

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

SENATE BILL 719

5 By: Senators B. Ballinger, G. Stubblefield, T. Garner, Rice, M. Johnson, Rapert, A. Clark  
6 By: Representatives Bryant, Bentley, Gazaway, McGrew, Womack, Payton, Crawford, Lundstrum, S.  
7 Meeks, Gonzales, Brown, Dotson, Tollett, Haak, M. Berry, B. Smith, Richmond, Miller  
8

## For An Act To Be Entitled

10 AN ACT TO ESTABLISH A RIGHT OF PRIVACY CONCERNING  
11 CORONAVIRUS 2019 (COVID-19) VACCINATION STATUS; TO  
12 ESTABLISH A GRANT PROGRAM WITH DISTRIBUTION FROM  
13 COVID-19 RELIEF FUNDS TO PROVIDE RESTITUTION FOR  
14 INDIVIDUALS; TO DECLARE AN EMERGENCY; AND FOR OTHER  
15 PURPOSES.  
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## Subtitle

18 TO ESTABLISH A RIGHT OF PRIVACY  
19 CONCERNING CORONAVIRUS 2019 (COVID-19)  
20 VACCINATION STATUS; TO ESTABLISH A GRANT  
21 PROGRAM WITH DISTRIBUTION FROM COVID-19  
22 RELIEF FUNDS; AND TO DECLARE AN  
23 EMERGENCY.  
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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29 SECTION 1. Arkansas Code Title 11, Chapter 3, Subchapter 1, is amended  
30 to add an additional section to read as follows:

31 11-3-102. Right of privacy concerning vaccination status.

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

36 (2) The right to decide whether to disclose his or her



1 vaccination status under subdivision (a)(1) of this section is available to:

- 2 (A) Employees of an employer;
- 3 (B) Individuals seeking employment with an employer; and
- 4 (C) Individuals engaging in contracts with an employer.

5 (b) An employer is prohibited from:

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

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

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

14 (d)(1) The Department of Finance and Administration may establish a  
15 grant program with distribution of COVID-19 relief funds to provide  
16 restitution to individuals injured by a violation of this section.

17 (2) The department may promulgate rules to administer the grant  
18 program and for the distribution of COVID-19 relief funds under the program.

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

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

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

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

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