

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 461 OF 1993
HOUSE BILL 1390

4 **By: Representatives Steele and George**

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For An Act To Be Entitled

8 "AN ACT TO REDUCE NUTRIENT ELEMENTS IN THE WATERS OF THE
9 STATE BY ELIMINATING PHOSPHATE CONTAINING DETERGENTS
10 WITHIN THE STATE; AND FOR OTHER PURPOSES."

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Subtitle

13 "TO REDUCE NUTRIENT ELEMENTS IN THE WATERS BY ELIMINATING
14 PHOSPHATE CONTAINING DETERGENTS."

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

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18 SECTION 1. Arkansas Code Annotated 8-4-217(a) is hereby amended to add
19 subsection (6) as follows:

20 "(6) Sell, offer or expose for sale, give or furnish any synthetic
21 detergent or detergent containing any phosphorus, expressed as elemental
22 phosphorus, including synthetic detergents or detergents manufactured for use
23 as laundry or dishwashing detergents within this state from and after January
24 1, 1994, except as provided below:

25 (1) Products that may be used, sold, manufactured, or
26 distributed for use or sale regardless of phosphorus content include:

27 (A) A detergent:

28 (i) Used in dairy, beverage, or food processing
29 cleaning equipment,

30 (ii) Used in hospitals, veterinary hospitals,
31 clinics, health care facilities, or in agricultural production,

32 (iii) Used by industry for metal cleaning or
33 reconditioning,

34 (iv) Manufactured, stored, or distributed for use or
35 sale outside the state,

36 (v) Used in any laboratory, including a biological

1 laboratory, research facility, chemical laboratory, and engineering
2 laboratory,

3 (vi) Used in a commercial laundry that provides
4 laundry services for a hospital, health care facility, or veterinary hospital,
5 or

6 (vii) Used for surface cleaning, appliance cleaning,
7 or specialty home cleaning, and not for dishwashing or laundry;

8 (B) A phosphoric acid product, including a sanitizer,
9 brightener, acid cleaner, or metal conditioner;

10 (C) A substance the department excludes from the
11 phosphorous limitations of this section based on a finding that compliance
12 with this section would:

13 (i) Create a significant hardship on the user, or

14 (ii) Be unreasonable because of the lack of an
15 adequate substitute cleaning agent that could be substituted for the subject
16 cleaning agent without significant cost or effect differences.

17 (2) Laundry Detergents. After January 1, 1994, a person may
18 use, sell, manufacture, or distribute for use or sale a laundry detergent that
19 contains 0.5 percent phosphorous or less that is incidental to manufacturing.

20 (3) Dishwashing Detergents. After January 1, 1994, a person may
21 use, sell, manufacture, or distribute for use or sale a dishwashing detergent
22 that contains 8.7 percent phosphorous or less by weight."

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24 SECTION 2. Arkansas Code 8-4-104 is amended by adding the following at
25 the end thereof:

26 "(k) (1) A person who uses a cleaning agent in violation of this
27 chapter is guilty of a misdemeanor and upon conviction is subject to a fine
28 not exceeding one hundred dollars (\$100).

29 (2) A person who sells, distributes, or manufactures a cleaning
30 agent in violation of this chapter is guilty of a misdemeanor and on
31 conviction is subject to a fine not exceeding one thousand dollars (\$1,000).

32 (3) The department may seize any cleaning agent held for sale or
33 distribution in violation of this chapter. The seized cleaning agents are
34 considered forfeited."

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1 SECTION 3. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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5 SECTION 4. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 5. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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APPROVED: 03/11/93

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