

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: H2/19/25

A Bill

HOUSE BILL 1045

By: Representative Cavenaugh

For An Act To Be Entitled

AN ACT REGARDING CROP RESIDUE BURNS; TO PLACE CERTAIN REQUIREMENTS ON AN INDIVIDUAL PLANNING A CROP RESIDUE BURN; TO ADDRESS LIABILITY OF AN INDIVIDUAL WHO HAS FOLLOWED CROP RESIDUE BURN REQUIREMENTS; AND FOR OTHER PURPOSES.

Subtitle

TO PLACE CERTAIN REQUIREMENTS ON AN INDIVIDUAL PLANNING A CROP RESIDUE BURN; AND TO ADDRESS LIABILITY OF AN INDIVIDUAL WHO HAS FOLLOWED CROP RESIDUE BURN REQUIREMENTS.

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

SECTION 1. Arkansas Code Title 2, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

2-1-103. Crop residue burn requirements – Liability – Penalty.

(a) A crop residue burn shall:

(1) Be reported to the Department of Agriculture before burning commences; and

(2) Comply with the Arkansas Voluntary Smoke Management Guidelines for Row Crop Burning.

(b) An individual who conducts a crop residue burn in compliance with this section is not liable in a civil action for any damage or injury caused by a fire in the crop residue burn, including without limitation the reignition of a smoldering and previously contained fire or resulting from



smoke, unless the claimant proves by a preponderance of the evidence that the claimant suffered damages as a result of negligence by the individual in planning, implementing, or conducting the crop residue burn.

(c) Information reported to the department under subsection (a) of this section is not a public record and is exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

SECTION 2. EFFECTIVE DATE. This act shall be effective on and after July 1, 2026.

/s/Cavanaugh