

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: H4/19/21
A Bill

SENATE BILL 590

By: Senator T. Garner
By: Representative Bryant

For An Act To Be Entitled

AN ACT TO END MANDATORY FACE COVERING REQUIREMENTS IN
THE STATE OF ARKANSAS; TO DECLARE AN EMERGENCY; AND
FOR OTHER PURPOSES.

Subtitle

TO END MANDATORY FACE COVERING
REQUIREMENTS IN THE STATE OF ARKANSAS;
AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. TEMPORARY LANGUAGE. Ending of mandatory face covering requirements.

(a)(1) On the effective date of this act, all mandatory face covering requirements, including without limitation requirements imposed by executive order of the Governor and the Department of Health under directives issues under § 20-7-109 or § 20-7-110, or both, shall end.

(2) Any mandatory face covering requirement imposed by an executive order of the Governor or the department under directives issues under § 20-7-109 or § 20-7-110, or both, is superseded by this act on the effective date of this act.

(b) This section does not apply to a face covering requirement imposed by a private business or state-owned or state-controlled healthcare facility.

SECTION 2. Arkansas Code Title 20, Chapter 7, Subchapter 1, is amended to add an additional section to read as follows:



20-7-142. Prohibition on mandatory use of face mask, face shield, or other face covering.

(a) The General Assembly reserves the right to enact legislation regarding the mandatory use of face masks, face shields, or other face coverings.

(b) A state agency or entity, a political subdivision of the state, or a state or local official shall not mandate an individual in this state to use a face mask, face shield, or other face covering.

(c) The use of a face mask, face shield, or other face covering shall not be a condition for entry, education, or services.

(d) If a state agency or entity, a political subdivision of the state, or a state or local official recommends that an individual in this state use a face mask, face shield, or other face covering, a state agency or entity, a political subdivision of the state, or a state or local official shall provide notice that the recommendation is not mandatory.

(e) This section does not apply to a face covering requirement imposed by:

(1) A private business;

(2) A state-owned or state-controlled healthcare facility;

(3) A facility operated by the Department of Corrections; or

(4) A facility operated by the Division of Youth Services of the Department of Human Services.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that face masks, face shields, and other face coverings are currently required in certain instances in this state; that a regulation that is not necessary is a burden on the public peace, health, and safety of the citizens of this state; that the requirement of face coverings should be removed as soon possible as it is no longer necessary and should not be continued; and that this act should become effective as soon as possible as the requirement of face coverings is not necessary to protect the health and safety of the citizens of Arkansas and is a burden on the public peace, health, and safety of the citizens of this state. 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/T. Garner