

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 731

By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO ESTABLISH A RIGHT OF PRIVACY CONCERNING CORONAVIRUS 2019 (COVID-19) VACCINATION STATUS; TO ESTABLISH A GRANT PROGRAM WITH DISTRIBUTIONS FROM COVID-19 RELIEF FUNDS OR AMERICAN RESCUE PLAN ACT OF 2021 FUNDS TO PROVIDE RESTITUTION FOR INDIVIDUALS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH A RIGHT OF PRIVACY CONCERNING CORONAVIRUS 2019 (COVID-19) VACCINATION STATUS; TO ESTABLISH A GRANT PROGRAM FROM COVID-19 RELIEF FUNDS OR AMERICAN RESCUE PLAN ACT OF 2021 FUNDS; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 11, Chapter 3, Subchapter 1, is amended to add an additional section to read as follows:

11-3-102. Right of privacy concerning vaccination status.

(a)(1) An individual has the right to decide whether he or she discloses his or her vaccination status for coronavirus 2019 (COVID-19), severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or any of its mutations, in an employment setting.

(2) The right to decide whether to disclose his or her vaccination status under subdivision (a)(1) of this section is available to:

(A) Employees of an employer;



(B) Individuals seeking employment with an employer; and

(C) Individuals engaging in contracts with an employer.

(b) An employer is prohibited from:

(1) Requiring the disclosure of an individual's vaccination status for coronavirus 2019 (COVID-19), severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or any of its mutations; and

(2) Retaliating against an individual for exercising his or her right of privacy under subsection (a) of this section.

(c) An employee or individual who is injured by an employer in violation of this section shall have the remedies and procedures available under the Arkansas Civil Rights Act of 1993, § 16-123-101 et seq.

(d)(1) The Department of Finance and Administration may establish a grant program with distribution of COVID-19 relief funds or funds received under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, to provide restitution to individuals injured by a violation of this section.

(2) The department may promulgate rules to administer the grant program and for the distribution of COVID-19 relief funds or funds received under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, under the program.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that employers are requiring individuals to obtain vaccination against coronavirus 2019 (COVID-19), severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or any of its mutations, which is creating a situation in which an individual could be discriminated against; that protecting individuals from discrimination is vital to ensuring equality; and that this act is immediately necessary to ensure the equality of all Arkansans. 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.