

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1834

By: Representative Sullivan

## For An Act To Be Entitled

AN ACT TO PROHIBIT DISCRIMINATION OR PREFERENTIAL  
TREATMENT BY STATE AND OTHER PUBLIC ENTITIES; AND FOR  
OTHER PURPOSES.

### Subtitle

TO PROHIBIT DISCRIMINATION OR  
PREFERENTIAL TREATMENT BY STATE AND OTHER  
PUBLIC ENTITIES.

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

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

25-1-125. Prohibition of discrimination or preferential treatment by state entities.

(a) As used in this section "state" means the state of Arkansas, a city, a county, an institution of higher education, a public school district, a public special school district, and a political subdivision or governmental instrumentality of the state.

(b) The state shall not discriminate against, or grant preferential treatment to, an individual or group on the basis of race, gender, color, ethnicity, or national origin in matters of state employment, public education, or state procurement.

(c) This section applies only to an action taken after the effective date of this act.

(d) This section does not:

(1) Prohibit the consideration of bona fide qualifications based



on gender that are reasonably necessary to the normal functions of state employment, public education, or state procurement;

(2) Invalidate a court order or consent decree that is in force as of the effective date of this act; or

(3) Prohibit an action necessary to establish or maintain eligibility for a federal program if ineligibility would demonstrably result in a loss of federal funds to the state.

(e) A person who negligently violates this section is guilty of a Class A misdemeanor.

(f)(1) A person who believes his or her rights have been impacted under this section may bring a civil action in circuit court to:

(A) Enjoin a violation of this section; and

(B) Recover reasonable court costs and attorney's fees.

(2) In an action brought under this section, if the court finds a violation occurred, the court shall award:

(A) Injunctive relief; and

(B) Court costs and attorney's fees.