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2 93rd General Assembly
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4

A Bill

HOUSE BILL 1547

5 By: Representatives Lundstrum, Bentley, Barker, Beaty Jr., Beck, M. Berry, Breaux, Brooks, Brown,
6 Bryant, Carr, Cloud, Coleman, C. Cooper, Crawford, Deffenbaugh, Dotson, Evans, Furman, Gonzales,
7 Haak, Ladyman, Lowery, Lynch, J. Mayberry, McClure, McCollum, McNair, Milligan, Penzo, Rye, B.
8 Smith, Tollett, Underwood, Vaught, Warren, Watson, Wing, Wooten
9 By: Senators B. Davis, B. Ballinger, Bledsoe, A. Clark, T. Garner, K. Hammer, Irvin

For An Act To Be Entitled

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11
12 AN ACT TO PROHIBIT MANDATORY CORONAVIRUS 2019 (COVID-
13 19) IMMUNIZATIONS OR VACCINATIONS FOR STUDENTS AND
14 EMPLOYEES; TO PROHIBIT A REQUIREMENT FOR A
15 VACCINATION OR IMMUNIZATION FOR CORONAVIRUS 2019
16 (COVID-19) EXCEPT IN CERTAIN CONDITIONS; TO DECLARE
17 AN EMERGENCY; AND FOR OTHER PURPOSES.
18
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Subtitle

20
21 TO PROHIBIT MANDATORY COVID-19
22 IMMUNIZATIONS OR VACCINATIONS FOR
23 STUDENTS AND EMPLOYEES AND A REQUIREMENT
24 FOR A VACCINATION OR IMMUNIZATION FOR
25 COVID-19 EXCEPT IN CERTAIN CONDITIONS;
26 AND TO DECLARE AN EMERGENCY.
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
30

31 SECTION 1. Arkansas Code § 6-18-702(a), concerning immunizations for
32 students in elementary and secondary schools, is amended to read as follows:

33 (a)(1) Except as otherwise provided by law, ~~ne~~ an infant or child
34 shall not be admitted to a public or private school or childcare facility of
35 this state ~~who~~ if he or she has not been age-appropriately immunized from
36 poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles,



1 rubella, and other diseases as designated by the State Board of Health, as
 2 evidenced by a certificate of a licensed physician or a public health
 3 department acknowledging the immunization.

4 (2)(A) However, a public or private school or childcare facility
 5 of this state shall not require or mandate an infant or child to receive an
 6 immunization or vaccine for the coronavirus 2019 (COVID-19) in order to be
 7 admitted to a public or private school or childcare facility of this state.

8 (B) Subdivision (a)(2)(A) of this section shall expire ten
 9 (10) years from the effective date of this act.

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 11 SECTION 2. Arkansas Code Title 11, Chapter 5, is amended to add an
 12 additional subchapter to read as follows:

13
 14 Subchapter 6 – Prohibition on Mandatory Vaccination for Coronavirus 2019
 15 (COVID-19)

16
 17 11-5-601. Definitions.

18 As used in this subchapter:

19 (1) “Coerce” means:

20 (A) The use of physical violence, threats, intimidation,
 21 or retaliation with the purpose of causing a reasonable individual of
 22 ordinary susceptibilities to acquiesce when the individual otherwise would
 23 not;

24 (B) The act of making conditional a private or public
 25 benefit, including without limitation employment, promotion, or another
 26 employment benefit, with the purpose of causing a reasonable individual of
 27 ordinary susceptibilities to acquiesce when the individual otherwise would
 28 not; or

29 (C) The use of any other means with the purpose of causing
 30 a reasonable individual of ordinary susceptibilities to acquiesce when the
 31 individual otherwise would not;

32 (2) “Employee” means a person who:

33 (A) Is employed by an employer; or

34 (B) Contracts to perform certain work away from an
 35 employer’s premises, uses his or her own methods to accomplish the work, and
 36 is subject to the control of the employer only as to the results of performed

1 work; and

2 (3) "Employer" means:

3 (A) An individual, partnership, association, corporation,
 4 commercial entity, this state, or a political subdivision of this state; or

5 (B) A person or a group that acts directly or indirectly
 6 in the interest of or in relation to an individual, partnership, association,
 7 corporation, commercial entity, this state, or a political subdivision of
 8 this state.

9
 10 11-5-602. Prohibition on mandatory vaccination for coronavirus 2019
 11 (COVID-19) – Immunity.

12 (a) An employer shall not require or mandate an employee to receive an
 13 immunization or vaccination for coronavirus 2019 (COVID-19) as a condition of
 14 employment.

15 (b) An employer shall not:

16 (1) Coerce an employee into consenting to receive an
 17 immunization or vaccination for coronavirus 2019 (COVID-19);

18 (2) Create a hostile work environment for an employee who does
 19 not consent to receive an immunization or vaccination for coronavirus 2019
 20 (COVID-19);

21 (3) Withhold the opportunity for career advancement from an
 22 employee who does not consent to receiving an immunization or vaccination for
 23 coronavirus 2019 (COVID-19);

24 (4) Withhold a salary, wage increase, insurance, or insurance
 25 discounts from an employee who does not consent to receiving an immunization
 26 or vaccination for coronavirus 2019 (COVID-19); or

27 (5) Dismiss an employee without offering a reasonable
 28 accommodation, if possible, based on the decision of the employee to withhold
 29 consent to receiving an immunization or vaccination for coronavirus 2019
 30 (COVID-19).

31 (c)(1) An employer is immune from civil liability for damages or
 32 injuries resulting from exposure of an employee to coronavirus 2019 (COVID-
 33 19) on the premises owned or operated by the employer.

34 (2) Immunity under this section does not apply to willful,
 35 reckless, or intentional misconduct resulting in injury or damages or extend
 36 to workers' compensation benefits paid by or on behalf of an employer to an

1 employee under the Workers' Compensation Law, § 11-9-101 et seq., or a
 2 comparable workers' compensation law of another jurisdiction.

3
 4 11-5-603. Sunset.

5 This subchapter shall expire ten (10) years after the effective date of
 6 this subchapter.

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 8 SECTION 3. Arkansas Code Title 20, Chapter 7, Subchapter 1, is amended
 9 to add an additional section to read as follows:

10 20-7-141. Prohibition on requirement for vaccination or immunization
 11 for coronavirus 2019 (COVID-19) – Definitions.

12 (a) As used in this section:

13 (1) "Early learning center" means a child daycare center, Early
 14 Head Start center, Head Start center, or stand-alone prekindergarten not
 15 attached to a school;

16 (2) "Permanent disability" means a medically determined
 17 condition, whether due to injury or disease, that is permanent and
 18 substantially affects one (1) or more major life activities of an individual;
 19 and

20 (3) "School" means:

21 (A) An elementary school;

22 (B) A secondary school;

23 (C) A kindergarten;

24 (D) A college;

25 (E) A university;

26 (F) A proprietary school; or

27 (G) A vocational school.

28 (b) If a vaccine or immunization for coronavirus 2019 (COVID-19)
 29 approved by the United States Food and Drug Administration is not available,
 30 an individual is not required to receive a vaccination or immunization for
 31 coronavirus 2019 (COVID-19):

32 (1) For enrollment in a school or early learning center;

33 (2) As a condition of employment; or

34 (3) As a condition for obtaining a licensure, certificate, or
 35 permit.

36 (c) If a vaccine or immunization for coronavirus 2019 (COVID-19)

1 approved by the United States Food and Drug Administration is available, an
2 individual is not required to receive a vaccination or immunization for
3 coronavirus 2019 (COVID-19) for the circumstances described in subdivisions
4 (b)(1)-(3) of this section unless:

5 (1) The vaccination or immunization is evaluated for any
6 potential risk of harm to cause cancer, impair fertility, or mutate genes;

7 (2) The safety of the vaccination or immunization is evaluated
8 for at least one (1) year after the vaccination or immunization is
9 administered through a clinical trial against a control group in which the
10 members receive either the vaccination or immunization or an inert placebo
11 that is approved by the United States Food and Drug Administration;

12 (3) Studies are conducted to identify any potential injury or
13 disease that may be caused by the vaccination or immunization or any injury
14 or disease that the vaccination or immunization may cause when administered
15 with other required or recommended vaccinations or immunizations;

16 (4) The risk of permanent disability or death from receiving the
17 vaccination or immunization is proven to be less than the infection rate
18 associated with coronavirus 2019 (COVID-19); and

19 (5) The manufacturer of the vaccination or immunization is
20 liable for any claim of injury or death caused by the vaccination or
21 immunization.

22 (d) An individual is not required to receive a vaccination or
23 immunization for coronavirus 2019 (COVID-19) if he or she submits a written
24 statement from a physician to the Department of Health or to his or her
25 employer, stating that the procedure:

26 (1) Is contradicted for a medical reason;

27 (2) Is against a religious or philosophical reason; or

28 (3) Is against the objection of a parent or guardian if the
29 individual is a minor.

30 (e)(1) The department shall maintain information and data about the
31 safety and efficacy of any vaccination or immunization for coronavirus 2019
32 (COVID-19) approved by the United States Food and Drug Administration,
33 including without limitation information and data on any risk of harm
34 associated with the administration of the vaccination or immunization, on the
35 department's website.

36 (2) The information and data described in subdivision (e)(1) of

1 this section shall be presented in a manner that is understandable and
 2 accessible to all individuals.

3 (f) An individual shall not be discriminated against or coerced in any
 4 way for refusing to receive a vaccination or immunization for coronavirus
 5 2019 (COVID-19).

6
 7 SECTION 4. Arkansas Code § 20-78-206(a)(2)(A), concerning the rules
 8 promulgated by the Division of Child Care and Early Childhood Education
 9 within the Childcare Facility Licensing Act, is amended to read as follows:

10 (2)(A)(i) However, ~~no~~ a childcare facility shall not continue to
 11 admit a child who has not been age-appropriately immunized from
 12 poliomyelitis, diphtheria, tetanus, pertussis, red (rubeola) measles,
 13 rubella, and any other diseases as designated by the State Board of Health
 14 within fifteen (15) program days after the child's original admission.

15 (ii)(a) The immunization shall be evidenced by a
 16 certificate of a licensed physician or a public health department
 17 acknowledging the immunization.

18 (b) The division shall consult with the
 19 Secretary of the Department of Education or his or her designated
 20 representative in regard to rules relating to education.

21 (iii)(a) However, a childcare facility shall not
 22 require or mandate an infant or child to receive an immunization or vaccine
 23 for the coronavirus 2019 (COVID-19) in order to be admitted to a childcare
 24 facility.

25 (b) Subdivision (a)(2)(A)(iii)(a) of this
 26 section shall expire ten (10) years from the effective date of this act.

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 28 SECTION 5. DO NOT CODIFY. ARKANSAS CODE REVISION COMMISSION
 29 AUTHORIZATION.

30 The Arkansas Code Revision Commission is directed to remove this act
 31 from the Arkansas Code upon the expiration of the terms of this act.

32
 33 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
 34 General Assembly of the State of Arkansas that in December 2020, several
 35 vaccines or immunizations for coronavirus 2019 (COVID-19) were approved for
 36 distribution to the citizens of the United States; that the State of Arkansas

1 has received limited quantities of vaccines or immunizations for coronavirus
2 2019 (COVID-19) and plans to make vaccinations or immunizations for
3 coronavirus 2019 (COVID-19) available to citizens of this state through a
4 phased process; that citizens of this state have expressed concerns about
5 being forced to receive a vaccination or immunization for coronavirus 2019
6 (COVID-19) without consideration of their religious, philosophical, or
7 medical reasons or information about the safety of a vaccine or immunization
8 for coronavirus 2019 (COVID-19); and that this act is immediately necessary
9 to protect the safety and health of the citizens of this state who have
10 religious, philosophical, or medical reasons for not receiving a vaccination
11 or immunization for coronavirus 2019 (COVID-19) or who have concerns about
12 the safety of a vaccine or immunization for coronavirus 2019 (COVID-19).
13 Therefore, an emergency is declared to exist, and this act being immediately
14 necessary for the preservation of the public peace, health, and safety shall
15 become effective 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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