

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

# A Bill

Call Item 1  
HOUSE BILL 1005

By: Representatives Clowney, McCullough, F. Allen, 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 G. Leding, C. Tucker, L. Chesterfield, Elliott, S. Flowers, K. Ingram, Teague

## For An Act To Be Entitled

AN ACT 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 PUBLICLY OWNED OR OPERATED  
CHILDCARE FACILITY 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. Childcare facility face covering policy.

(a) As used in this section, "publicly owned or operated childcare facility" means a state-owned or state-controlled childcare facility, a county-owned or county-operated childcare facility, a city-owned or city-operated childcare facility, and a municipality-owned or municipality-operated childcare facility.

(b)(1) A publicly owned or operated childcare facility 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 childcare facility building, childcare facility bus, or other congregate setting where children under twelve (12) years of age may be present.

(c) Section 20-7-144 does not prohibit a publicly owned or operated childcare facility from implementing a requirement to wear a face mask, face shield, or other face covering under this section.

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, publicly owned or operated childcare facilities need additional flexibility to protect children under twelve (12) years of age; and that this act is immediately necessary to provide publicly owned or operated childcare facilities 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.