

State of Arkansas
93rd General Assembly
Third Extraordinary Session, 2022

A Bill

Call Item 2
SENATE BILL 5

By: Senator Beckham
By: Representative Bryant

For An Act To Be Entitled

AN ACT TO ALLOW A STUDENT WHO ATTENDS A PUBLIC SCHOOL DISTRICT THAT MANDATES THE USE OF FACE MASKS, FACE SHIELDS, OR OTHER FACE COVERINGS TO PREVENT THE SPREAD OF INFECTIOUS, CONTAGIOUS, AND COMMUNICABLE DISEASES TO TRANSFER TO A PUBLIC SCHOOL DISTRICT OF HIS OR HER CHOICE THAT DOES NOT MANDATE THE USE OF FACE MASKS, FACE SHIELDS, OR OTHER FACE COVERINGS TO PREVENT THE SPREAD OF INFECTIOUS, CONTAGIOUS, AND COMMUNICABLE DISEASE; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW A STUDENT WHO ATTENDS A PUBLIC SCHOOL DISTRICT THAT MANDATES THE USE OF FACE MASKS, FACE SHIELDS, OR OTHER FACE COVERINGS TO TRANSFER TO A PUBLIC SCHOOL DISTRICT OF HIS OR HER CHOICE; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended to add an additional section to read as follows:

6-18-114. Mask mandates – Eligibility for transfer.

(a) A student who attends a public school district that mandates the use of face masks, face shields, or other face coverings to prevent the



spread of infectious, contagious, and communicable diseases shall be immediately eligible for transfer to another public school district of his or her choice that does not mandate the use of face masks, face shields, or other face coverings to prevent the spread of infectious, contagious, and communicable diseases under the:

(1) Arkansas Opportunity Public School Choice Act, § 6-18-227;

or

(2) Public School Choice Act of 2015, § 6-18-1901 et seq.

(b) Any funding for a student who transfers to another public school district under subsection (a) of this section shall be transferred to the public school district to which the student transfers.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the 2022-2023 school year is imminent; and this act is immediately necessary to ensure it becomes effective upon the start of the 2022-2023 school year. 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.