

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

HOUSE BILL 1834

4  
5 By: Representative Sullivan

## For An Act To Be Entitled

8 AN ACT TO PROHIBIT DISCRIMINATION OR PREFERENTIAL  
9 TREATMENT BY STATE AND OTHER PUBLIC ENTITIES; AND FOR  
10 OTHER PURPOSES.

## Subtitle

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14 TO PROHIBIT DISCRIMINATION OR  
15 PREFERENTIAL TREATMENT BY STATE AND OTHER  
16 PUBLIC ENTITIES.

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

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21 SECTION 1. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended  
22 to add an additional section to read as follows:

23 25-1-125. Prohibition of discrimination or preferential treatment by  
24 state entities.

25 (a) As used in this section "state" means the state of Arkansas, a  
26 city, a county, an institution of higher education, a public school district,  
27 a public special school district, and a political subdivision or governmental  
28 instrumentality of the state.

29 (b) The state shall not discriminate against, or grant preferential  
30 treatment to, an individual or group on the basis of race, gender, color,  
31 ethnicity, or national origin in matters of state employment, public  
32 education, or state procurement.

33 (c) This section applies only to an action taken after the effective  
34 date of this act.

35 (d) This section does not:

36 (1) Prohibit the consideration of bona fide qualifications based



1 on gender that are reasonably necessary to the normal functions of state  
2 employment, public education, or state procurement;

3 (2) Invalidate a court order or consent decree that is in force  
4 as of the effective date of this act; or

5 (3) Prohibit an action necessary to establish or maintain  
6 eligibility for a federal program if ineligibility would demonstrably result  
7 in a loss of federal funds to the state.

8 (e) A person who negligently violates this section is guilty of a  
9 Class A misdemeanor.

10 (f)(1) A person who believes his or her rights have been impacted  
11 under this section may bring a civil action in circuit court to:

12 (A) Enjoin a violation of this section; and

13 (B) Recover reasonable court costs and attorney's fees.

14 (2) In an action brought under this section, if the court finds  
15 a violation occurred, the court shall award:

16 (A) Injunctive relief; and

17 (B) Court costs and attorney's fees.

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