1   State of Arkansas   *As Engrossed: H3/23/21*
2   93rd General Assembly   A Bill
3   Regular Session, 2021   HOUSE BILL 1704
4
5   By: Representative Ray
6   By: Senator D. Sullivan
7
8   **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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14   **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 affect a general state or local sales and*

8   *use tax.*

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10   */s/Ray*

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