

1 State of Arkansas As Engrossed: H3/15/21 H3/17/21 H3/29/21 H4/12/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1547

4

5 By: Representatives Lundstrum, Bentley, Barker, Beaty Jr., Beck, M. Berry, Breaux, Brooks, Brown,
6 Bryant, Carr, Cloud, Coleman, C. Cooper, Crawford, Deffenbaugh, Dotson, Evans, Furman, Gonzales,
7 Haak, Ladyman, Lowery, Lynch, J. Mayberry, McClure, McCollum, McNair, Milligan, Penzo, Rye, B.
8 Smith, Tollett, Underwood, Vaught, Warren, Watson, Wing, Wooten

9 By: Senators B. Davis, B. Ballinger, Bledsoe, A. Clark, T. Garner, K. Hammer, Irvin

10

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For An Act To Be Entitled

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*AN ACT TO PROHIBIT THE STATE FROM MANDATING A VACCINE
13 OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19); TO
14 GOVERN REQUIREMENTS FOR A VACCINE OR IMMUNIZATION FOR
15 CORONAVIRUS 2019 (COVID-19) EXCEPT IN CERTAIN
16 CONDITIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER
17 PURPOSES.*

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Subtitle

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*TO PROHIBIT THE STATE FROM MANDATING A
22 VACCINE OR IMMUNIZATION FOR CORONAVIRUS
23 2019 (COVID-19); TO GOVERN REQUIREMENTS
24 FOR A VACCINE OR IMMUNIZATION FOR
25 CORONAVIRUS 2019 (COVID-19); AND TO
26 DECLARE AN EMERGENCY.*

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

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31 *SECTION 1. Arkansas Code Title 20, Chapter 7, Subchapter 1, is amended*
32 *to add an additional section to read as follows:*

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*20-7-142. Prohibition on requirement for vaccine or immunization for
34 coronavirus 2019 (COVID-19).*

35

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

36

(1) Using physical violence, threats, intimidation, or



1 retaliation with the purpose of causing a reasonable individual of ordinary
2 susceptibilities to acquiesce when the individual otherwise would not;

3 (2)(A) Making conditional a private or public benefit, including
4 without limitation employment, promotion, or another employment benefit, with
5 the purpose of causing a reasonable individual of ordinary susceptibilities
6 to acquiesce when the individual otherwise would not.

7 (B) However, other positive incentives that are above or
8 beyond any expected compensation or benefit of employment shall not be
9 included under the term "coerce"; or

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

13 (b)(1) The state, a state agency or entity, a political subdivision of
14 the state, or a state or local official shall not mandate or require an
15 individual to receive a vaccine or immunization for coronavirus 2019 (COVID-
16 19).

17 (2) A state-owned or state-controlled medical facility may offer
18 positive incentives to an individual to receive a vaccine or immunization for
19 coronavirus 2019 (COVID-19).

20 (3) If a state-owned or state-controlled medical facility
21 desires to mandate or require an individual to receive a vaccine or
22 immunization for coronavirus 2019 (COVID-19), then the state-owned or state-
23 controlled medical facility shall receive approval from the Legislative
24 Council to mandate or require individual to receive a vaccine or immunization
25 for coronavirus 2019 (COVID-19).

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

30 (d)(1) The Department of Health shall maintain information and data
31 about the safety and efficacy of any vaccine or immunization for coronavirus
32 2019 (COVID-19) approved by the United States Food and Drug Administration,
33 including without limitation information and data on any risk of harm
34 associated with the administration of the vaccine or immunization, on the
35 department's website.

36 (2) The information and data described in subdivision (d)(1) of

1 this section shall be presented in a manner that is understandable and
2 accessible to all individuals.

3 (e) The state, a state agency or entity, a political subdivision of
4 the state, or a state or local official shall not discriminate against or
5 coerce in any way an individual for refusing to receive a vaccine or
6 immunization for coronavirus 2019 (COVID-19), including without limitation:

7 (1) Coerce an employee into consenting to receive a vaccine or
8 immunization for coronavirus 2019 (COVID-19);

9 (2) Withhold the opportunity for career advancement from an
10 employee who does not consent to receiving a vaccine or immunization for
11 coronavirus 2019 (COVID-19); or

12 (3) Withhold a salary, a wage increase, insurance, or insurance
13 discounts from an employee who does not consent to receiving a vaccine or
14 immunization for coronavirus 2019 (COVID-19).

15 (f) If the state, a state agency or entity, a political subdivision of
16 the state, or a state or local official recommends that an individual in this
17 state receive a vaccine or immunization for coronavirus 2019 (COVID-19), the
18 state, state agency or entity, political subdivision of the state, or state
19 or local official shall provide notice that the recommendation is not
20 mandatory.

21 (g) This section shall expire two (2) years from the date that the
22 United States Food and Drug Administration approves the immunization or
23 vaccine for coronavirus 2019 (COVID-19).

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25 SECTION 2. DO NOT CODIFY. ARKANSAS CODE REVISION COMMISSION
26 AUTHORIZATION.

27 The Arkansas Code Revision Commission is directed to remove this act
28 from the Arkansas Code upon the expiration of the terms of this act.

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30 SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE. Conditional mandate
31 for vaccination.

32 (a) If a variant of coronavirus 2019 (COVID-19) occurs and mutates to
33 be a more virulent strain that impacts children within two (2) years from the
34 date that the United States Food and Drug Administration approved the
35 immunization or vaccination for coronavirus 2019 (COVID-19), then the
36 Secretary of the Department of Health and the Governor shall request a

1 meeting within two (2) weeks of discovery of the virulent strain of the:

2 (1) Senate Committee on Public Health, Welfare, and Labor; and

3 (2) House Committee on Public Health, Welfare, and Labor.

4 (b)(1) In the meeting described in subsection (a) of this section, the
5 Senate Committee on Public Health, Welfare, and Labor and the House Committee
6 on Public Health, Welfare, and Labor shall make recommendations regarding
7 vaccination of children.

8 (2) The recommendations shall be presented to the Legislative
9 Council for approval.

10 (c) The recommendations may include a limited suspension of the laws
11 under this act for students and school staff or a complete suspension of the
12 laws under this act.

13 (d) If the recommendations include a suspension of the laws under this
14 act, the standard exemptions for students may continue.

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16 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
17 General Assembly of the State of Arkansas that in December 2020, several
18 vaccines or immunizations for coronavirus 2019 (COVID-19) were approved for
19 distribution to the citizens of the United States; that the State of Arkansas
20 has received limited quantities of vaccines or immunizations for coronavirus
21 2019 (COVID-19) and plans to make vaccinations or immunizations for
22 coronavirus 2019 (COVID-19) available to citizens of this state through a
23 phased process; that citizens of this state have expressed concerns about
24 being forced to receive a vaccination or immunization for coronavirus 2019
25 (COVID-19) without consideration of their religious, philosophical, or
26 medical reasons or information about the safety of a vaccine or immunization
27 for coronavirus 2019 (COVID-19); and that this act is immediately necessary
28 to protect the safety and health of the citizens of this state who have
29 religious, philosophical, or medical reasons for not receiving a vaccination
30 or immunization for coronavirus 2019 (COVID-19) or who have concerns about
31 the safety of a vaccine or immunization for coronavirus 2019 (COVID-19).
32 Therefore, an emergency is declared to exist, and this act being immediately
33 necessary for the preservation of the public peace, health, and safety shall
34 become effective on:

35 (1) The date of its approval by the Governor;

36 (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the
2 bill; or

3 (3) If the bill is vetoed by the Governor and the veto is
4 overridden, the date the last house overrides the veto.

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/s/Lundstrum