

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

A Bill

SENATE BILL 193

5 By: Senator D. Sullivan
6

For An Act To Be Entitled

8 AN ACT TO PROHIBIT DISCRIMINATION OR PREFERENTIAL
9 TREATMENT BY THE STATE OF ARKANSAS AND OTHER PUBLIC
10 ENTITIES; AND FOR OTHER PURPOSES.
11
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Subtitle

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14 TO PROHIBIT DISCRIMINATION OR
15 PREFERENTIAL TREATMENT BY THE STATE OF
16 ARKANSAS AND OTHER PUBLIC ENTITIES.
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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 25, Chapter 1, Subchapter 1, is amended
22 to add an additional section to read as follows:

23 25-1-125. Prohibition of discrimination or preferential treatment by
24 state entities.

25 (a) As used in this section, "state" means the State of Arkansas, a
26 city, a county, an institution of higher education, a public school district,
27 a public special school district, or a political subdivision or governmental
28 instrumentality of the state.

29 (b) The state shall not discriminate against, or grant preferential
30 treatment to, an individual or group on the basis of race, gender, color,
31 ethnicity, or national origin in matters of state employment, public
32 education, or state procurement.

33 (c) This section applies only to an action taken after the effective
34 date of this act.

35 (d) This section does not:

36 (1) Prohibit the consideration by the state of bona fide



1 qualifications based on gender that are reasonably necessary to the normal
2 functions of state employment, public education, or state procurement;

3 (2) Invalidate a court order or consent decree that is in force
4 as of the effective date of this act;

5 (3) Prohibit an action necessary to establish or maintain
6 eligibility for a federal program if ineligibility would demonstrably result
7 in a loss of federal funds to the state; or

8 (4) Preempt state discrimination law or federal discrimination
9 law.

10 (e) A person who negligently violates this section is guilty of a
11 Class A misdemeanor.

12 (f)(1) A person who believes his or her rights have been impacted
13 under this section may bring a civil action in circuit court to:

14 (A) Enjoin a violation of this section; and

15 (B) Recover reasonable court costs and attorney's fees.

16 (2) In an action brought under this section, if the court finds
17 that a violation occurred, the court shall award:

18 (A) Injunctive relief; and

19 (B) Court costs and attorney's fees.