

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

# A Bill

HOUSE BILL 1973

5 By: Representative Bryant  
6 By: Senator B. Ballinger  
7

## For An Act To Be Entitled

9 AN ACT TO ESTABLISH A RIGHT OF PRIVACY CONCERNING  
10 CORONAVIRUS 2019 (COVID-19) VACCINATION STATUS; TO  
11 ESTABLISH A GRANT PROGRAM WITH DISTRIBUTIONS FROM  
12 COVID-19 RELIEF FUNDS OR AMERICAN RESCUE PLAN ACT OF  
13 2021 FUNDS TO PROVIDE RESTITUTION FOR INDIVIDUALS; TO  
14 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

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18 TO ESTABLISH A RIGHT OF PRIVACY  
19 CONCERNING CORONAVIRUS 2019 (COVID-19)  
20 VACCINATION STATUS; TO ESTABLISH A GRANT  
21 PROGRAM FROM COVID-19 RELIEF FUNDS OR  
22 AMERICAN RESCUE PLAN ACT OF 2021 FUNDS;  
23 AND TO DECLARE AN EMERGENCY.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code Title 11, Chapter 3, Subchapter 1, is amended  
29 to add an additional section to read as follows:

30 11-3-102. Right of privacy concerning vaccination status.

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

35 (2) The right to decide whether to disclose his or her  
36 vaccination status under subdivision (a)(1) of this section is available to:



- 1                   (A) Employees of an employer;
- 2                   (B) Individuals seeking employment with an employer; and
- 3                   (C) Individuals engaging in contracts with an employer.

4           (b) An employer is prohibited from:

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

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

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

13           (d)(1) The Department of Finance and Administration may establish a  
 14 grant program with distribution of COVID-19 relief funds or funds received  
 15 under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, 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 or funds received  
 19 under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, under the  
 20 program.

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

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

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

36                   (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

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