

INTERIM STUDY PROPOSAL 2009-242

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

JET/JLL
SENATE BILL

4 By: Senator Altes

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

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11 **For An Act To Be Entitled**

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

16
17 **Subtitle**

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

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

24
25 SECTION 1. Arkansas Code Title 8 is amended to add an additional
26 chapter to read as follows:

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28 8-15-101. Title.

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

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32 8-15-102. Legislative intent and purpose.

33 The General Assembly finds that:

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

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

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8 8-15-103. Definitions.

9 As used in this chapter:

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

11 (A) Designed and manufactured for at least one hundred (100)
12 uses; and

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

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

17 (i) Designed for one (1) or more uses, but fewer than one
18 hundred (100) uses;

19 (ii) Made of plastic; and

20 (iii) Provided by a store to a customer at a point of
21 sale;

22 (B) "Single-use carryout bag" does not include bags made of
23 paper.

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

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

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

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

35 (4)(A) "Supermarket" means a full-line, self-service retail store with
36 gross annual sales of two million dollars (\$2,000,000) or more, and which

1 sells a line of dry grocery, canned goods, or nonfood items and some
2 perishable items.

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

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

9 (a) Beginning January 1, 2012, a store shall not provide a single-use
10 carryout bag to a customer.

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

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14 8-15-105. Administration and report.

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

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

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

22 (2) The report shall include recommendations to further
23 encourage the use of reusable bags by consumers and retailers and to reduce
24 the consumption of single-use carryout bags, including at a minimum,
25 expanding the definition of stores that are subject to this chapter to all
26 other stores and retail establishments distributing single-use carryout bags.