

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

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

A Bill

HOUSE BILL 1704

5 By: Representative Ray
6 By: Senator D. Sullivan
7

For An Act To Be Entitled

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

15 TO AMEND THE LAW TO PROHIBIT
16 MUNICIPALITIES AND COUNTIES FROM
17 RESTRICTING THE USE OF AUXILIARY
18 CONTAINERS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 14, Chapter 1, Subchapter 1, is amended
24 to add an additional section to read as follows:

25 14-1-104. Auxiliary containers – Definition.

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

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

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

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



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

2 (c) A municipality or county may:

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

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

7 (d) This section does not:

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

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

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

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

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19 /s/Ray

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22 **APPROVED: 4/19/21**
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