

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

# A Bill

SENATE BILL 71

5 By: Senator D. Sullivan  
6 By: Representative Richmond  
7

## For An Act To Be Entitled

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

14 TO PROHIBIT DISCRIMINATION OR  
15 PREFERENTIAL TREATMENT BY THE STATE OF  
16 ARKANSAS AND OTHER PUBLIC ENTITIES.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 25, Chapter 1, Subchapter 1, is amended  
23 to add an additional section to read as follows:

24 25-1-126. Prohibition of discrimination or preferential treatment by  
25 state entities.

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

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

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

36 (d) This section does not:



1           (1) Prohibit the consideration by the state of bona fide  
2 qualifications based on gender that are reasonably necessary to the normal  
3 functions of state employment, public education, or state procurement;

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

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

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

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

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

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

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

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

19                   (A) Injunctive relief; and

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

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