

1 INTERIM STUDY PROPOSAL 2023-105

2 State of Arkansas *As Engrossed: S1/19/23 S1/30/23 S3/15/23 S3/16/23*

3 94th General Assembly

**A Bill**

4 Regular Session, 2023

SENATE BILL 8

5  
6 By: Senator B. King

7 Filed with: Senate Committee on Public Health, Welfare, and Labor  
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO CREATE THE CRIMINAL OFFENSE OF VACCINE  
11 HARM; AND FOR OTHER PURPOSES.

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13  
14 **Subtitle**

15 TO CREATE THE CRIMINAL OFFENSE OF VACCINE  
16 HARM.

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

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21 SECTION 1. Arkansas Code Title 5, Chapter 63, Subchapter 2, is amended  
22 to add an additional section to read as follows:

23 5-63-206. Vaccine harm.

24 (a) As used in this section:

25 (1) "Executive officer" means a president, chair of an executive  
26 committee, chief financial officer, or other individual with managerial  
27 authority who performs similar functions to a president, chair of an  
28 executive committee, or chief financial officer;

29 (2)(A) "Pharmaceutical company" means a business that is licensed  
30 with the United States Food and Drug Administration to commercially research,  
31 develop, market, manufacture, and distribute prescription drugs.

32 (B) "Pharmaceutical company" does not include a licensed,  
33 registered, or otherwise permitted healthcare provider or healthcare  
34 facility, such as a pharmacy, hospital, or pharmacist; and

35 (3) "Vaccination" means the introduction of a vaccine into the  
36 body.

1           (b) A person commits vaccine harm if:

2                   (1) The person is an executive officer for a pharmaceutical  
3 company and is eighteen (18) years of age or older;

4                   (2) The person introduces a vaccine produced by the  
5 pharmaceutical company into the market;

6                   (3) The person knowingly hides, conceals, omits, or otherwise  
7 withholds evidence, documentation, or information that the vaccine has  
8 dangerous effects;

9                   (4) Another person receives the vaccine in this state through a  
10 vaccination containing the vaccine; and

11                   (5) The vaccination causes the death of or serious physical  
12 injury to the other person.

13           (c) Vaccine harm is an unclassified felony with a sentence of  
14 imprisonment of not less than one (1) year and not more than life.

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16           SECTION 2. *Arkansas Code Title 19, Chapter 5, Subchapter 12, is*  
17 *amended to add an additional section to read as follows:*

18           19-5-1277. Vaccine Harm Offense Fund.

19           (a) There is created on the books of the Treasurer of State, the  
20 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to  
21 be known as the "Vaccine Harm Offense Fund".

22           (b) The fund shall consist of:

23                   (1) Federal funds received through a grant;

24                   (2) Appropriations from the General Assembly; and

25                   (3) Other revenues and funds authorized by law.

26           (c) The Attorney General shall use the fund to provide funding and  
27 support for the prosecution of the offense of vaccine harm under § 5-63-206.

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29           SECTION 3. *DO NOT CODIFY. Expiration date.*

30           (a) This act expires on December 31, 2026.

31           (b) On or after December 31, 2026, the Bureau of Legislative Research  
32 or the Arkansas Code Revision Commission may remove from the Arkansas Code  
33 the sections created in Sections 1 and 2 of this act.

34           (c) Any funds in the Vaccine Harm Offense Fund on December 31, 2026,  
35 shall be transferred to the General Revenue Fund Account of the State  
36 Apportionment Fund.

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*/s/B. King*

Referred by Senator B. King

Prepared by: JMB/JMB