State of Arkansas

93rd General Assembly
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By: Senators T. Garner, B. Ballinger, B. Johnson

For An Act To Be Entitled

AN ACT TO PROHIBIT THE PROPAGATION OF DIVISIVE CONCEPTS; TO REVIEW STATE ENTITY TRAINING MATERIALS; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT THE PROPAGATION OF DIVISIVE CONCEPTS; AND TO REVIEW STATE ENTITY TRAINING MATERIALS.

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

SECTION 1. Arkansas Code Title 25, Chapter 1, is amended to add an additional subchapter to read as follows:

Subchapter 6 – Propagation of Divisive Concepts Prohibited


As used in this subchapter:

(1) “Divisive concept” means the concept that:

(A) One race or sex is inherently superior to another race or sex;

(B) The state of Arkansas or the United States is fundamentally racist or sexist;

(C) An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

(D) An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex;
(E) An individual's moral character is necessarily
determined by his or her race or sex;

(F) An individual, by virtue of his or her race or sex,
bears responsibility for actions committed in the past by other members of
the same race or sex;

(G) Any individual should feel discomfort, guilt, anguish,
or any other form of psychological distress on account of his or her race or
sex;

(H) Meritocracy or traits such as a hard work ethic are
racist or sexist, or were created by a particular race to oppress another
race; or

(I) The term “divisive concept” includes any other form of
race or sex stereotyping or any other form of race or sex scapegoating;

(2) “Race or sex stereotyping” means ascribing character traits,
values, moral and ethical codes, privileges, status, or beliefs to a race or
sex, or to an individual because of his or her race or sex;

(3)(A) “Race or sex scapegoating” means assigning fault, blame,
or bias to a race or sex, or to members of a race or sex because of their
race or sex.

(B) "Race or sex scapegoating" encompasses any claim that,
consciously or unconsciously, and by virtue of his or her race or sex,
members of any race are inherently racist or are inherently inclined to
oppress others, or that members of a sex are inherently sexist or inclined to
oppress others; and

(4)(A) “State entity” means an instrumentality of state
government, including

(i) The Department of Agriculture;
(ii) The Department of Commerce;
(iii) The Department of Corrections;
(iv) The Department of Education;
(v) The Department of Energy and Environment;
(vi) The Department of Finance and Administration;
(vii) The Department of Health;
(viii) The Department of Human Services;
(ix) The Department of the Inspector General;
(x) The Department of Labor and Licensing;
(xi) The Department of the Military;
(xii) The Department of Parks, Heritage, and Tourism;
(xiii) The Department of Public Safety;
(xiv) The Department of Transformation and Shared Services; and
(xv) The Department of Veterans Affairs; and

(B) "State entity" does not include:

(i) Political subdivisions of the state;
(ii) Public schools;
(iii) Charter schools;
(iv) Institutions of higher education;
(v) The offices of constitutional officers; or
(vi) Law enforcement training certified by the Commission on Law Enforcement Standards and Training.

25-1-602. Unlawful propagation of divisive concepts by a state entity.

(a) A state entity shall not teach, instruct, or train any employee, contractor, staff member, or any other individual or group, to adopt or believe any divisive concepts.

(b) No employee of the state of Arkansas shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to the divisive concepts defined under § 25-1-601.


The administrative head of all state entities shall review their respective grant programs and identify programs for which the state entity may, as a condition of receiving such a grant, require the recipient to certify that it will not use state funds or assets to promote a divisive concept.

25-1-604. State entity training.

(a)(1) The fair and equal treatment of individuals is an inviolable principle that must be maintained in the state workplace.

(2) The administrative head of each state entity shall use his
or her authority to ensure that the state entity, state entity employees
during work hours, and any contractors hired by the state entity to provide
training, workshops, forums, or similar programming, for purposes of this
section, “training”, to state entity employees do not teach, advocate, act
upon, or promote in any training to state entity employees any of the
divisive concepts as defined in § 25-1-601.

(3) State entity diversity and inclusion efforts shall encourage
state entity employees not to judge each other by their color, race,
ethnicity, sex, or any other characteristic protected by federal or state
law.

(b) The Secretary of the Department of Transformation and Shared
Services shall develop rules for the enforcement of the provisions of this
subchapter.

(c) Each state entity head shall:

(1) Issue a policy incorporating the requirements of this
subchapter into state entity operations;

(2) Request that the state entity thoroughly review and assess
not less than annually thereafter, state entity compliance with the
requirements of the policy in the form of a report submitted to the
Department of Transformation and Shared Services; and

(3) Assign at least one (1) employee of the state entity
responsibility for ensuring compliance with the requirements of the policy.


(a) All training programs for state entity employees relating to
diversity or inclusion shall, before being used, be reviewed by the
respective state entity for compliance with this subchapter.

(b) If a contractor provides a training for state entity employees
relating to diversity or inclusion that teaches, advocates, or promotes the
divisive concepts defined in § 25-1-601, and such action is in violation of
the applicable contract, the state entity that contracted for such training
shall evaluate whether to pursue debarment of that contractor, consistent
with applicable law and regulations.


(a) Nothing in this subchapter shall prevent state entities from
promoting racial, cultural, or ethnic diversity or inclusiveness, provided such efforts are consistent with the requirements of this subchapter.

(b) Nothing in this subchapter shall be construed to prohibit discussing, as part of a larger course of academic instruction, the divisive concepts listed in § 25-1-601 in an objective manner and without endorsement.

(c) If any section of this subchapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this subchapter and the application of its provisions to any other persons or circumstances is severable.

SECTION 2. DO NOT CODIFY. Effective date.
This act shall take effect January 1, 2022.

/s/T. Garner