

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4  
5 By: Senator D. Sullivan  
6 By: Representative Ray  
7

# A Bill

SENATE BILL 616

## 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 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; or

12 (3) Prevent a municipality or county from passing or enforcing  
13 an ordinance that prohibits littering, if the ordinance complies with  
14 subsection (b) of this section.

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