

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: S10/1/21
A Bill

SENATE BILL 732

By: Senator B. Johnson

For An Act To Be Entitled

AN ACT TO PROHIBIT COERCION OF PERSONS TO RECEIVE THE VACCINE OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19); TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT COERCION OF PERSONS TO RECEIVE THE 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:

20-7-146. Prohibition on coercion for vaccine or immunization for coronavirus 2019 (COVID-19) – Definitions.

(a) As used in this section:

(1) “Coerce” means:

(A) The use of physical violence, a threat, intimidation, or retaliation with the purpose of causing a reasonable individual of ordinary susceptibilities to acquiesce when the individual otherwise would not;

(B)(i) The conditioning of 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.

(ii) However, other positive incentives that are



above or beyond any expected compensations or benefit of employment shall not be included under the term "coerce"; or

(C) The use of any other means with the purpose of causing a reasonable individual of ordinary susceptibilities to acquiesce when the individual otherwise would not;

(2) "Medically contraindicated" means the vaccine should not be administered to an individual because of a condition that individual has that will be detrimental to the individual's health if the individual receives the vaccine; and

(3) "Person" means any natural person, corporation, firm, partnership, limited partnership, trust, association, or any other legal or commercial entity.

(b) A person shall not coerce another person to receive a vaccine or immunization for coronavirus 2019 (COVID-19) if:

(1) The vaccine or immunization for coronavirus 2019 (COVID-19) is medically contraindicated for the other person, as attested by a written statement from a physician licensed to practice medicine in this state; or

(2) The other person objects to the vaccine or immunization for coronavirus 2019 (COVID-19) on the grounds that the vaccine or immunization for coronavirus 2019 (COVID-19) conflicts with the person's religious or philosophical beliefs.

(c)(1) If an employer does not give consideration for the conditions described in subdivision (b)(1) and (b)(2) of this section and takes punitive action against an employee who requested the consideration, the employee may seek lost wages.

(2) An employee who seeks lost wages under this section shall be reimbursed comparable to unemployment benefits in this state through the American Rescue Plan Act of 2021, Pub. L. No. 117-2, or any other federal funds that may become available.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that employers and entities are requiring or mandating vaccine or immunization for coronavirus 2019 (COVID-19) for the citizens of Arkansas; that religious or philosophical beliefs against the vaccine or immunization for coronavirus 2019 (COVID-19) are being ignored across the state; that employers and entities are discriminating and

coercing the citizens of Arkansas to receive a vaccine or immunization for coronavirus 2019 (COVID-19); and that this act is immediately necessary to protect the citizens of Arkansas from discrimination and coercion for their religious or philosophical beliefs against the 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/B. Johnson