

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

HOUSE BILL 1036

5 By: Representative D. Altes
6

For An Act To Be Entitled

8 AN ACT TO ENACT THE REUSABLE SHOPPING BAG ACT; TO
9 PROHIBIT A STORE FROM PROVIDING A SINGLE-USE CARRYOUT
10 BAG TO A CUSTOMER; TO ENCOURAGE THE USE OF REUSABLE
11 BAGS; AND FOR OTHER PURPOSES.
12
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Subtitle

14 TO ENACT THE REUSABLE SHOPPING BAG ACT;
15 TO PROHIBIT A STORE FROM PROVIDING A
16 SINGLE-USE CARRYOUT BAG TO A CUSTOMER;
17 AND TO ENCOURAGE THE USE OF REUSABLE
18 BAGS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 8, Chapter 9, is amended to add an
25 additional subchapter to read as follows:
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Subchapter 7--Reusable Shopping Bag Act

8-9-701. Title.

29 This subchapter shall be known and may be cited as the "Reusable
30 Shopping Bag Act".
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8-9-702. Findings and legislative intent.

(a) The General Assembly finds that:

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



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

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

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

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 11 8-9-703. Definitions.

12 As used in this subchapter:

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

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

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

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

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

22 (ii) Made of plastic; and

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

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

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

30 (A) Is a supermarket;

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

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

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

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6 8-9-704. Single-use carryout bag – Prohibition.

7 A store shall:

8 (1) Not provide a single-use carryout bag to a customer; and

9 (2) Make reusable bags available for purchase by a customer.

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11 8-9-705. Administration and report.

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

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

19 (2) The report shall include recommendations to:

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

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

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

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28 SECTION 2. EFFECTIVE DATE. This act is effective on and after January
29 1, 2014.