

1 State of Arkansas *As Engrossed: H3/7/23 H3/15/23*

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1468

4

5 By: Representatives Long, *Richmond, Bentley, Breaux, Joey Carr, Crawford, Lundstrum, McAlindon,*
6 *McClure, Milligan, Rose, Rye*

7 *By: Senator M. Johnson*

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For An Act To Be Entitled

10 *AN ACT TO CREATE THE GIVEN NAME ACT; TO PROTECT*
11 *FACULTY MEMBERS, TEACHERS, AND EMPLOYEES OF PUBLIC*
12 *SCHOOLS AND STATE-SUPPORTED INSTITUTIONS OF HIGHER*
13 *EDUCATION FROM COMPELLED SPEECH; TO PROHIBIT*
14 *REQUIRING FACULTY MEMBERS, TEACHERS, AND EMPLOYEES OF*
15 *PUBLIC SCHOOLS AND STATE-SUPPORTED INSTITUTIONS OF*
16 *HIGHER EDUCATION TO USE A PERSON'S PREFERRED PRONOUN,*
17 *NAME, OR TITLE WITHOUT PARENTAL CONSENT; AND FOR*
18 *OTHER PURPOSES.*

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Subtitle

22 *TO CREATE THE GIVEN NAME ACT; AND TO*
23 *PROHIBIT REQUIRING EMPLOYEES OF PUBLIC*
24 *SCHOOLS AND STATE-SUPPORTED INSTITUTIONS*
25 *OF HIGHER EDUCATION TO USE A PERSON'S*
26 *PREFERRED PRONOUN, NAME, OR TITLE WITHOUT*
27 *PARENTAL CONSENT.*

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

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32 SECTION 1. Arkansas Code Title 6, Chapter 1, Subchapter 1, is amended
33 to add an additional section to read as follows:

34 6-1-108. Given Name Act – Protection against compelled speech.

35 (a) This section shall be known and may be cited as the "Given Name
36 Act".



1 (b) The General Assembly finds that:

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

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

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

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

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

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

20 (c) As used in this section, "school" includes:

21 (1) A public school or school district;

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

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

24 (d) A faculty member, teacher, or other employee of a school,
25 regardless of the scope of his or her official duties:

26 (1) Shall not address an unemancipated minor or student with a:

27 (A) Pronoun or title that is inconsistent with the
28 unemancipated minor's or student's biological sex unless the faculty member,
29 teacher, or other employee of a school has the written permission of the
30 unemancipated minor's or student's parent, legal guardian, or person standing
31 in loco parentis to the unemancipated minor or student if the unemancipated
32 minor or student is under eighteen (18) years of age; or

33 (B) Name other than the name listed on the unemancipated
34 minor's or student's birth certificate, or a derivative of the name listed on
35 the unemancipated minor's or student's birth certificate, without the written
36 permission of the unemancipated minor's or student's parent, legal guardian,

1 or person standing in loco parentis to the unemancipated minor or student if
2 the unemancipated minor or student is under eighteen (18) years of age; and

3 (2) Notwithstanding subdivision (d)(1) of this section, shall
4 not be subject to adverse employment action for declining to address a person
5 using a:

6 (A) Name other than the name listed on the person's birth
7 certificate; or

8 (B) Pronoun or title that is inconsistent with the
9 person's biological sex.

10 (e) A student shall not be subject to any disciplinary action for
11 declining to address a person using a:

12 (A) Name other than the name listed on the person's birth
13 certificate; or

14 (B) Pronoun or title that is inconsistent with the
15 person's biological sex.

16 (f) A person who is harmed by a violation of this section may bring a
17 cause of action for:

18 (1) Injunctive relief;

19 (2) Monetary damages;

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

21 (4) Any other appropriate relief.

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23 /s/Long
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26 **APPROVED: 4/11/23**
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