

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

Call Item 3

A Bill

SENATE BILL 3

5 By: Senators J. Bryant, Irvin, B. Davis, Hester, J. Dotson, Dees, C. Penzo, A. Clark, Crowell, J. English,
6 Flippo, Gilmore, K. Hammer, Hill, B. Johnson, M. McKee, Stone, D. Sullivan
7 By: Representatives Beaty Jr., Achor, Andrews, Barker, Beck, Bentley, Breaux, Brooks, K. Brown,
8 Burkes, Joey Carr, John Carr, Cavenaugh, C. Cooper, Cozart, Crawford, Duke, Evans, Fortner, Furman,
9 Gazaway, Haak, Hawk, D. Hodges, Holcomb, Hollowell, Long, Lundstrum, Lynch, Maddox, McAlindon,
10 McClure, McGrew, B. McKenzie, McNair, S. Meeks, Milligan, Painter, Puryear, Ray, Richmond, Rose,
11 Rye, Schulz, M. Shepherd, Underwood, Unger, Vaught, Wardlaw, Warren, Watson, Wing
12

For An Act To Be Entitled

14 AN ACT TO PROHIBIT THE GOVERNMENT FROM MANDATING A
15 VACCINATION OR IMMUNIZATION FOR CORONAVIRUS 2019
16 (COVID-19) OR ANY SUBVARIANTS OF CORONAVIRUS 2019
17 (COVID-19), OR BOTH; TO ENSURE THAT THE DEPARTMENT OF
18 HEALTH MAINTAINS INFORMATION ABOUT POTENTIAL RISKS
19 AND HARMS OF THE VACCINATION OR IMMUNIZATION FOR
20 CORONAVIRUS 2019 (COVID-19) AND ANY SUBVARIANTS OF
21 CORONAVIRUS 2019 (COVID-19); TO REQUIRE AGENCIES THAT
22 ARE REQUIRED TO MANDATE VACCINATION OR IMMUNIZATION
23 FOR CORONAVIRUS 2019 (COVID-19) OR ANY SUBVARIANTS OF
24 CORONAVIRUS 2019 (COVID-19), OR BOTH, TO RECEIVE
25 NECESSARY FEDERAL FUNDING TO OBTAIN APPROVAL FROM THE
26 LEGISLATIVE COUNCIL; TO DECLARE AN EMERGENCY; AND FOR
27 OTHER PURPOSES.

Subtitle

31 TO PROHIBIT THE GOVERNMENT FROM MANDATING
32 A VACCINATION OR IMMUNIZATION FOR
33 CORONAVIRUS 2019 (COVID-19) OR ANY
34 SUBVARIANTS OF CORONAVIRUS 2019 (COVID-
35 19), OR BOTH; AND TO DECLARE AN
36 EMERGENCY.



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3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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5 SECTION 1. Arkansas Code Title 20, Chapter 7, Subchapter 1, is amended
6 to add an additional section to read as follows:

7 20-7-146. Prohibition on requirement for vaccine or immunization for
8 coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19)
9 - Definition.

10 (a) As used in this section, "coerce" means:

11 (1) Using physical violence, threats, intimidation, or
12 retaliation with the purpose of causing a reasonable individual of ordinary
13 susceptibilities to acquiesce when the individual otherwise would not;

14 (2) Making conditional a private or public benefit, including
15 without limitation employment, promotion, or another employment benefit, with
16 the purpose of causing a reasonable individual of ordinary susceptibilities
17 to acquiesce when the individual otherwise would not; or

18 (3) Using any other means with the purpose of causing a
19 reasonable individual of ordinary susceptibilities to acquiesce when the
20 individual otherwise would not.

21 (b) The state, a state agency or entity, a political subdivision of
22 the state, or a state or local official shall not mandate or require an
23 individual to receive a vaccine or immunization for coronavirus 2019 (COVID-
24 19) or any subvariants of coronavirus 2019 (COVID-19), or both.

25 (c) Receiving a vaccine or immunization for coronavirus 2019 (COVID-
26 19) or any subvariants of coronavirus 2019 (COVID-19), or both, shall not be
27 a condition of education, employment, entry, or services from the state or a
28 state agency or entity or for obtaining a licensure, certificate, or permit
29 from a state agency or entity.

30 (d) The Department of Health shall maintain information and data on
31 any potential risks and harms associated with the administration of the
32 vaccine or immunization for coronavirus 2019 (COVID-19) and any subvariants
33 of coronavirus 2019 (COVID-19), and shall make the information and data
34 publicly available.

35 (e) The state, a state agency or entity, a political subdivision of
36 the state, or a state or local official shall not discriminate against or

1 coerce in any way an individual for refusing to receive a vaccine or
2 immunization for coronavirus 2019 (COVID-19) or any subvariants of
3 coronavirus 2019 (COVID-19), or both, including without limitation:

4 (1) Coercing an employee into consenting to receive a vaccine or
5 immunization for coronavirus 2019 (COVID-19) or any subvariants of
6 coronavirus 2019 (COVID-19), or both;

7 (2) Withholding the opportunity for career advancement from an
8 employee who does not consent to receiving a vaccine or immunization for
9 coronavirus 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-
10 19), or both; or

11 (3) Withholding a salary, a wage increase, insurance, or
12 insurance discounts from an employee who does not consent to receiving a
13 vaccine or immunization for coronavirus 2019 (COVID-19) or any subvariants of
14 coronavirus 2019 (COVID-19), or both.

15 (f) If the state, a state agency or entity, a political subdivision of
16 the state, or a state or local official determines that necessary federal
17 funding is dependent upon an individual in this state receiving a vaccine or
18 immunization for coronavirus 2019 (COVID-19) or any subvariants of
19 coronavirus 2019 (COVID-19), or both, the state, state agency or entity,
20 political subdivision of the state, or state or local official shall receive
21 approval from the Legislative Council to mandate or require the individual to
22 receive a vaccine or immunization for coronavirus 2019 (COVID-19) or any
23 subvariants of coronavirus 2019 (COVID-19), or both, before mandating or
24 requiring an individual to receive a vaccine or immunization for coronavirus
25 2019 (COVID-19) or any subvariants of coronavirus 2019 (COVID-19), or both.

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27 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly of the State of Arkansas that in April 2023, the United
29 States Food and Drug Administration found almost all the United States
30 population who are five (5) years of age and older now have antibodies
31 against coronavirus 2019 (COVID-19); that the prohibitions concerning
32 government mandates or requirements for an individual to receive a vaccine or
33 immunization for coronavirus 2019 (COVID-19) under Arkansas Code § 20-7-143
34 have expired and citizens of this state have expressed increased concern
35 regarding the expiration of this state law; that citizens of this state have
36 still expressed concerns about being forced to receive a vaccination or

1 immunization for coronavirus 2019 (COVID-19) or any subvariants of
2 coronavirus 2019 (COVID-19) without consideration of their religious,
3 philosophical, or medical reasons or information about the potential risks
4 and harms of a vaccine or immunization for coronavirus 2019 (COVID-19) or any
5 subvariants of coronavirus 2019 (COVID-19); and that this act is immediately
6 necessary to protect the safety and health of the citizens of this state who
7 have religious, philosophical, or medical reasons or who have concerns about
8 the safety of the vaccine or immunization for coronavirus 2019 (COVID-19) or
9 any subvariants of coronavirus 2019 (COVID-19) and to provide clarity as to
10 the state law regarding the prohibitions on requirements for an individual to
11 receive a vaccine or immunization for coronavirus 2019 (COVID-19) or any
12 subvariants of coronavirus 2019 (COVID-19). Therefore, an emergency is
13 declared to exist, and this act being immediately necessary for the
14 preservation of the public peace, health, and safety shall become effective
15 on:

- 16 (1) The date of its approval by the Governor;
- 17 (2) If the bill is neither approved nor vetoed by the Governor,
18 the expiration of the period of time during which the Governor may veto the
19 bill; or
- 20 (3) If the bill is vetoed by the Governor and the veto is
21 overridden, the date the last house overrides the veto.

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