

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

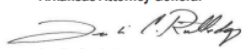
Subtitle
AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CREATE THE “ARKANSAS MEDICAL FREEDOM AMENDMENT”.

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

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

- SECTION 1. This amendment shall be known and may be cited as the “Arkansas Medical Freedom Amendment”.
- SECTION 2. (a) The purpose of this amendment is to:
(1) Guarantee that individual medical freedom shall never be infringed and; (2) Provide a claim or defense to persons whose medical freedom is infringed in any way.
- SECTION 3. As used in this amendment:
(1) “Government” means: (A) A branch, department, agency, or instrumentality of the Federal Government or the State of Arkansas; (B) A political subdivision of the state, including without limitation a county, municipality, township, or other unit of local government; (C) An official acting on behalf of government; (D) A person acting under the color of law of the State of Arkansas or Federal Government; and (E) A private actor as a willing participant in joint activity with the State or its agents
(2) “Medical Freedom” means: (A) No person, regardless of race, age, gender, or previous condition, who chooses not to partake in any medical intervention, examination, treatment, or other health-related pursuit may be mandated, coerced, or discriminated against, regardless of pandemic, state of emergency, or other condition of the state. (B) Humans are endowed by our Creator with inalienable rights to bodily autonomy.
(3) “Rule” means a statement of Arkansas or Federal law, including without limitation a: (A) Statute; (B) Rule; (C) Regulation; (D) Ordinance; (E) Administrative provision; (F) Administrative ruling; (G) Guideline; or (H) Requirement.
- SECTION 4. (a) Except as provided in subsection (b) of this section, a person’s medical freedom shall not be infringed, even if the infringement results from a rule of general applicability by government or other entity.
(b) A person’s medical freedom may be infringed if it is demonstrated that the infringement to the person includes all of the following: (1) The infringement comes from the responsible legal guardian or parent of such infringed person; and, (2) It is in furtherance of compelling personal interest to the individual whose medical freedom is being infringed to the best knowledge of the parent or legal guardian; and, (3) The infringement of the person’s rights is in accordance with the state and local laws of Arkansas; and, (4) The person is incapable of making personal medical decisions because of age or mental incapacity.
- SECTION 5. (a) This amendment applies to each rule of government and its implementation, regardless of whether the rule;
(1) Is statutory; or (2) Was adopted prior to or after the effective date of this amendment.
- SECTION 6. (a) This amendment shall be liberally construed to effectuate its remedial and deterrent purposes.
(b) If any provision of this amendment or its application to any particular person or circumstance is held invalid, that provision or its application is severable and does not affect the validity of other provisions or applications of this amendment.
(c) A person whose medical freedom has been infringed in violation of this amendment may assert that violation as a claim or defense in a judicial, administrative, or other appropriate proceeding and obtain appropriate relief.
- SECTION 7. EFFECTIVE DATE. This amendment shall be effective on and after November 9, 2022.
- SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:
(1) The title of this resolution shall be the ballot title; and
(2) The popular name shall be ‘A Constitutional Amendment to Create the “Arkansas Medical Freedom Amendment”’.

Instructions to Canvassers and Signers by the Attorney General 1. The Arkansas Constitution gives Arkansas citizens the power to (a) initiate legislation by petition of 8% of the legal voters or constitutional amendments by petition of 10% of legal voters, or (b) order the referendum against any general act or any item of an appropriation bill or measure passed by the General Assembly by petition of 6% of legal voters. A proposed measure must be submitted at a regular election. Referendum petitions may be referred at special elections on petition of 15% of the registered voters. Any measure submitted to the people becomes law when approved by a majority of the votes cast upon such measure. 2. Only registered voters may sign. All signatures must be in the signer’s own handwriting and in the presence of the person circulating the petition. Each petition part should contain only the signatures of voters residing in a single county. 3. Printed name, date of birth, residence, city or town of residence, and date of signing must be given. If a petition signer needs assistance with this information due to disability, another person may print the signer’s information and that person shall sign and print their name in the margin of the petition. 4. Pursuant to Ark. Code Ann. § 7-9-103, a person commits a Class A misdemeanor, punishable by a fine of up to \$2,500 and confinement of up to one year in jail, if the person knowingly prints a name, address, or birth date other than his or her own to a petition or prints the date of signing for another person unless the signer requires assistance due to disability and the person complies with § 7-9-103. 5. Pursuant to Ark. Code Ann. § 5-55-601, each of the following activities constitutes “petition fraud,” which is a Class D felony punishable by a fine of up to \$10,000 and up to six (6) years imprisonment. Under that law, “A person commits the offense of petition fraud: (1) If the person knowingly: (A) Signs a name other than his or her name to a petition; (B) Signs his or her name more than one (1) time to a petition; or (C) Signs a petition when he or she is not legally entitled to sign the petition; (2) If the person acting as a canvasser, notary, sponsor, as defined under § 7-9-101, or agent of a sponsor: (A) Signs a name other than his or her own to a petition; (B) Prints a name, address, or birth date other than his or her own to a petition unless the signor requires assistance due to disability and the person complies with § 7-9-103; (C) Solicits or obtains a signature to a petition knowing that the person signing is not qualified to sign the petition; (D) Knowingly pays a person any form of compensation in exchange for signing a petition as a petitioner; (E) Accepts or pays money or anything of value for obtaining signatures on a petition when the person acting as a canvasser, sponsor, or agent of a sponsor knows that the person acting as a canvasser’s name or address is not included on the sponsor’s list filed with the Secretary of State under § 7-9-601; or (F) Knowingly misrepresents the purpose and effect of the petition or the measure affected for the purpose of causing a person to sign a petition; (3) If the person acting as a canvasser knowingly makes a false statement on a petition verification form; [or] *** (5) If the person acting as a sponsor files a petition or a part of a petition with the official charged with verifying the signatures knowing that the petition or part of the petition contains one (1) or more false or fraudulent signatures unless each false or fraudulent signature is clearly stricken by the sponsor before filing.

Arkansas Attorney General

Leslie Rutledge