

State of Arkansas
93rd General Assembly
First Extraordinary Session, 2021

A Bill

Call Item 1
HOUSE BILL 1004

By: Representatives McCullough, F. Allen, Clowney, A. Collins, Ennett, D. Ferguson, K. Ferguson, Fielding, V. Flowers, D. Garner, Godfrey, M. Hodges, Hudson, Love, Magie, Murdock, Nicks, Perry, Richardson, Scott, Springer, D. Whitaker
By: Senators K. Ingram, C. Tucker, L. Chesterfield, Elliott, S. Flowers, G. Leding, Teague

For An Act To Be Entitled

AN ACT TO AUTHORIZE A SCHOOL BOARD OF A PUBLIC SCHOOL DISTRICT OR GOVERNING BODY OF AN OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL TO IMPLEMENT A REQUIREMENT FOR FACE MASKS, FACE SHIELDS, OR OTHER FACE COVERINGS; TO AUTHORIZE A PUBLICLY OWNED OR OPERATED CHILDCARE FACILITY TO IMPLEMENT A REQUIREMENT FOR FACE MASKS, FACE SHIELDS, OR OTHER FACE COVERINGS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE A SCHOOL BOARD OF A PUBLIC SCHOOL DISTRICT OR GOVERNING BODY OF AN OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL TO IMPLEMENT A FACE COVERING REQUIREMENT; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 6, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

6-1-108. School face covering policy.

(a)(1) A school board of a public school district or a governing body of an open-enrollment public charter school may implement a requirement to wear a face mask, face shield, or other face covering to reduce the spread of



infectious, contagious, and communicable diseases.

(2) A requirement to wear a face mask, face shield, or other face covering shall only be implemented in a school building, school bus, or other congregate educational setting where children under twelve (12) years of age may be present during times dedicated for academic purposes.

(b) Section 20-7-144 does not prohibit a school board of a public school district or a governing body of an open-enrollment public charter school from implementing a requirement to wear a face mask, face shield, or other face covering under this section.

(c) For purposes of this section, "school board" includes the State Board of Education and the Commissioner of Elementary and Secondary Education if the state board orders the takeover of a public school district under the authority granted under this title and also orders the removal of the school district board of directors.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Governor issued Executive Order 21-14 to declare a statewide state of disaster emergency related to public health under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., to address the impact of coronavirus 2019 (COVID-19); that the rapid rise in the cases of coronavirus 2019 (COVID-19) poses a threat to the health and safety of children in this state who are under twelve (12) years of age; that the Delta variant of coronavirus 2019 (COVID-19) is more contagious than previous strains of coronavirus 2019 (COVID-19); that children under twelve (12) years of age are not currently eligible to receive a coronavirus 2019 (COVID-19) vaccine; that with the start of the school year imminent, public schools and open-enrollment public charter schools need additional flexibility to protect children under twelve (12) years of age; and that this act is immediately necessary to provide local school boards of public school districts and governing bodies of open-enrollment public charter schools with flexibility to achieve maximum protection for children under twelve (12) years of age receiving in-person instruction and education. 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.