

Department of Finance and Administration

Legislative Impact Statement

Bill: SB731

Bill Subtitle: TO ESTABLISH A RIGHT OF PRIVACY CONCERNING CORONAVIRUS 2019 (COVID-19) VACCINATION STATUS; TO ESTABLISH A GRANT PROGRAM FROM COVID-19 RELIEF FUNDS OR AMERICAN RESCUE PLAN ACT OF 2021 FUNDS; AND TO DECLARE AN EMERGENCY.

Basic Change :

Sponsor: Sen. B. Ballinger

SB731 creates a right to privacy with respect to the disclosure of an individual's coronavirus 2019 (COVID-19) vaccination status to an employer. An employer may not require a current employee, a person seeking employment, or a person with whom the employer enters a contract to disclose that individual's COVID-19 vaccination status. An employer also may not retaliate against the individual for failing to disclose the individual's COVID-19 vaccination status. If the individual suffers an injury as a result of a violation of this section, the individual may seek the remedies available under the Arkansas Civil Rights Act of 1993.

SB731 provides that the Department of Finance and Administration (DFA) may establish a grant program to distribute COVID-19 relief funds, including funds received under the American Rescue Plan Act of 2021 (ARPA), to provide restitution for individuals injured by a violation of the bill. DFA may promulgate rules to administer the grant program.

This bill contains an emergency clause.

Revenue Impact :

No impact to state General Revenue.

Taxpayer Impact :

A person's decision not to disclose his or her vaccination status in an employment setting will be protected by a right to privacy by SB731.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

Other Comments :

None.

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Legal Analysis :

The state has retained a consultant, CTEH/Hagerty, to advise the state on the use and distribution of ARPA funds. The consultant has advised that the state may not be able to use ARPA funds to provide restitution to individuals who decline to disclose their COVID-19 vaccination status to employers. ARPA does not authorize the use of ARPA funds to reimburse an employee for economic losses due to failure to comply with an employer's job requirements.