

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: H4/10/25

A Bill

HOUSE BILL 1956

By: Representative S. Meeks

By: Senator Irvin

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS NIGHTTIME ENVIRONMENT
PROTECTION ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS NIGHTTIME
ENVIRONMENT PROTECTION ACT.

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

SECTION 1. Arkansas Code Title 8 is amended to add an additional
chapter to read as follows:

CHAPTER 16

ARKANSAS NIGHTTIME ENVIRONMENT PROTECTION ACT

8-16-101. Title.

This chapter shall be known and may be cited as the "Arkansas Nighttime
Environment Protection Act".

8-16-102. Purpose.

The purpose of this chapter is to regulate lighting systems to promote
safety, conserve energy, save tax dollars, and preserve the state's natural
nighttime environment.

8-16-103. Legislative findings.

The General Assembly finds that:

(1) Street lighting that is used excessively and inefficiently
is not a cost-effective use of taxpayer money;



(2)(A) Light pollution generated by street lighting systems has been implicated in disruption of the human and animal circadian rhythm and strongly suspected as an etiology of suppressed melatonin production, depressed immune systems, and increases in certain cancer rates, while disability glare poses safety risks, especially for the elderly.

(B) The findings set out in subdivision (2)(A) of this section prompted the American Medical Association in June 2009 to adopt a resolution advocating the reduction of light pollution and glare through the use of energy-efficient shielded lighting, and in 2016 the American Medical Association advocated avoiding outdoor lighting with high levels of blue light; and

(3) It is in the public interest to set standards for outdoor night lighting fixtures to promote safety, conserve energy, save tax dollars, and preserve the state's natural nighttime environment for the health and welfare of the state's citizens and wildlife.

8-16-104. Definitions.

As used in this chapter:

(1) "Fixture" means a complete lighting unit with an initial rating of one thousand eight hundred lumens (1,800 lm) or more, including without limitation a light source together with the parts designed to distribute the light, to position and protect the light source, and to connect the light source to the power supply;

(2) "Full cutoff" means a fixture that does not allow more than two percent (2%) light emissions, either directly from a light source or indirectly by reflection or refraction from any part of the lighting unit, above a horizontal plane running through the lowest point on the fixture where light is emitted;

(3) "Governing body" means an agency director for a state level entity and the legislative body for a county or municipality;

(4) "Illuminance" means the level of light measured on an intercepting surface;

(5) "Light pollution" means general sky glow caused by the scattering of artificial light in the atmosphere;

(6) "Light trespass" means excessive or unreasonable light

emitted by a fixture that shines beyond the boundaries of the property on which the fixture is located; and

(7) "Lighting system" means a group of adjoining lighting fixtures that are substantially identical and are used:

(A) For street lighting; or

(B) On the same property for parking lot or area lighting.

8-16-105. Regulations for outdoor illumination.

A state agency, county, municipality, or investor owned public utility shall not install, or cause to be installed, a new or replacement lighting system unless the following conditions are met:

(1) The fixtures making up the lighting system are full cutoff fixtures;

(2) The illuminance of a surface does not exceed what is adequate for that purpose under guidelines recommended for that purpose by the Illuminating Engineering Society, as the guidelines existed on January 1, 2025, or the minimum illuminance recommendation for that purpose by the United States Department of Transportation, as the minimum illuminance recommendation existed on January 1, 2025;

(3) Consideration has been given to minimizing glare, light pollution, and light trespass and to reducing energy use;

(4) The color temperature is three thousand kelvin (3,000 K) or less for residential areas and is four thousand kelvin (4,000 K) or less for all other areas unless a recognized standard or practice requires otherwise; and

(5) A contractor that is installing a new or replacement lighting system in a residential area that is or will become the responsibility of the city shall use full cutoff fixtures with a color temperature of three thousand kelvin (3,000 K) or less.

8-16-106. Exemptions.

Section 8-16-105 does not apply if:

(1) A federal law, rule, or regulation preempts § 8-16-105;

(2)(A) There are special lighting requirements, including without limitation:

(i) At sports facilities that comport with

recognized lighting practice for such sports facilities as established by the Illuminating Engineering Society;

(ii) For historic decorative considerations;

(iii) At monuments; and

(iv) For decorative lighting on bridges over navigable waterways.

(B) However, lighting exempted under subdivision (2)(A) of this section shall be selected and installed to shield the lamp or lamps from direct view to the greatest extent possible and to minimize upward lighting and light trespass;

(3) The lighting is for a public or private state correction facility, a detention facility, or a mental health facility; or

(4)(A) The governing body determines through an ordinance that a compliant lighting system could not achieve the lighting conditions needed to meet safety concerns without incurring excessive cost.

(B) The ordinance shall be in effect only for the current instance of the project and shall include:

(i) The specific lighting system and its location;

and

(ii) A cost or safety justification for the need.

8-16-107. Authority to recover compliance costs through interim surcharge.

(a) Upon a proper filing with the Arkansas Public Service Commission, a public utility is permitted to recover, in a prompt and timely manner, all investments and expenses for compliance with this chapter through an interim surcharge if the investments or expenses:

(1) Are not currently being recovered in existing rates;

(2) Are reasonably incurred;

(3) Were not reasonably known and measurable at a time that allowed for a reasonable opportunity for the inclusion and consideration of the investments or expenses for recovery in the public utility's last general rate case; and

(4) Are incurred by the public utility to comply with the requirements of this chapter.

(b) The interim surcharge permitted under subsection (a) of this

section is effective until the implementation of new rate schedules in connection with the next general rate filing of the public utility in which the investments or expenses can be included in the public utility's base rate schedule.

/s/S. Meeks