

"An act concerning the authority of a public school board or open-enrollment charter school to implement a requirement for face masks, face shields, or other face coverings; and for other purposes."

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

6-1-108. School Face Covering Policy

(a) (1) A school board of a public school district or an open-enrollment public charter school may implement a requirement for the wearing of a face mask, face shield, or other face covering to reduce the spread of infectious, contagious, and communicable disease.

(2) A requirement for the wearing of a facemask, face shield, or other face covering shall only be implemented in a school building, school bus, or other congregate educational setting where children under twelve (12) years of age may be present during times dedicated for academic purposes.

(b) Any requirement for the wearing of a facemask, face shield, or other face covering shall be reviewed and reconsidered by the school board of a public school district or an open-enrollment charter school every sixty (60) days.

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

SECTION 2. Arkansas Code § 20-7-142 is amended to read as follows:

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

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

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

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

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

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

(1) A private business;

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

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

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

(5) A school board of a public school district or an open-enrollment public charter school pursuant to § 6-1-108.

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

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the rapid rise in cases of COVID-19 poses a threat to the health and safety of children in this state under the age of twelve (12) years old. The current, prevailing variant of COVID-19, the Delta Variant, is more contagious than previous strains of the virus. Currently, children under the age of twelve (12) years old are not eligible to receive a COVID-19 vaccine to protect against the virus. The start of the school year is imminent. Measures should be taken immediately to give local school boards flexibility to achieve maximum protection for children receiving in-person instruction. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(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.