

1 State of Arkansas
2 93rd General Assembly
3 Third Extraordinary Session, 2022
4

Call Item 2

A Bill

SENATE BILL 5

5 By: Senator Beckham
6 By: Representative Bryant
7

For An Act To Be Entitled

9 AN ACT TO ALLOW A STUDENT WHO ATTENDS A PUBLIC SCHOOL
10 DISTRICT THAT MANDATES THE USE OF FACE MASKS, FACE
11 SHIELDS, OR OTHER FACE COVERINGS TO PREVENT THE
12 SPREAD OF INFECTIOUS, CONTAGIOUS, AND COMMUNICABLE
13 DISEASES TO TRANSFER TO A PUBLIC SCHOOL DISTRICT OF
14 HIS OR HER CHOICE THAT DOES NOT MANDATE THE USE OF
15 FACE MASKS, FACE SHIELDS, OR OTHER FACE COVERINGS TO
16 PREVENT THE SPREAD OF INFECTIOUS, CONTAGIOUS, AND
17 COMMUNICABLE DISEASE; TO DECLARE AN EMERGENCY; AND
18 FOR OTHER PURPOSES.
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Subtitle

21 TO ALLOW A STUDENT WHO ATTENDS A PUBLIC
22 SCHOOL DISTRICT THAT MANDATES THE USE OF
23 FACE MASKS, FACE SHIELDS, OR OTHER FACE
24 COVERINGS TO TRANSFER TO A PUBLIC SCHOOL
25 DISTRICT OF HIS OR HER CHOICE; AND TO
26 DECLARE AN EMERGENCY.
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30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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32 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 1, is amended
33 to add an additional section to read as follows:

34 6-18-114. Mask mandates – Eligibility for transfer.

35 (a) A student who attends a public school district that mandates the
36 use of face masks, face shields, or other face coverings to prevent the



1 spread of infectious, contagious, and communicable diseases shall be
2 immediately eligible for transfer to another public school district of his or
3 her choice that does not mandate the use of face masks, face shields, or
4 other face coverings to prevent the spread of infectious, contagious, and
5 communicable diseases under the:

6 (1) Arkansas Opportunity Public School Choice Act, § 6-18-227;

7 or

8 (2) Public School Choice Act of 2015, § 6-18-1901 et seq.

9 (b) Any funding for a student who transfers to another public school
10 district under subsection (a) of this section shall be transferred to the
11 public school district to which the student transfers.

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13 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that the 2022-2023 school year is
15 imminent; and this act is immediately necessary to ensure it becomes
16 effective upon the start of the 2022-2023 school year. Therefore, an
17 emergency is declared to exist, and this act being immediately necessary for
18 the preservation of the public peace, health, and safety shall become
19 effective on:

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

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

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