERRED PRONOUN, NAME, OR TITLE WITHOUT PARENTAL CONSENT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE GIVEN NAME ACT; AND TO PROHIBIT REQUIRING EMPLOYEES OF PUBLIC SCHOOLS AND STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION TO USE A PERSON'S PREFERRED PRONOUN, NAME, OR TITLE WITHOUT PARENTAL CONSENT.

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

SECTION 1. Arkansas Code Title 6, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

6-1-108. Given Name Act – Protection against compelled speech.

(a) This section shall be known and may be cited as the "Given Name Act".



(b) The General Assembly finds that:

(1) Faculty members, teachers, and employees of public schools and state-supported institutions of higher education do not shed their constitutional rights to freedom of speech or expression at work;

(2) Protecting the right to free speech for faculty members, teachers, and employees promotes three (3) important interests, which include:

(A) Students' interests in receiving informed opinions on matters of public concern;

(B) Faculty members', teachers', and employees' rights to disseminate their own opinions; and

(C) The public's interest in exposing our children and future leaders to different viewpoints; and

(3) The selection and use of pronouns in classrooms, on campuses, and elsewhere is a matter of free speech and academic freedom because it communicates a message on a matter of public concern and shapes classroom discussions and debates, and is not merely an administrative or ministerial act by faculty members, teachers, and employees of public schools and state-supported institutions of higher education.

(c) As used in this section, "school" includes:

(1) A public school or school district;

(2) An open-enrollment public charter school; and

(3) A state-supported institution of higher education.

(d) A faculty member, teacher, or other employee of a school, regardless of the scope of his or her official duties:

(1) Shall not address an unemancipated minor or student with a:

(A) Pronoun or title that is inconsistent with the unemancipated minor's or student's biological sex unless the faculty member, teacher, or other employee of a school has the written permission of the unemancipated minor's or student's parent, legal guardian, or person standing in loco parentis to the unemancipated minor or student if the unemancipated minor or student is under eighteen (18) years of age; or

(B) Name other than the name listed on the unemancipated minor's or student's birth certificate, or a derivative of the name listed on the unemancipated minor's or student's birth certificate, without the written permission of the unemancipated minor's or student's parent, legal guardian,

or person standing in loco parentis to the unemancipated minor or student if the unemancipated minor or student is under eighteen (18) years of age; and

(2) Notwithstanding subdivision (d)(1) of this section, shall not be subject to adverse employment action for declining to address a person using a:

(A) Name other than the name listed on the person's birth certificate; or

(B) Pronoun or title that is inconsistent with the person's biological sex.

(e) A student shall not be subject to any disciplinary action for declining to address a person using a:

(A) Name other than the name listed on the person's birth certificate; or

(B) Pronoun or title that is inconsistent with the person's biological sex.

(f) A person who is harmed by a violation of this section may bring a cause of action for:

(1) Injunctive relief;

(2) Monetary damages;

(3) Reasonable attorney's fees and costs; and

(4) Any other appropriate relief.

/s/Long

APPROVED: 4/11/23