

Stricken language would be deleted from and underlined language would be added to present law.
Act 611 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: H4/4/23
A Bill

SENATE BILL 62

By: Senator Hill

By: Representative Wardlaw

For An Act To Be Entitled

AN ACT TO PROHIBIT PUBLIC ENTITIES FROM CONTRACTING WITH COMPANIES THAT BOYCOTT ENERGY, FOSSIL FUEL, FIREARMS, AND AMMUNITION INDUSTRIES; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT PUBLIC ENTITIES FROM CONTRACTING WITH COMPANIES THAT BOYCOTT ENERGY, FOSSIL FUEL, FIREARMS, AND AMMUNITION INDUSTRIES.

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 10 – Prohibition on public entities contracting with entities that boycott energy, fossil fuel, firearms, and ammunition industries.

25-1-1001. Definitions.

As used in this subchapter:

(1) "Boycott" means without an ordinary business purpose:

(A) Engaging in refusals to deal;

(B) Terminating business activities; or

(C) Other actions that are intended to limit public

entities commercial relations with an industry in a discriminatory manner.

(2)(A) "Company" means a sole proprietorship, organization,



association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations;

(B) "Company" does not include a financial services provider as defined in § 25-1-1001(8)(A) as created by HB1307 of the Ninety-fourth General Assembly if that bill becomes an act;"

(3)(A) "Ordinary business purpose" means a purpose that is related to business operations.

(B) "Ordinary business purpose" does not include a purpose that is solely related to furthering social, political, or ideological interests.

(4) "Public entity" means a state or local government entity, including a:

(A) Department, division, agency, office, commission, board, constitutional office, or other government organization;

(B) Political subdivision, including a city, county, municipality, town, or conservation district; and

(C) Public school, public school district, charter school, or public institution of higher education.

25-1-1002. Prohibition on contracting with entities that boycott energy, fossil fuel, firearms, and ammunition industries.

(a) Except as provided under subsection (c) of this section, a public entity shall not:

(1) Enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the person or company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of energy, fossil fuel, firearms, and ammunition industries; or

(2) Engage in a boycott of energy, fossil fuel, firearms, and ammunition industries.

(b) A company's statement that it is participating in boycotts of energy, fossil fuel, firearms, and ammunition industries or that it has taken

the boycott action at the request, in compliance with, or in furtherance of calls for a boycott can be considered by the Office of State Procurement as a type of evidence, among others, that a company is participating in a boycott of energy, fossil fuel, firearms, and ammunition industries.

(c) This section does not apply to:

(1) A company that fails to meet the requirements under subsection (a) of this section but offers to provide the goods or services for at least twenty percent (20%) less than the lowest certifying business;
or

(2) Contracts with a total potential value of less than seventy-five thousand dollars (\$75,000).

/s/Hill

APPROVED: 4/11/23