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93rd General Assembly October 1, 2021 – Session Day 264

TODAY AT THE CAPITOL

The House [Public Health, Welfare and Labor Committee](#) will convene at 8 a.m. to consider a newly filed bill.

The Senate Public Health, Welfare and Labor Committee will meet at 8:30 a.m. and has 12 bills on its agenda.

The House will convene at 10 a.m. and the Senate at 11 a.m.

The House and Senate State Agencies Committees will meet at the Call of the Chair to continue consideration of Congressional Redistricting bills.

YESTERDAY AT THE CAPITOL

The House met briefly yesterday morning and did not consider the only bill on its agenda. The House State Agencies Committee met briefly yesterday afternoon and adopted an amendment to [HB 1971](#).

The Senate met on the floor from 9 a.m. until after noon, primarily in debate over procedure. Eventually, eight bills related to COVID were re-referred to the Senate Public Health, Welfare and Labor Committee.

Bills on Today's Senate Public Health, Welfare and Labor Agenda:

[SB 719](#) by Senators Bob Ballinger, Gary Stubblefield, Trent Garner, Terry Rice, Mark Johnson, Jason Rapert and Alan Clark and Rep. Joshua Bryant. This bill seeks to create a right of privacy concerning COVID-19 vaccination status and establish a grant program using funds from the Covid-19 Relief Funds to provide restitution to individuals.

[SB 730](#) by Senator Trent Garner seeks to prohibit disqualification from unemployment benefits on the basis of a person's refusal to be vaccinated against Covid-19 or its variants or based on a person's termination due solely to refusing to be vaccinated against Covid-19 or its variants

[SB 731](#) by Sen. Bob Ballinger seeks to establish a person's right to not

disclose their vaccination status for COVID- 19 in an employment setting. It would prohibit employers from requiring disclosure or retaliating against employees who do not disclose their coronavirus 2019 vaccination status. It would authorize civil action and a state program to distribute COVID-19 relief funds, or funds received under the American Rescue Plan Act of 2021, to provide restitution to individuals injured by a violation of the section.

[SB 732](#) by Sen. Blake Johnson seeks to prohibit employers from requiring COVID vaccination if the immunization is medically contraindicated for the individual, or if they assert an objection to the vaccine on religious or philosophical grounds. It would authorize affected employees to seek lost wages reimbursement. It would require employees who seek lost wages to be reimbursed comparable to unemployment benefits through the American Rescue Plan Act of 2021.

[SB 733](#) by Sen. Trent Garner seeks to authorize school districts to determine whether and how to enforce State Board of Health guidelines on the proper enforcement of quarantine, isolation, and disease control.

[SB 734](#) by Sen. Trent Garner states that proof of a previous infection of COVID shall be treated the same as vaccination with regard to State Board of Health rules on the proper enforcement of quarantine, isolation, and disease control.

[SB 735](#) by Sen. Trent Garner seeks to require the State Board of Health to establish guidance regarding the administering of therapeutic treatments for persons who test positive for COVID.

[SB 736](#) by Sen. Bob Ballinger and Rep. Joshua Bryant seeks to require employers to provide exemptions from COVID vaccine mandates for employees who provide evidence of recent negative tests or of the presence of COVID antibodies. It would require the cost of testing to be covered through either the employee's health benefit plan or through state or federal funding including relief funds distributed through the American Rescue Plan Act of 2021. It would prohibit disqualification from unemployment benefits if an employee is terminated solely due to a refusal to be vaccinated against COVID.

[SB 737](#) by Sen. Alan Clark seeks to prohibit the state and political subdivisions, private employers, and public accommodations from mandating COVID immunization if the vaccine has been tested for less than five years or on the market for less than three years. It exempts healthcare facilities if compliance would result in a violation of guidance issued by the Centers for Medicare and Medicaid Service or the CDC.

[SB 738](#) by Sen. Alan Clark seeks to prohibit state agencies, political subdivisions, and private employers from mandating COVID immunization if the vaccine has been tested for less than five years or on the market for less than three years; exempts healthcare facilities. It would exempt healthcare facilities if compliance would result in a violation of guidance issued by the Centers for Medicare and Medicaid Service or the CDC. It authorizes those entities to apply for funds under the American Rescue Plan Act of 2021 related to the implementation of this section.

[SB 739](#) by Sen. Kim Hammer and Rep. Joshua Bryant would require

employers to provide exemptions from COVID vaccine mandates for employees who provide evidence of recent negative tests or of the presence of COVID antibodies. It would require the cost of testing to be covered through either the employee's health benefit plan or through state or federal funding including relief funds distributed through the American Rescue Plan Act of 2021. **SB 739** is being amended to remove the provisions related to unemployment insurance.

SB 740 by Sen. Alan Clark seeks to prohibit state agencies, political subdivisions, and private employers from mandating COVID immunization if the vaccine has been tested for less than five years or on the market for less than three years; exempts healthcare facilities. It would exempt healthcare facilities if compliance would result in a violation of guidance issued by the Centers for Medicare and Medicaid Service or the CDC. It authorizes those entities to apply for funds under the American Rescue Plan Act of 2021 related to the implementation of this section.

The House Calendar includes:

HB 1972 by Rep. Josh Bryant was not considered yesterday and is on today's House Calendar. It would require employers to provide exemptions from COVID vaccine mandates for employees who provide evidence of recent negative tests or of the presence of COVID antibodies. The cost of the testing would be covered through the employee's health benefit plan or by the employer by utilizing public funds, including the American Rescue Plan Act of 2021.

The bill also seeks to require employers to pay unemployment insurance benefits to employees that refuse to comply with company policy. State Chamber/AIA President & CEO Randy Zook testified against **HB 1972** on Wednesday along with Arkansas Hospital Association Executive Vice President Jodiane Tritt. It passed by a one-vote margin in the House Public Health, Welfare and Labor Committee.

STATE CHAMBER CONCERNS

Over a dozen bills remain under consideration seeking to erode employers' freedom to run their own business. If adopted these bills will prevent employers from doing everything they can to provide a safe workplace and in some cases create a conflict between state and federal laws. We are also concerned about the bills that seek to expand unemployment insurance coverage. Thankfully, the unemployment insurance provisions are being amended out of **SB 739**.

These bills are an unprecedented intrusion into the right of private businesses to operate their business and we have the following specific concerns:

Loss of Liability Protections

The liability protections adopted by the General Assembly earlier this year require employers to follow health department recommendations and guidelines.

OSHA Fines and Penalties

If a state law prevents employers from taking all recommended precautions,

then employers will be in violation of federal workplace laws that will subject employers to fines and penalties.

EEOC Violations

The Equal Employment Opportunity Commission has issued guidance allowing employers to require vaccines. Employers that do not take proper precautions could be subjected to EEOC complaints by employees.

This is also about the health and safety of customers and consumers.

Businesses should be able to institute policies they deem necessary to protect the health and safety of their customers, and to assure their customers and consumers steps are being taken to help keep them safe.

CONGRESSIONAL REDISTRICTING

An amendment was adopted in the House State Agencies Committee to [HB 1971](#) yesterday, which was the top point-getter in the Committee's ranked vote on Wednesday. Its amendment makes it very similar to what [SB 725](#) is expected to look like if amended as the sponsor indicated.

We haven't seen a map of the amended bills but essentially here is what is being proposed:

The First Congressional District would gain Boone and Marion counties.

The Second Congressional District would gain Pope County but lose the east/southeast part of Pulaski county.

The Third Congressional District would gain Madison and the southern part of Sebastian counties, making all of Sebastian county in the Third. It would lose Pope, Boone, and Marion.

The Fourth Congressional District gains the east/southeast part of Pulaski county and likely all of Newton and Lincoln counties.

LEGISLATIVE SESSION INFORMATION

To view schedules, calendars, bill information, and legislator information, click www.arkleg.state.ar.us.

Legislative Message Center

House of Representatives: 501-682-6211

Senate: 501-682-2902

Live Streaming from the Capitol

The House and Senate have links to live streaming of their committee meetings and floor session online.

- House: <https://www.arkansashouse.org/>
- Senate: <http://www.arkansas.gov/senate/>

State Chamber/AIA Governmental Affairs Team

- Randy Zook, President/CEO
rzook@arkansasstatechamber.com
- Kenny Hall, Executive Vice President
khall@arkansasstatechamber.com

- Andrew Parker, Director of Governmental Affairs
aparker@arkansasstatechamber.com
- Toni Lindsey, Director of Governmental Affairs
tlindsey@arkansasstatechamber.com

State Chamber/AIA phone: (501) 372-2222

State Chamber/AIA web site: www.arkansasstatechamber.com

The Daily Legislative Update is written by Kenny Hall and reviewed by Randy Zook.



1200 W. Capitol Ave., P.O. Box 3645
Little Rock, AR 72203-3645

501-372-2222
FAX 372-2722

STAY CONNECTED



Arkansas State Chamber of Commerce/Associated Industries of Arkansas
1200 W. Capitol Ave., Little Rock, AR 72201
P.O. Box 3645, Little Rock, AR 72203
501-372-2222 | arkansasstatechamber.com