

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H3/23/21 H4/6/21
A Bill

HOUSE BILL 1704

By: Representative Ray
By: Senator D. Sullivan

For An Act To Be Entitled

AN ACT TO AMEND THE LAW TO PROHIBIT MUNICIPALITIES
AND COUNTIES FROM RESTRICTING THE USE OF AUXILIARY
CONTAINERS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW TO PROHIBIT
MUNICIPALITIES AND COUNTIES FROM
RESTRICTING THE USE OF AUXILIARY
CONTAINERS.

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. Auxiliary containers – Definition.

(a) As used in this section, "auxiliary container" means a bag, cup, package, container, bottle, device, or other packaging that is without limitation:

(1) Made of cloth, paper, plastic, foamed plastic, expanded plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar coated or laminated material; and

(2) Designed for the consumption, transportation, or protection of merchandise, food, or beverage at a food service facility, manufacturing facility, distribution facility, processing facility, or retail facility.

(b) Except as provided under subsection (c) of this section, a municipality or county shall not restrict, tax, prohibit, or otherwise



regulate the use, disposition, or sale of auxiliary containers.

(c) A municipality or county may:

(1) Operate a recycling program, a composting program, and a solid waste disposal program; and

(2) Regulate the use of auxiliary containers on property owned or maintained by the municipality or county.

(d) This section does not:

(1) Affect a general state or local sales and use tax;

(2) Prevent a municipality or county from restricting the use of glass containers within the municipality or county based on public safety concerns;

(3) Prevent a municipality or county from passing or enforcing an ordinance that prohibits littering, if the ordinance complies with the Litter Control Act, § 8-6-401 et seq.; or

(4) Prevent a municipality from setting by ordinance reasonable standards for the regulation of alcohol possession within the boundaries of a designated entertainment district under § 14-54-1412.

/s/Ray

APPROVED: 4/19/21