

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H4/4/23

A Bill

SENATE BILL 62

5 By: Senator Hill
6 By: Representative Wardlaw
7

For An Act To Be Entitled

9 AN ACT TO PROHIBIT PUBLIC ENTITIES FROM CONTRACTING
10 WITH COMPANIES THAT BOYCOTT ENERGY, FOSSIL FUEL,
11 FIREARMS, AND AMMUNITION INDUSTRIES; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO PROHIBIT PUBLIC ENTITIES FROM
16 CONTRACTING WITH COMPANIES THAT BOYCOTT
17 ENERGY, FOSSIL FUEL, FIREARMS, AND
18 AMMUNITION INDUSTRIES.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 25, Chapter 1, is amended to add an
25 additional subchapter to read as follows:

26 Subchapter 10 – Prohibition on public entities contracting with entities that
27 boycott energy, fossil fuel, firearms, and ammunition industries.
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29 25-1-1001. Definitions.

30 As used in this subchapter:

31 (1) "Boycott" means without an ordinary business purpose:

32 (A) Engaging in refusals to deal;

33 (B) Terminating business activities; or

34 (C) Other actions that are intended to limit public
35 entities commercial relations with an industry in a discriminatory manner.

36 (2)(A) "Company" means a sole proprietorship, organization,



1 association, corporation, partnership, joint venture, limited partnership,
2 limited liability partnership, limited liability company, or other entity or
3 business association, including all wholly owned subsidiaries, majority-owned
4 subsidiaries, parent companies, or affiliates of those entities or business
5 associations;

6 (B) "Company" does not include a financial services
7 provider as defined in § 25-1-1001(8)(A) as created by HB1307 of the Ninety-
8 fourth General Assembly if that bill becomes an act;"

9 (3)(A) "Ordinary business purpose" means a purpose that is
10 related to business operations.

11 (B) "Ordinary business purpose" does not include a purpose
12 that is solely related to furthering social, political, or ideological
13 interests.

14 (4) "Public entity" means a state or local government entity,
15 including a:

16 (A) Department, division, agency, office, commission,
17 board, constitutional office, or other government organization;

18 (B) Political subdivision, including a city, county,
19 municipality, town, or conservation district; and

20 (C) Public school, public school district, charter school,
21 or public institution of higher education.

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23 25-1-1002. Prohibition on contracting with entities that boycott
24 energy, fossil fuel, firearms, and ammunition industries.

25 (a) Except as provided under subsection (c) of this section, a public
26 entity shall not:

27 (1) Enter into a contract with a company to acquire or dispose
28 of services, supplies, information technology, or construction unless the
29 contract includes a written certification that the person or company is not
30 currently engaged in, and agrees for the duration of the contract not to
31 engage in, a boycott of energy, fossil fuel, firearms, and ammunition
32 industries; or

33 (2) Engage in a boycott of energy, fossil fuel, firearms, and
34 ammunition industries.

35 (b) A company's statement that it is participating in boycotts of
36 energy, fossil fuel, firearms, and ammunition industries or that it has taken

1 the boycott action at the request, in compliance with, or in furtherance of
2 calls for a boycott can be considered by the Office of State Procurement as a
3 type of evidence, among others, that a company is participating in a boycott
4 of energy, fossil fuel, firearms, and ammunition industries.

5 (c) This section does not apply to:

6 (1) A company that fails to meet the requirements under
7 subsection (a) of this section but offers to provide the goods or services
8 for at least twenty percent (20%) less than the lowest certifying business;
9 or

10 (2) Contracts with a total potential value of less than seventy-
11 five thousand dollars (\$75,000).

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13 /s/Hill

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16 **APPROVED: 4/11/23**
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