

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

State of Arkansas
94th General Assembly
First Extraordinary Session, 2023

A Bill

Call Item 3
SENATE BILL 3

By: Senators J. Bryant, Irvin, B. Davis, Hester, J. Dotson, Dees, C. Penzo, A. Clark, Crowell, J. English, Flippo, Gilmore, K. Hammer, Hill, B. Johnson, M. McKee, Stone, D. Sullivan
By: Representatives Beaty Jr., Achor, Andrews, Barker, Beck, Bentley, Breaux, Brooks, K. Brown, Burkes, Joey Carr, John Carr, Cavenaugh, C. Cooper, Cozart, Crawford, Duke, Evans, Fortner, Furman, Gazaway, Haak, Hawk, D. Hodges, Holcomb, Hollowell, Long, Lundstrum, Lynch, Maddox, McAlindon, McClure, McGrew, B. McKenzie, McNair, S. Meeks, Milligan, Painter, Puryear, Ray, Richmond, Rose, Rye, Schulz, M. Shepherd, Underwood, Unger, Vaught, Wardlaw, Warren, Watson, Wing

For An Act To Be Entitled

AN ACT TO PROHIBIT THE GOVERNMENT FROM MANDATING A VACCINATION OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19) OR ANY SUBVARIANTS OF CORONAVIRUS 2019 (COVID-19), OR BOTH; TO ENSURE THAT THE DEPARTMENT OF HEALTH MAINTAINS INFORMATION ABOUT POTENTIAL RISKS AND HARMS OF THE VACCINATION OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19) AND ANY SUBVARIANTS OF CORONAVIRUS 2019 (COVID-19); TO REQUIRE AGENCIES THAT ARE REQUIRED TO MANDATE VACCINATION OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19) OR ANY SUBVARIANTS OF CORONAVIRUS 2019 (COVID-19), OR BOTH, TO RECEIVE NECESSARY FEDERAL FUNDING TO OBTAIN APPROVAL FROM THE LEGISLATIVE COUNCIL; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT THE GOVERNMENT FROM MANDATING A VACCINATION OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19) OR ANY SUBVARIANTS OF CORONAVIRUS 2019 (COVID-19), OR BOTH; 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 requirement for vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19) – Definition.

(a) As used in this section, “coerce” means:

(1) Using physical violence, threats, intimidation, or retaliation with the purpose of causing a reasonable individual of ordinary susceptibilities to acquiesce when the individual otherwise would not;

(2) Making conditional 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; or

(3) Using any other means with the purpose of causing a reasonable individual of ordinary susceptibilities to acquiesce when the individual otherwise would not.

(b) The state, a state agency or entity, a political subdivision of the state, or a state or local official shall not mandate or require an individual to receive a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both.

(c) Receiving a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both, shall not be a condition of education, employment, entry, or services from the state or a state agency or entity or for obtaining a licensure, certificate, or permit from a state agency or entity.

(d) The Department of Health shall maintain information and data on any potential risks and harms associated with the administration of the vaccine or immunization for coronavirus 2019 (COVID-19) and any subvariants of coronavirus 2019 (COVID-19), and shall make the information and data publicly available.

(e) The state, a state agency or entity, a political subdivision of the state, or a state or local official shall not discriminate against or

coerce in any way an individual for refusing to receive a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both, including without limitation:

(1) Coercing an employee into consenting to receive a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both;

(2) Withholding the opportunity for career advancement from an employee who does not consent to receiving a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both; or

(3) Withholding a salary, a wage increase, insurance, or insurance discounts from an employee who does not consent to receiving a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both.

(f) If the state, a state agency or entity, a political subdivision of the state, or a state or local official determines that necessary federal funding is dependent upon an individual in this state receiving a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both, the state, state agency or entity, political subdivision of the state, or state or local official shall receive approval from the Legislative Council to mandate or require the individual to receive a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both, before mandating or requiring an individual to receive a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that in April 2023, the United States Food and Drug Administration found almost all the United States population who are five (5) years of age and older now have antibodies against coronavirus 2019 (COVID-19); that the prohibitions concerning government mandates or requirements for an individual to receive a vaccine or immunization for coronavirus 2019 (COVID-19) under Arkansas Code § 20-7-143 have expired and citizens of this state have expressed increased concern regarding the expiration of this state law; that citizens of this state have still expressed concerns about being forced to receive a vaccination or

immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19) without consideration of their religious, philosophical, or medical reasons or information about the potential risks and harms of a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19); and that this act is immediately necessary to protect the safety and health of the citizens of this state who have religious, philosophical, or medical reasons or who have concerns about the safety of the vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19) and to provide clarity as to the state law regarding the prohibitions on requirements for an individual to receive a vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of 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.