

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

Call Item 1

A Bill

HOUSE BILL 1004

5 By: Representatives McCullough, F. Allen, Clowney, A. Collins, Ennett, D. Ferguson, K. Ferguson,
6 Fielding, V. Flowers, D. Garner, Godfrey, M. Hodges, Hudson, Love, Magie, Murdock, Nicks, Perry,
7 Richardson, Scott, Springer, D. Whitaker
8 By: Senators K. Ingram, C. Tucker, L. Chesterfield, Elliott, S. Flowers, G. Leding, Teague
9

For An Act To Be Entitled

11 AN ACT TO AUTHORIZE A SCHOOL BOARD OF A PUBLIC SCHOOL
12 DISTRICT OR GOVERNING BODY OF AN OPEN-ENROLLMENT
13 PUBLIC CHARTER SCHOOL TO IMPLEMENT A REQUIREMENT FOR
14 FACE MASKS, FACE SHIELDS, OR OTHER FACE COVERINGS; TO
15 AUTHORIZE A PUBLICLY OWNED OR OPERATED CHILDCARE
16 FACILITY TO IMPLEMENT A REQUIREMENT FOR FACE MASKS,
17 FACE SHIELDS, OR OTHER FACE COVERINGS; TO DECLARE AN
18 EMERGENCY; AND FOR OTHER PURPOSES.
19
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Subtitle

21 TO AUTHORIZE A SCHOOL BOARD OF A PUBLIC
22 SCHOOL DISTRICT OR GOVERNING BODY OF AN
23 OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL TO
24 IMPLEMENT A FACE COVERING REQUIREMENT;
25 AND TO 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 6, Chapter 1, Subchapter 1, is amended
32 to add an additional section to read as follows:

33 6-1-108. School face covering policy.

34 (a)(1) A school board of a public school district or a governing body
35 of an open-enrollment public charter school may implement a requirement to
36 wear a face mask, face shield, or other face covering to reduce the spread of



1 infectious, contagious, and communicable diseases.

2 (2) A requirement to wear a face mask, face shield, or other
3 face covering shall only be implemented in a school building, school bus, or
4 other congregate educational setting where children under twelve (12) years
5 of age may be present during times dedicated for academic purposes.

6 (b) Section 20-7-144 does not prohibit a school board of a public
7 school district or a governing body of an open-enrollment public charter
8 school from implementing a requirement to wear a face mask, face shield, or
9 other face covering under this section.

10 (c) For purposes of this section, "school board" includes the State
11 Board of Education and the Commissioner of Elementary and Secondary Education
12 if the state board orders the takeover of a public school district under the
13 authority granted under this title and also orders the removal of the school
14 district board of directors.

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16 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
17 General Assembly of the State of Arkansas that the Governor issued Executive
18 Order 21-14 to declare a statewide state of disaster emergency related to
19 public health under the Arkansas Emergency Services Act of 1973, § 12-75-101
20 et seq., to address the impact of coronavirus 2019 (COVID-19); that the rapid
21 rise in the cases of coronavirus 2019 (COVID-19) poses a threat to the health
22 and safety of children in this state who are under twelve (12) years of age;
23 that the Delta variant of coronavirus 2019 (COVID-19) is more contagious than
24 previous strains of coronavirus 2019 (COVID-19); that children under twelve
25 (12) years of age are not currently eligible to receive a coronavirus 2019
26 (COVID-19) vaccine; that with the start of the school year imminent, public
27 schools and open-enrollment public charter schools need additional
28 flexibility to protect children under twelve (12) years of age; and that this
29 act is immediately necessary to provide local school boards of public school
30 districts and governing bodies of open-enrollment public charter schools with
31 flexibility to achieve maximum protection for children under twelve (12)
32 years of age receiving in-person instruction and education. Therefore, an
33 emergency is declared to exist, and this act being immediately necessary for
34 the preservation of the public peace, health, and safety shall become
35 effective on:

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

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

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

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