

1 **TITLE**

2 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE THE "ARKANSAS
3 MEDICAL FREEDOM AMENDMENT"; AND TO PROVIDE THAT A PERSON'S MEDICAL
4 FREEDOM SHALL NEVER BE INFRINGED EXCEPT IN THE CIRCUMSTANCE THAT IT IS
5 DEMONSTRATED THAT THE INFRINGEMENT IS IN FURTHERANCE OF COMPELLING
6 PERSONAL INTEREST TO THE INFRINGED INDIVIDUAL, THE VIOLATION IS DONE
7 BY THE PARENT OR LEGAL GUARDIAN OF THE INFRINGED INDIVIDUAL, THE
8 INFRINGEMENT IS IN ACCORDANCE TO STATE AND LOCAL LAWS, AND THE
9 INFRINGED INDIVIDUAL IS INCAPABLE OF MAKING PERSONAL MEDICAL DECISIONS
10 BECAUSE OF AGE OR MENTAL INCAPACITY.

11 **Subtitle**

12 AN AMENDMENT TO THE ARKANSAS CONSTITUTION
13 TO CREATE THE "ARKANSAS MEDICAL FREEDOM AMENDMENT".

14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARKANSAS:

16 That the following is proposed as an amendment to the
17 Constitution of the State of Arkansas, and upon being submitted to the
18 electors of the state for approval or rejection at the next general
19 election for Representatives and Senators, if a majority of the
20 electors voting thereon at the election adopt the amendment, the
21 amendment shall become a part of the Constitution of the State of
22 Arkansas, to wit:

23 SECTION 1. This amendment shall be known and may be cited as the
24 "Arkansas Medical Freedom Amendment".

25 SECTION 2. (a) The purpose of this amendment is to:

26 (1) Guarantee that individual medical freedom shall never
27 be infringed and;

28 (2) Provide a claim or defense to persons whose medical
29 freedom is infringed in any way.

1 SECTION 3. As used in this amendment:

2 (1) "Government" means:

3 (A) A branch, department, agency, or instrumentality
4 of the Federal Government or the State of Arkansas;

5 (B) A political subdivision of the state, including
6 without limitation a county, municipality, township, or other unit of
7 local government;

8 (C) An official acting on behalf of government; and

9 (D) A person acting under the color of law of the
10 State of Arkansas or Federal Government; and

11 (E) A private actor as a willing participant in joint
12 activity with the State or its agents

13 (2) "Medical Freedom" means:

14 (A) No person, regardless of race, age, gender, or
15 previous condition, who chooses not to partake in any medical
16 intervention, examination, treatment, or other health-related pursuit
17 may be mandated, coerced, or discriminated against, regardless of
18 pandemic, state of emergency, or other condition of the state.

19 (B) Humans are endowed by our Creator with
20 unalienable rights to bodily autonomy.

21 (3) "Rule" means a statement of Arkansas or Federal law,
22 including without limitation a:

23 (A) Statute;

24 (B) Rule;

25 (C) Regulation;

26 (D) Ordinance;

27 (E) Administrative provision;

28 (F) Administrative ruling;

1 (G) Guideline; or

2 (H) Requirement.

3 SECTION 4. (a) Except as provided in subsection (b) of this
4 section, a person's medical freedom shall not be infringed, even if
5 the infringement results from a rule of general applicability by any
6 government or other entity.

7 (b) A person's medical freedom may be infringed if it is
8 demonstrated that the infringement to the person includes all of the
9 following:

10 (1) The infringement comes from the responsible legal
11 guardian or parent of such infringed person; and,

12 (2) It is in furtherance of compelling personal
13 interest to the individual whose medical freedom is being infringed to
14 the best knowledge of the parent or legal guardian; and,

15 (3) The infringement of the person's rights is in
16 accordance with the state and local laws of Arkansas; and,

17 (4) The person is incapable of making personal
18 medical decisions because of age or mental incapacity.

19 SECTION 5. (a) This amendment applies to each rule of government
20 and its implementation, regardless of whether the rule;

21 (1) Is statutory; or

22 (2) Was adopted prior to or after the effective date
23 of this amendment.

24 SECTION 6. (a) This amendment shall be liberally construed to
25 effectuate its remedial and deterrent purposes.

26 (b) If any provision of this amendment or its application to
27 any particular person or circumstance is held invalid, that provision
28 or its application is severable and does not affect the validity of
29 other provisions or applications of this amendment.

1 (c) A person whose medical freedom has been infringed in
2 violation of this amendment may assert that violation as a claim or
3 defense in a judicial, administrative, or other appropriate proceeding
4 and obtain appropriate relief.

5 SECTION 7. EFFECTIVE DATE. This amendment shall be effective on
6 and after November 9, 2022.

7 SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed
8 amendment is submitted to the electors of this state on the general
9 election ballot:

10 (1) The title of this resolution shall be the ballot
11 title; and

12 (2) The popular name shall be "A Constitutional Amendment
13 to Create the "Arkansas Medical Freedom Amendment".