

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1958

5 By: Representatives Bryant, Bentley, Gazaway, McGrew, Womack, Payton, Crawford, Lundstrum, S.
6 Meeks, Gonzales, Brown, Dotson, Tollett, Haak, M. Berry, B. Smith, Richmond, Miller
7 By: Senators B. Ballinger, G. Stubblefield, T. Garner, Rice, M. Johnson, Rapert, A. Clark
8

For An Act To Be Entitled

10 AN ACT TO ESTABLISH A RIGHT OF PRIVACY CONCERNING
11 CORONAVIRUS 2019 (COVID-19) VACCINATION STATUS; TO
12 ESTABLISH A GRANT PROGRAM WITH DISTRIBUTION FROM
13 COVID-19 RELIEF FUNDS TO PROVIDE RESTITUTION FOR
14 INDIVIDUALS; TO DECLARE AN EMERGENCY; AND FOR OTHER
15 PURPOSES.
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Subtitle

18 TO ESTABLISH A RIGHT OF PRIVACY
19 CONCERNING CORONAVIRUS 2019 (COVID-19)
20 VACCINATION STATUS; TO ESTABLISH A GRANT
21 PROGRAM WITH DISTRIBUTION FROM COVID-19
22 RELIEF FUNDS; AND TO DECLARE AN
23 EMERGENCY.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code Title 11, Chapter 3, Subchapter 1, is amended
30 to add an additional section to read as follows:

31 11-3-102. Right of privacy concerning vaccination status.

32 (a)(1) An individual has the right to decide whether he or she
33 discloses his or her vaccination status for coronavirus 2019 (COVID-19),
34 severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or any of its
35 mutations, in an employment setting.

36 (2) The right to decide whether to disclose his or her



1 vaccination status under subdivision (a)(1) of this section is available to:

2 (A) Employees of an employer;

3 (B) Individuals seeking employment with an employer; and

4 (C) Individuals engaging in contracts with an employer.

5 (b) An employer is prohibited from:

6 (1) Requiring the disclosure of an individual's vaccination
 7 status for coronavirus 2019 (COVID-19), severe acute respiratory syndrome
 8 coronavirus 2 (SARS-CoV-2), or any of its mutations; and

9 (2) Retaliating against an individual for exercising his or her
 10 right of privacy under subsection (a) of this section.

11 (c) An employee or individual who is injured by an employer in
 12 violation of this section shall have the remedies and procedures available
 13 under the Arkansas Civil Rights Act of 1993, § 16-123-101 et seq.

14 (d)(1) The Department of Finance and Administration may establish a
 15 grant program with distribution of COVID-19 relief funds to provide
 16 restitution to individuals injured by a violation of this section.

17 (2) The department may promulgate rules to administer the grant
 18 program and for the distribution of COVID-19 relief funds under the program.

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 20 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 21 General Assembly of the State of Arkansas that employers are requiring
 22 individuals to obtain vaccination against coronavirus 2019 (COVID-19), severe
 23 acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or any of its
 24 mutations, which is creating a situation in which an individual could be
 25 discriminated against; that protecting individuals from discrimination is
 26 vital to ensuring equality; and that this act is immediately necessary to
 27 ensure the equality of all Arkansans. Therefore, an emergency is declared to
 28 exist, and this act being immediately necessary for the preservation of the
 29 public peace, health, and safety shall become effective on:

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

31 (2) If the bill is neither approved nor vetoed by the Governor,
 32 the expiration of the period of time during which the Governor may veto the
 33 bill; or

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

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