

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas As Engrossed: H3/15/21 H3/17/21 H3/29/21 H4/12/21

93rd General Assembly

A Bill

Regular Session, 2021

HOUSE BILL 1547

By: Representatives Lundstrum, Bentley, Barker, Beaty Jr., Beck, M. Berry, Breaux, Brooks, Brown, Bryant, Carr, Cloud, Coleman, C. Cooper, Crawford, Deffenbaugh, Dotson, Evans, Furman, Gonzales, Haak, Ladyman, Lowery, Lynch, J. Mayberry, McClure, McCollum, McNair, Milligan, Penzo, Rye, B. Smith, Tollett, Underwood, Vaught, Warren, Watson, Wing, Wooten

By: Senators B. Davis, B. Ballinger, Bledsoe, A. Clark, T. Garner, K. Hammer, Irvin

For An Act To Be Entitled

AN ACT TO PROHIBIT THE STATE FROM MANDATING A VACCINE OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19); TO GOVERN REQUIREMENTS FOR A VACCINE OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19) EXCEPT IN CERTAIN CONDITIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT THE STATE FROM MANDATING A VACCINE OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19); TO GOVERN REQUIREMENTS FOR A VACCINE OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19); AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 20, Chapter 7, Subchapter 1, is amended to add an additional section to read as follows:

20-7-142. Prohibition on requirement for vaccine or immunization for coronavirus 2019 (COVID-19).

(a) As used in this section, "coerce" means:

(1) Using physical violence, threats, intimidation, or



retaliation with the purpose of causing a reasonable individual of ordinary susceptibilities to acquiesce when the individual otherwise would not;

(2)(A) Making conditional a private or public benefit, including without limitation employment, promotion, or another employment benefit, with the purpose of causing a reasonable individual of ordinary susceptibilities to acquiesce when the individual otherwise would not.

(B) However, other positive incentives that are above or beyond any expected compensation or benefit of employment shall not be included under the term "coerce"; or

(3) Using any other means with the purpose of causing a reasonable individual of ordinary susceptibilities to acquiesce when the individual otherwise would not.

(b)(1) The state, a state agency or entity, a political subdivision of the state, or a state or local official shall not mandate or require an individual to receive a vaccine or immunization for coronavirus 2019 (COVID-19).

(2) A state-owned or state-controlled medical facility may offer positive incentives to an individual to receive a vaccine or immunization for coronavirus 2019 (COVID-19).

(3) If a state-owned or state-controlled medical facility desires to mandate or require an individual to receive a vaccine or immunization for coronavirus 2019 (COVID-19), then the state-owned or state-controlled medical facility shall receive approval from the Legislative Council to mandate or require individual to receive a vaccine or immunization for coronavirus 2019 (COVID-19).

(c) Receiving a vaccine or immunization for coronavirus 2019 (COVID-19) shall not be a condition of education, employment, entry, or services from the state or a state agency or entity or for obtaining a licensure, certificate, or permit from a state agency or entity.

(d)(1) The Department of Health shall maintain information and data about the safety and efficacy of any vaccine or immunization for coronavirus 2019 (COVID-19) approved by the United States Food and Drug Administration, including without limitation information and data on any risk of harm associated with the administration of the vaccine or immunization, on the department's website.

(2) The information and data described in subdivision (d)(1) of

this section shall be presented in a manner that is understandable and accessible to all individuals.

(e) The state, a state agency or entity, a political subdivision of the state, or a state or local official shall not discriminate against or coerce in any way an individual for refusing to receive a vaccine or immunization for coronavirus 2019 (COVID-19), including without limitation:

(1) Coerce an employee into consenting to receive a vaccine or immunization for coronavirus 2019 (COVID-19);

(2) Withhold the opportunity for career advancement from an employee who does not consent to receiving a vaccine or immunization for coronavirus 2019 (COVID-19); or

(3) Withhold a salary, a wage increase, insurance, or insurance discounts from an employee who does not consent to receiving a vaccine or immunization for coronavirus 2019 (COVID-19).

(f) If the state, a state agency or entity, a political subdivision of the state, or a state or local official recommends that an individual in this state receive a vaccine or immunization for coronavirus 2019 (COVID-19), the state, state agency or entity, political subdivision of the state, or state or local official shall provide notice that the recommendation is not mandatory.

(g) This section shall expire two (2) years from the date that the United States Food and Drug Administration approves the immunization or vaccine for coronavirus 2019 (COVID-19).

SECTION 2. DO NOT CODIFY. ARKANSAS CODE REVISION COMMISSION AUTHORIZATION.

The Arkansas Code Revision Commission is directed to remove this act from the Arkansas Code upon the expiration of the terms of this act.

SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE. Conditional mandate for vaccination.

(a) If a variant of coronavirus 2019 (COVID-19) occurs and mutates to be a more virulent strain that impacts children within two (2) years from the date that the United States Food and Drug Administration approved the immunization or vaccination for coronavirus 2019 (COVID-19), then the Secretary of the Department of Health and the Governor shall request a

meeting within two (2) weeks of discovery of the virulent strain of the:

(1) Senate Committee on Public Health, Welfare, and Labor; and

(2) House Committee on Public Health, Welfare, and Labor.

(b)(1) In the meeting described in subsection (a) of this section, the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare, and Labor shall make recommendations regarding vaccination of children.

(2) The recommendations shall be presented to the Legislative Council for approval.

(c) The recommendations may include a limited suspension of the laws under this act for students and school staff or a complete suspension of the laws under this act.

(d) If the recommendations include a suspension of the laws under this act, the standard exemptions for students may continue.

SECTION 4. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that in December 2020, several vaccines or immunizations for coronavirus 2019 (COVID-19) were approved for distribution to the citizens of the United States; that the State of Arkansas has received limited quantities of vaccines or immunizations for coronavirus 2019 (COVID-19) and plans to make vaccinations or immunizations for coronavirus 2019 (COVID-19) available to citizens of this state through a phased process; that citizens of this state have expressed concerns about being forced to receive a vaccination or immunization for coronavirus 2019 (COVID-19) without consideration of their religious, philosophical, or medical reasons or information about the safety of a vaccine or immunization for coronavirus 2019 (COVID-19); and that this act is immediately necessary to protect the safety and health of the citizens of this state who have religious, philosophical, or medical reasons for not receiving a vaccination or immunization for coronavirus 2019 (COVID-19) or who have concerns about the safety of a vaccine or immunization for coronavirus 2019 (COVID-19). Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor,

the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Lundstrum