

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S2/2/21
A Bill

SENATE BILL 137

By: Senator Irvin
By: Representative Pilkington

For An Act To Be Entitled

AN ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF THE
ENERGY SOURCE OF A UTILITY SERVICE; AND FOR OTHER
PURPOSES.

Subtitle

TO PROHIBIT DISCRIMINATION ON THE BASIS
OF THE ENERGY SOURCE OF A UTILITY
SERVICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 14, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

14-1-104. Discrimination on basis of energy source of utility service prohibited – Definitions.

(a) A local government shall not enact or adopt any ordinance, policy, or action that infringes, prohibits, or otherwise impairs the right of a customer to purchase, use, connect, or reconnect to a utility service, or to install in a building or other structure wires, pipes, or other conduits for the purpose of purchasing, using, connecting, or reconnecting to a utility service, on the basis of the energy source of the utility service to be delivered to the customer.

(b) As used in this section:

(1) "Customer" means an individual or entity that purchases a utility service;

(2) "Energy source" means the method of generation or fuel



source that is used to provide or supply a utility service to a customer, including without limitation a nonrenewable or renewable energy resource;

(3) "Local government" means:

(A) A county;

(B) A city of the first class, a city of the second class, or an incorporated town; or

(C) Any other district or political subdivision of the state or an agency, board, or commission of such a district or political subdivision; and

(4)(A) "Utility service" means a service:

(i) Provided by a utility regulated by the Arkansas Public Service Commission under § 23-4-201; and

(ii) That is related to:

(a) The generation, production, transmission, or distribution of electricity:

(1) To or for the public;

(2) For compensation; and

(3) For lighting, heat, power, cooking,

or any similar use; or

(b) The production, manufacture, storage, distribution, sale, or furnishing of natural, renewable, or manufactured gas or a mixture of gases:

(1) To or for the public;

(2) For compensation; and

(3) For lighting, heat, power, cooking,

or any similar use.

(B) "Utility service" includes services provided by a Liquefied Petroleum Gas Board-permitted propane gas provider:

(i) To or for the public;

(ii) For compensation; and

(iii) For lighting, heat, power, cooking, or any similar use.

/s/Irvin

APPROVED: 3/9/21