

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: S1/19/23 S1/30/23 S3/15/23
2 94th General Assembly **A Bill**
3 Regular Session, 2023

SENATE BILL 8

4
5 By: Senator B. King

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7 **For An Act To Be Entitled**

8 AN ACT TO CREATE THE CRIMINAL OFFENSE OF VACCINE
9 HARM; AND FOR OTHER PURPOSES.

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12 **Subtitle**

13 TO CREATE THE CRIMINAL OFFENSE OF VACCINE
14 HARM.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Title 5, Chapter 63, Subchapter 2, is amended
20 to add an additional section to read as follows:

21 5-63-206. Vaccine harm.

22 (a) As used in this section:

23 (1) "Executive officer" means a president, chair of an executive
24 committee, chief financial officer, or other individual with managerial
25 authority who performs similar functions to a president, chair of an
26 executive committee, or chief financial officer;

27 (2)(A) "Pharmaceutical company" means a business that is licensed
28 with the United States Food and Drug Administration to commercially research,
29 develop, market, manufacture, and distribute prescription drugs.

30 (B) "Pharmaceutical company" does not include a licensed,
31 registered, or otherwise permitted healthcare provider or healthcare
32 facility, such as a pharmacy, hospital, or pharmacist; and

33 (3) "Vaccination" means the introduction of a vaccine into the
34 body.

35 (b) A person commits vaccine harm if:

36 (1) The person is an executive officer for a pharmaceutical



1 company and is eighteen (18) years of age or older;

2 (2) The person introduces a vaccine produced by the
3 pharmaceutical company into the market;

4 (3) The person knowingly hides, conceals, omits, or otherwise
5 withholds evidence, documentation, or information that the vaccine has
6 dangerous effects;

7 (4) Another person receives the vaccine in this state through a
8 vaccination containing the vaccine; and

9 (5) The vaccination causes the death of or serious physical
10 injury to the other person.

11 (c) Vaccine harm is an unclassified felony with a sentence of
12 imprisonment of not less than one (1) year and not more than life.

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14 *SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 12, is*
15 *amended to add an additional section to read as follows:*

16 19-5-1277. Vaccine Harm Offense Fund.

17 (a) There is created on the books of the Treasurer of State, the
18 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
19 be known as the "Vaccine Harm Offense Fund".

20 (b) The fund shall consist of:

21 (1) Federal funds received through a grant;

22 (2) Any money received from a court settlement involving
23 prescription drugs;

24 (3) Appropriations from the General Assembly; and

25 (4) Other revenues and funds authorized by law.

26 (c) The Attorney General shall use the fund to provide funding and
27 support for the prosecution of the offense of vaccine harm under § 5-63-206.

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29 *SECTION 3. DO NOT CODIFY. Expiration date.*

30 (a) This act expires on December 31, 2026.

31 (b) On or after December 31, 2026, the Bureau of Legislative Research
32 or the Arkansas Code Revision Commission may remove from the Arkansas Code
33 the sections created in Sections 1 and 2 of this act.

34 (c) Any funds in the Vaccine Harm Offense Fund on December 31, 2026,
35 shall be transferred to the General Revenue Fund Account of the State
36 Apportionment Fund.

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/s/B. King