

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1036

By: Representative D. Altes

## For An Act To Be Entitled

AN ACT TO ENACT THE REUSABLE SHOPPING BAG ACT; TO PROHIBIT A STORE FROM PROVIDING A SINGLE-USE CARRYOUT BAG TO A CUSTOMER; TO ENCOURAGE THE USE OF REUSABLE BAGS; AND FOR OTHER PURPOSES.

## Subtitle

TO ENACT THE REUSABLE SHOPPING BAG ACT;  
TO PROHIBIT A STORE FROM PROVIDING A  
SINGLE-USE CARRYOUT BAG TO A CUSTOMER;  
AND TO ENCOURAGE THE USE OF REUSABLE  
BAGS.

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

SECTION 1. Arkansas Code Title 8, Chapter 9, is amended to add an additional subchapter to read as follows:

### Subchapter 7--Reusable Shopping Bag Act

#### 8-9-701. Title.

This subchapter shall be known and may be cited as the "Reusable Shopping Bag Act".

#### 8-9-702. Findings and legislative intent.

##### (a) The General Assembly finds that:

(1) The prohibition imposed by this subchapter is necessary for the environmental, public health, and societal burdens created by single-use carryout bags;



(2) Despite recycling and other voluntary solutions to control pollution from plastic bags in Arkansas, only a small percentage of single-use carryout bags are recycled, and the rest either take up valuable landfill space or are discarded into the environment; and

(3) Reusable bags are an environmentally sound alternative to single-use carryout bags.

(b) It is the intent of the General Assembly to encourage the widespread use of reusable bags as an environmentally sound alternative to single-use carryout bags.

#### 8-9-703. Definitions.

As used in this subchapter:

(1) "Reusable bag" means a bag that is:

(A) Designed and manufactured for at least one hundred (100) uses; and

(B) Made of washable material that does not contain lead or any other heavy metal in a toxic amount, as determined by the Arkansas Department of Environmental Quality;

(2)(A) "Single-use carryout bag" means a bag that is:

(i) Designed for one (1) or more uses, but fewer than one hundred (100) uses;

(ii) Made of plastic; and

(iii) Provided by a store to a customer at a point of sale.

(B) "Single-use carryout bag" does not include a bag made of paper;

(3) "Store" means a retail establishment that provides single-use carryout bags to its customers as a result of the sale of a product and that meets any of the following requirements:

(A) Is a supermarket;

(B) Has over ten thousand square feet (10,000 sq. ft.) of contiguous retail space that generates sales or use tax payable to the state and has a licensed pharmacy on site; or

(C) Is a convenience food store or food mart engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks; and

(4) "Supermarket" means a full-line, self-service retail store location that has gross annual sales of two million dollars (\$2,000,000) or more and sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

8-9-704. Single-use carryout bag – Prohibition.

A store shall:

- (1) Not provide a single-use carryout bag to a customer; and
- (2) Make reusable bags available for purchase by a customer.

8-9-705. Administration and report.

(a) The Arkansas Department of Environmental Quality shall administer this subchapter and may adopt rules it deems necessary to implement this subchapter.

(b)(1) Annually on or before January 1 the department shall submit a report to the Legislative Council regarding the effectiveness of this subchapter in achieving widespread use of reusable bags and preserving landfill space.

(2) The report shall include recommendations to:

(A) Further encourage the use of reusable bags by consumers and retailers;

(B) Reduce the consumption of single-use carryout bags;  
and

(C) Expand the definition of stores that are subject to this subchapter to all other stores and retail establishments distributing single-use carryout bags.

SECTION 2. EFFECTIVE DATE. This act is effective on and after January 1, 2014.