

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S2/8/21
A Bill

SENATE BILL 193

By: Senator D. Sullivan
By: Representative Womack

For An Act To Be Entitled

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

Subtitle

TO PROHIBIT DISCRIMINATION OR
PREFERENTIAL TREATMENT BY THE STATE OF
ARKANSAS 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, or 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 by the state 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;

(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; or

(4) Preempt state discrimination law or federal discrimination law.

(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 that a violation occurred, the court shall award:

(A) Injunctive relief; and

(B) Court costs and attorney's fees.

/s/D. Sullivan