

INTERIM STUDY PROPOSAL 2009-239

State of Arkansas  
87th General Assembly  
Regular Session, 2009

**A Bill**

JET/JXC  
SENATE BILL

By: Senator Altes

Filed with: Arkansas Legislative Council  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO ENACT THE REUSABLE SHOPPING BAG ACT; TO  
PROHIBIT A STORE FROM PROVIDING A SINGLE-USE  
CARRYOUT BAG TO A CUSTOMER; TO ENCOURAGE THE USE  
OF REUSABLE BAGS; AND FOR OTHER PURPOSES.

**Subtitle**

TO ENACT THE REUSABLE SHOPPING BAG ACT;  
AND TO PROHIBIT A STORE FROM PROVIDING A  
SINGLE-USE CARRYOUT BAG TO A CUSTOMER.

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

SECTION 1. Arkansas Code Title 8 is amended to add an additional  
chapter to read as follows:

8-15-101. Title.

This chapter shall be known and may be cited as the "Reusable Shopping  
Bag Act".

8-15-102. Legislative intent and purpose.

The General Assembly finds that:

(1) The prohibition imposed by this chapter is necessary for the  
environmental, public health, and societal burdens created by single-use  
carryout bags;

1       (2) Despite recycling and other voluntary solutions to control  
2 pollution from plastic bags in Arkansas, only a small percentage of single-  
3 use carryout bags are recycled, and the rest either take up valuable landfill  
4 space or are discarded in the environment;

5       (3) Paper bags made from virgin materials are not environmentally  
6 sound alternatives to plastic carryout bags because the production of paper  
7 bags made from virgin materials contributes to deforestation, natural  
8 resource depletion, greenhouse gas emissions, and waterborne wastes;

9       (4) Though recycled content paper carryout bags are recyclable and  
10 have fewer negative impacts than virgin paper bags, recycled content paper  
11 carryout bags are not environmentally sound alternatives to plastic carryout  
12 bags because the production of recycled content paper carryout bags  
13 contributes to greenhouse gas emissions and waterborne wastes;

14       (5) Plastics made from bio-based sources that are marketed as  
15 "compostable" or "biodegradable" are not environmentally sound alternatives  
16 to plastic carryout bags because they have not been shown to degrade in  
17 aquatic environments and require conditions only available in composting  
18 facilities to rapidly break down into constituents that assimilate back into  
19 the environment. Most Arkansans lack access to composting facilities capable  
20 of accepting compostable or biodegradable plastic bags; and

21       (6) Reusable bags are an environmentally sound alternative to single-  
22 use carryout bags.

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24       8-15-103. Definitions.

25       As used in this chapter:

26       (1) "Reusable bag" means a bag that is:

27               (A) Designed and manufactured for at least one hundred (100)  
28 uses; and

29               (B) Made of washable material that does not contain lead or any  
30 other heavy metal in a toxic amount, as determined by the Arkansas Department  
31 of Environmental Quality;

32       (2) "Single-use carryout bag" means a bag that is:

33               (A) Designed for one (1) or more uses, but fewer than one  
34 hundred (100) uses;

35               (B) Made of plastic, paper, or other non-washable material; and

36               (C) Provided by a store to a customer at a point of sale;

1       (3) "Store" means a retail establishment that provides single-use  
2 carryout bags to its customers as a result of the sale of a product and that  
3 meets any of the following requirements:

4           (A) Meets the definition of a supermarket under subdivision (4)  
5 of this section;

6           (B) Has over ten thousand square feet (10,000 sq.ft.) of  
7 contiguous retail space that generates sales or use tax payable to the State  
8 of Arkansas and has a licensed pharmacy on site; or

9           (C) Is a convenience food store or foodmart engaged in retailing  
10 a limited line of goods that generally includes milk, bread, soda, and  
11 snacks; and

12       (4)(A) "Supermarket" means a full-line, self-service retail store with  
13 gross annual sales of two million dollars (\$2,000,000) or more, and which  
14 sells a line of dry grocery, canned goods, or nonfood items and some  
15 perishable items.

16           (B) For purposes of determining which dealers are supermarkets,  
17 the department shall use the annual updates of the Progressive Grocer  
18 Marketing Guidebook and any computer printouts developed in conjunction with  
19 the guidebook.

20  
21       8-15-104. Single-use carryout bag – Prohibition.

22       (a) On and after January 1, 2012, a store shall not provide a single-  
23 use carryout bag to a customer.

24       (b) A store shall make reusable bags available for purchase by a  
25 customer.

26  
27       8-15-105. Administration and report.

28       (a) This chapter shall be administered by the Arkansas Department of  
29 Environmental Quality.

30       (b) The Arkansas Pollution Control and Ecology Commission may adopt  
31 reasonable rules necessary to implement or effectuate the purposes and intent  
32 of this chapter.

33       (c)(1) On or before January 1, 2015, the department shall submit a  
34 report to the General Assembly regarding the effectiveness of this chapter.

35           (2) The report shall include recommendations to further  
36 encourage the use of reusable bags by consumers and retailers and to reduce

1 the consumption of single-use carryout bags, including at a minimum,  
2 expanding the definition of stores that are subject to this chapter to all  
3 other stores and retail establishments distributing single-use carryout bags.

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Filed Date: 04/30/2010 By: JET\JXC