

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

As Engrossed: H4/19/21

A Bill

SENATE BILL 590

5 By: Senator T. Garner
6 By: Representative Bryant
7

For An Act To Be Entitled

9 AN ACT TO END MANDATORY FACE COVERING REQUIREMENTS IN
10 THE STATE OF ARKANSAS; TO DECLARE AN EMERGENCY; AND
11 FOR OTHER PURPOSES.
12
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Subtitle

15 TO END MANDATORY FACE COVERING
16 REQUIREMENTS IN THE STATE OF ARKANSAS;
17 AND TO DECLARE AN EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 *SECTION 1. DO NOT CODIFY. TEMPORARY LANGUAGE. Ending of mandatory*
23 *face covering requirements.*

24 *(a)(1) On the effective date of this act, all mandatory face covering*
25 *requirements, including without limitation requirements imposed by executive*
26 *order of the Governor and the Department of Health under directives issues*
27 *under § 20-7-109 or § 20-7-110, or both, shall end.*

28 *(2) Any mandatory face covering requirement imposed by an*
29 *executive order of the Governor or the department under directives issues*
30 *under § 20-7-109 or § 20-7-110, or both, is superseded by this act on the*
31 *effective date of this act.*

32 *(b) This section does not apply to a face covering requirement imposed*
33 *by a private business or state-owned or state-controlled healthcare facility.*
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35 *SECTION 2. Arkansas Code Title 20, Chapter 7, Subchapter 1, is amended*
36 *to add an additional section to read as follows:*



1 20-7-142. Prohibition on mandatory use of face mask, face shield, or
2 other face covering.

3 (a) The General Assembly reserves the right to enact legislation
4 regarding the mandatory use of face masks, face shields, or other face
5 coverings.

6 (b) A state agency or entity, a political subdivision of the state, or
7 a state or local official shall not mandate an individual in this state to
8 use a face mask, face shield, or other face covering.

9 (c) The use of a face mask, face shield, or other face covering shall
10 not be a condition for entry, education, or services.

11 (d) If a state agency or entity, a political subdivision of the state,
12 or a state or local official recommends that an individual in this state use
13 a face mask, face shield, or other face covering, a state agency or entity, a
14 political subdivision of the state, or a state or local official shall
15 provide notice that the recommendation is not mandatory.

16 (e) This section does not apply to a face covering requirement imposed
17 by:

18 (1) A private business;

19 (2) A state-owned or state-controlled healthcare facility;

20 (3) A facility operated by the Department of Corrections; or

21 (4) A facility operated by the Division of Youth Services of the
22 Department of Human Services.

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24 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General
25 Assembly of the State of Arkansas that face masks, face shields, and other
26 face coverings are currently required in certain instances in this state;
27 that a regulation that is not necessary is a burden on the public peace,
28 health, and safety of the citizens of this state; that the requirement of
29 face coverings should be removed as soon possible as it is no longer
30 necessary and should not be continued; and that this act should become
31 effective as soon as possible as the requirement of face coverings is not
32 necessary to protect the health and safety of the citizens of Arkansas and is
33 a burden on the public peace, health, and safety of the citizens of this
34 state. Therefore, an emergency is declared to exist, and this act being
35 immediately necessary for the preservation of the public peace, health, and
36 safety shall become effective on:

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

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

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

/s/T. Garner

APPROVED: 4/28/21