

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

Call Item 1

A Bill

HOUSE BILL 1003

5 By: Representatives J. Mayberry, Gazaway
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE MANDATORY USE OF FACE MASKS,
9 FACE SHIELDS, OR OTHER FACE COVERINGS IN PUBLIC
10 SCHOOLS; TO DECLARE AN EMERGENCY; AND FOR OTHER
11 PURPOSES.
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Subtitle

14 TO AMEND THE LAW CONCERNING THE MANDATORY
15 USE OF FACE MASKS, FACE SHIELDS, OR OTHER
16 FACE COVERINGS IN PUBLIC SCHOOLS; AND TO
17 DECLARE AN EMERGENCY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 20-7-144(e), concerning exceptions to the
24 prohibition against mandating face masks, face shields, or other face
25 coverings and conditions under which face masks, face shields, or other face
26 coverings may be mandated, is amended to read as follows:

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

- 29 (1) A private business;
- 30 (2) A state-owned or state-controlled healthcare facility;
- 31 (3) A facility operated by the Department of Corrections; ~~or~~
- 32 (4) A facility operated by the Division of Youth Services;
- 33 (5) A public school district that mandates the use of a face
34 mask, face shield, or other face covering in a school building, school bus,
35 or other congregate educational setting within the public school district
36 where children under twelve (12) years of age may be present during times



1 dedicated for academic purposes only if:

2 (A) The school district has a fourteen-day coronavirus
 3 2019 (COVID-19) infection rate of at least fifty (50) new known infections
 4 per ten thousand (10,000) residents of the public school district based on
 5 the most recent data published by the Department of Health or the Arkansas
 6 Center for Health Improvement; and

7 (B) The local school board of directors votes on and
 8 approves the mandate; or

9 (6) An open-enrollment public charter school that mandates the
 10 use of a face mask, face shield, or other face covering in a school building,
 11 school bus, or other congregate educational setting of the open-enrollment
 12 public charter school where children under twelve (12) years of age may be
 13 present during times dedicated for academic purposes only if the county in
 14 which the open-enrollment public charter school is located has a fourteen-day
 15 coronavirus 2019 (COVID-19) infection rate of at least fifty (50) new known
 16 infections per ten thousand (10,000) residents of the county based on the
 17 most recent data published by the Department of Health or the Arkansas Center
 18 for Health Improvement.

19
 20 SECTION 2. Arkansas Code § 20-7-144, concerning the prohibition
 21 against mandating face masks, face shields, or other face coverings and
 22 conditions under which face masks, face shields, or other face coverings may
 23 be mandated, is amended to add additional subsections to read as follows:

24 (f)(1) A mandate regarding the use of face masks, face shields, or
 25 other face coverings imposed by a public school district or open-enrollment
 26 public charter school under subsection (e) of this section shall not exceed
 27 sixty (60) days.

28 (2)(A) At the conclusion of the period during which the mandate
 29 under subdivision (f)(1) of this section is imposed, a public school district
 30 or open-enrollment public charter school may choose to impose a new mandate,
 31 for a time period not exceeding sixty (60) days, regarding the use of face
 32 masks, face shields, or other face coverings in a school building, school
 33 bus, or other congregate educational setting where children under twelve (12)
 34 years of age may be present during times dedicated for academic purposes only
 35 if:

36 (i) For public school districts, the school district

1 has a fourteen-day coronavirus 2019 (COVID-19) infection rate of at least
2 fifty (50) new known infections per ten thousand (10,000) residents of the
3 public school district based on the most recent data published by the
4 Department of Health or the Arkansas Center for Health Improvement; and

5 (ii) For open-enrollment public charter schools, the
6 county in which the open-enrollment public charter school is located has a
7 fourteen-day coronavirus 2019 (COVID-19) infection rate of at least fifty
8 (50) new known infections per ten thousand (10,000) residents of the county
9 based on the most recent data published by the Department of Health or the
10 Arkansas Center for Health Improvement.

11 (B) At the conclusion of each newly imposed mandate
12 regarding the use of face masks, face shields, or other face coverings under
13 this section, a public school district or open-enrollment public charter
14 school may reevaluate the necessity of a new mandate, for a time period not
15 exceeding sixty (60) days, regarding the use of face masks, face shields, or
16 other face coverings in a school building, school bus, or other congregate
17 educational setting where children under twelve (12) years of age may be
18 present during times dedicated for academic purposes only if:

19 (i) For public school districts, the school district
20 has a fourteen-day coronavirus 2019 (COVID-19) infection rate of at least
21 fifty (50) new known infections per ten thousand (10,000) residents of the
22 public school district based on the most recent data published by the
23 Department of Health or the Arkansas Center for Health Improvement; and

24 (ii) For open-enrollment public charter schools, the
25 county in which the open-enrollment public charter school is located has a
26 fourteen-day coronavirus 2019 (COVID-19) infection rate of at least fifty
27 (50) new known infections per ten thousand (10,000) residents of the county
28 based on the most recent data published by the Department of Health or the
29 Arkansas Center for Health Improvement.

30 (g)(1) When instituting a mandate regarding the use of face masks,
31 face shields, or other face coverings under this section, a public school
32 district or open-enrollment public charter school may develop a policy for
33 the implementation of the mandate based on recommendations from the
34 Department of Health and the Department of Education.

35 (2) A policy developed under subdivision (g)(1) of this section
36 shall take into consideration circumstances under which a face mask, face

1 shield, or other face covering may not be warranted, including without
 2 limitation:

3 (A) Circumstances under which individuals are able to
 4 maintain an adequate physical distance from other individuals; and

5 (B) Instances in which an individual with a disability
 6 cannot wear a face mask, face shield, or other face covering or cannot safely
 7 wear a face mask, face shield, or other face covering:

8 (i) Because of a disability as defined by the
 9 Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.; or

10 (ii) For another medical reason that is verified by
 11 a letter from the individual's physician.

12 (h) As used in this section, "face mask, face shield, or other face
 13 covering" means a form of personal protective equipment, including without
 14 limitation a covering of the nose and mouth in order to protect against
 15 infectious diseases.

16
 17 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
 18 General Assembly of the State of Arkansas that the coronavirus 2019 (COVID-
 19 19) pandemic continues to pose a threat to the health of Arkansans; that
 20 public schools are starting the 2021-2022 school year this August, which will
 21 bring thousands of students, teachers, and staff together indoors on a daily
 22 basis; that the health and safety of Arkansas students, teachers, and staff
 23 are of utmost importance to the state; and that this act is immediately
 24 necessary to protect the health of students, faculty, and staff in the state
 25 and to mitigate the threat posed by the coronavirus 2019 (COVID-19) pandemic.
 26 Therefore, an emergency is declared to exist, and this act being immediately
 27 necessary for the preservation of the public peace, health, and safety shall
 28 become effective on:

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

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

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