

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 731

By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO ESTABLISH A RIGHT OF PRIVACY CONCERNING
CORONAVIRUS 2019 (COVID-19) VACCINATION STATUS; TO
ESTABLISH A GRANT PROGRAM WITH DISTRIBUTIONS FROM
COVID-19 RELIEF FUNDS OR AMERICAN RESCUE PLAN ACT OF
2021 FUNDS TO PROVIDE RESTITUTION FOR INDIVIDUALS; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH A RIGHT OF PRIVACY
CONCERNING CORONAVIRUS 2019 (COVID-19)
VACCINATION STATUS; TO ESTABLISH A GRANT
PROGRAM FROM COVID-19 RELIEF FUNDS OR
AMERICAN RESCUE PLAN ACT OF 2021 FUNDS;
AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 11, Chapter 3, Subchapter 1, is amended
to add an additional section to read as follows:

11-3-102. Right of privacy concerning vaccination status.

(a)(1) An individual has the right to decide whether he or she
discloses his or her vaccination status for coronavirus 2019 (COVID-19),
severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or any of its
mutations, in an employment setting.

(2) The right to decide whether to disclose his or her
vaccination status under subdivision (a)(1) of this section is available to:

(A) Employees of an employer;



1 (B) Individuals seeking employment with an employer; and

2 (C) Individuals engaging in contracts with an employer.

3 (b) An employer is prohibited from:

4 (1) Requiring the disclosure of an individual's vaccination
5 status for coronavirus 2019 (COVID-19), severe acute respiratory syndrome
6 coronavirus 2 (SARS-CoV-2), or any of its mutations; and

7 (2) Retaliating against an individual for exercising his or her
8 right of privacy under subsection (a) of this section.

9 (c) An employee or individual who is injured by an employer in
10 violation of this section shall have the remedies and procedures available
11 under the Arkansas Civil Rights Act of 1993, § 16-123-101 et seq.

12 (d)(1) The Department of Finance and Administration may establish a
13 grant program with distribution of COVID-19 relief funds or funds received
14 under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, to provide
15 restitution to individuals injured by a violation of this section.

16 (2) The department may promulgate rules to administer the grant
17 program and for the distribution of COVID-19 relief funds or funds received
18 under the American Rescue Plan Act of 2021, Pub. L. No. 117-2, under the
19 program.

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21 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
22 General Assembly of the State of Arkansas that employers are requiring
23 individuals to obtain vaccination against coronavirus 2019 (COVID-19), severe
24 acute respiratory syndrome coronavirus 2 (SARS-CoV-2), or any of its
25 mutations, which is creating a situation in which an individual could be
26 discriminated against; that protecting individuals from discrimination is
27 vital to ensuring equality; and that this act is immediately necessary to
28 ensure the equality of all Arkansans. Therefore, an emergency is declared to
29 exist, and this act being immediately necessary for the preservation of the
30 public peace, health, and safety shall become effective on:

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

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

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