

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1468

5 By: Representative Long  
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## For An Act To Be Entitled

8 AN ACT TO PROTECT FACULTY MEMBERS, TEACHERS, AND  
9 EMPLOYEES OF PUBLIC SCHOOLS AND STATE-SUPPORTED  
10 INSTITUTIONS OF HIGHER EDUCATION FROM COMPELLED  
11 SPEECH; TO PROHIBIT REQUIRING FACULTY MEMBERS,  
12 TEACHERS, AND EMPLOYEES OF PUBLIC SCHOOLS AND STATE-  
13 SUPPORTED INSTITUTIONS OF HIGHER EDUCATION TO USE A  
14 PERSON'S PREFERRED PRONOUN; AND FOR OTHER PURPOSES.  
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## Subtitle

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18 TO PROHIBIT REQUIRING FACULTY MEMBERS,  
19 TEACHERS, AND EMPLOYEES OF PUBLIC SCHOOLS  
20 AND STATE-SUPPORTED INSTITUTIONS OF  
21 HIGHER EDUCATION TO USE A PERSON'S  
22 PREFERRED PRONOUN.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code Title 6, Chapter 1, Subchapter 1, is amended  
28 to add an additional section to read as follows:

29 6-1-108. Protection against compelled speech.

30 (a) The General Assembly finds that:

31 (1) Faculty members, teachers, and employees of public schools  
32 and state-supported institutions of higher education do not shed their  
33 constitutional rights to freedom of speech or expression at work;

34 (2) Protecting the right to free speech for faculty members,  
35 teachers, and employees promotes three (3) important interests, which  
36 include:



1                   (A) Students' interests in receiving informed opinions on  
 2 matters of public concern;

3                   (B) Faculty members', teachers', and employees' rights to  
 4 disseminate their own opinions; and

5                   (C) The public's interest in exposing our children and  
 6 future leaders to different viewpoints; and

7                   (3) The selection and use of pronouns in classrooms, on  
 8 campuses, and elsewhere is a matter of free speech and academic freedom  
 9 because it communicates a message on a matter of public concern and shapes  
 10 classroom discussions and debates, and is not merely an administrative or  
 11 ministerial act by faculty members, teachers, and employees of public schools  
 12 and state-supported institutions of higher education.

13                   (b) As used in this section, "school" includes:

14                   (1) A public school or school district;

15                   (2) An open-enrollment public charter school; and

16                   (3) A state-supported institution of higher education.

17                   (c) A faculty member, teacher, or other employee of a school,  
 18 regardless of the scope of his or her official duties:

19                   (1) Is not required to use a student's or coworker's preferred  
 20 pronoun when referring to the student or coworker if the preferred pronoun is  
 21 not consistent with the student's or coworker's biological sex;

22                   (2) Is not civilly, criminally, or administratively liable for  
 23 using a pronoun that is consistent with the biological sex of a person to  
 24 whom the faculty member, teacher, or other employee of a school is referring,  
 25 even if the pronoun is not the person's preferred pronoun; and

26                   (3) Shall not be subject to adverse employment action for using  
 27 a pronoun that is consistent with the biological sex of a person to whom the  
 28 faculty member, teacher, or other employee of a school is referring, even if  
 29 the pronoun is not the person's preferred pronoun.

30                   (d) A person who is harmed by a violation of this section may bring a  
 31 cause of action for:

32                   (1) Injunctive relief;

33                   (2) Monetary damages;

34                   (3) Reasonable attorney's fees and costs; and

35                   (4) Any other appropriate relief.

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