

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

Call Item 1

A Bill

HOUSE BILL 1005

5 By: Representatives Clowney, McCullough, F. Allen, 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 G. Leding, C. Tucker, L. Chesterfield, Elliott, S. Flowers, K. Ingram, Teague
9

For An Act To Be Entitled

11 AN ACT TO AUTHORIZE A PUBLICLY OWNED OR OPERATED
12 CHILDCARE FACILITY TO IMPLEMENT A REQUIREMENT FOR
13 FACE MASKS, FACE SHIELDS, OR OTHER FACE COVERINGS; TO
14 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
15
16

Subtitle

18 TO AUTHORIZE A PUBLICLY OWNED OR OPERATED
19 CHILDCARE FACILITY TO IMPLEMENT A FACE
20 COVERING REQUIREMENT; AND TO DECLARE AN
21 EMERGENCY.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 6, Chapter 1, Subchapter 1, is amended
27 to add an additional section to read as follows:

28 6-1-108. Childcare facility face covering policy.

29 (a) As used in this section, "publicly owned or operated childcare
30 facility" means a state-owned or state-controlled childcare facility, a
31 county-owned or county-operated childcare facility, a city-owned or city-
32 operated childcare facility, and a municipality-owned or municipality-
33 operated childcare facility.

34 (b)(1) A publicly owned or operated childcare facility may implement a
35 requirement to wear a face mask, face shield, or other face covering to
36 reduce the spread of infectious, contagious, and communicable diseases.



1 (2) A requirement to wear a face mask, face shield, or other
2 face covering shall only be implemented in a childcare facility building,
3 childcare facility bus, or other congregate setting where children under
4 twelve (12) years of age may be present.

5 (c) Section 20-7-144 does not prohibit a publicly owned or operated
6 childcare facility from implementing a requirement to wear a face mask, face
7 shield, or other face covering under this section.

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

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

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

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