

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

As Engrossed: S2/2/21

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.
12
13

Subtitle

15 TO PROHIBIT DISCRIMINATION ON THE BASIS
16 OF THE ENERGY SOURCE OF A UTILITY
17 SERVICE.
18
19

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)(A) "Utility service" means a service:

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

13 (ii) That is related to:

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

16 (1) To or for the public;

17 (2) For compensation; and

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

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

23 (1) To or for the public;

24 (2) For compensation; and

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

27 (B) "Utility service" includes services provided by a
28 Liquefied Petroleum Gas Board-permitted propane gas provider:

29 (i) To or for the public;

30 (ii) For compensation; and

31 (iii) For lighting, heat, power, cooking, or any
32 similar use.

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34 /s/ Irvin