

INTERIM STUDY PROPOSAL 2021-105

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

A Bill

SENATE BILL 719

5
6 By: Senators B. Ballinger, G. Stubblefield, T. Garner, Rice, M. Johnson, Rapert, A. Clark
7 By: Representatives Bryant, Bentley, Gazaway, McGrew, Womack, Payton, Crawford, Lundstrum, S.
8 Meeks, Gonzales, Brown, Dotson, Tollett, Haak, M. Berry, B. Smith, Richmond, Miller

9 Filed with: Senate Committee on Judiciary
10 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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12 AN ACT TO ESTABLISH A RIGHT OF PRIVACY CONCERNING
13 CORONAVIRUS 2019 (COVID-19) VACCINATION STATUS; TO
14 ESTABLISH A GRANT PROGRAM WITH DISTRIBUTION FROM
15 COVID-19 RELIEF FUNDS TO PROVIDE RESTITUTION FOR
16 INDIVIDUALS; TO DECLARE AN EMERGENCY; AND FOR OTHER
17 PURPOSES.

Subtitle

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21 TO ESTABLISH A RIGHT OF PRIVACY
22 CONCERNING CORONAVIRUS 2019 (COVID-19)
23 VACCINATION STATUS; TO ESTABLISH A GRANT
24 PROGRAM WITH DISTRIBUTION FROM COVID-19
25 RELIEF FUNDS; AND TO DECLARE AN
26 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 11, Chapter 3, Subchapter 1, is amended
32 to add an additional section to read as follows:

33 11-3-102. Right of privacy concerning vaccination status.

34 (a)(1) An individual has the right to decide whether he or she
35 discloses his or her vaccination status for coronavirus 2019 (COVID-19),

1 severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or any of its
2 mutations, in an employment setting.

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

5 (A) Employees of an employer;

6 (B) Individuals seeking employment with an employer; and

7 (C) Individuals engaging in contracts with an employer.

8 (b) An employer is prohibited from:

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

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

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

17 (d)(1) The Department of Finance and Administration may establish a
18 grant program with distribution of COVID-19 relief funds to provide
19 restitution to individuals injured by a violation of this section.

20 (2) The department may promulgate rules to administer the grant
21 program and for the distribution of COVID-19 relief funds under the program.

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

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

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

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

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5 Referred by Senator B. Ballinger

6 Prepared by: CRH/CRH
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