

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

# A Bill

SENATE BILL 137

5 By: Senator Irvin  
6 By: Representative Pilkington  
7

## For An Act To Be Entitled

9 AN ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF THE  
10 ENERGY SOURCE OF A UTILITY SERVICE; AND FOR OTHER  
11 PURPOSES.  
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## Subtitle

15 TO PROHIBIT DISCRIMINATION ON THE BASIS  
16 OF THE ENERGY SOURCE OF A UTILITY  
17 SERVICE.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 14, Chapter 1, Subchapter 1, is amended  
23 to add an additional section to read as follows:

24 14-1-104. Discrimination on basis of energy source of utility service  
25 prohibited – Definitions.

26 (a) A local government shall not enact or adopt any ordinance, policy,  
27 or action that infringes, prohibits, or otherwise impairs the right of a  
28 customer to purchase, use, connect, or reconnect to a utility service, or to  
29 install in a building or other structure wires, pipes, or other conduits for  
30 the purpose of purchasing, using, connecting, or reconnecting to a utility  
31 service, on the basis of the energy source of the utility service to be  
32 delivered to the customer.

33 (b) As used in this section:

34 (1) "Customer" means an individual or entity that purchases a  
35 utility service;

36 (2) "Energy source" means the method of generation or fuel



1 source that is used to provide or supply a utility service to a customer,  
2 including without limitation a nonrenewable or renewable energy resource;

3 (3) "Local government" means:

4 (A) A county;

5 (B) A city of the first class, a city of the second class,  
6 or an incorporated town; or

7 (C) Any other district or political subdivision of the  
8 state or an agency, board, or commission of such a district or political  
9 subdivision; and

10 (4) "Utility service" means a service:

11 (A) Provided by a utility regulated by the Arkansas Public  
12 Service Commission under § 23-4-201; and

13 (B) That is related to:

14 (i) The generation, production, transmission, or  
15 distribution of electricity:

16 (a) To or for the public;

17 (b) For compensation; and

18 (c) For lighting, heat, power, cooking, or any  
19 similar use; or

20 (ii) The production, manufacture, storage,  
21 distribution, sale, or furnishing of natural, renewable, or manufactured gas  
22 or a mixture of gases:

23 (a) To or for the public;

24 (b) For compensation; and

25 (c) For lighting, heat, power, cooking, or any  
26 similar use.

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