

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1043

5 By: Representative D. Altes  
6

## For An Act To Be Entitled

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

## Subtitle

14 TO ENACT THE REUSABLE SHOPPING BAG ACT;  
15 TO PROHIBIT A STORE FROM PROVIDING A  
16 SINGLE-USE CARRYOUT BAG TO A CUSTOMER; TO  
17 ENCOURAGE THE USE OF REUSABLE BAGS.  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code Title 8, Chapter 9, is amended to add an  
24 additional subchapter to read as follows:

25 Subchapter 7--Reuseable Shopping Bag Act.

26 8-9-701. Title.

27 This subchapter shall be known and may be cited as the "Reusable  
28 Shopping Bag Act".  
29

30 8-9-702. Findings and legislative intent.

31 (a) The General Assembly finds that:

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

35 (2) Despite recycling and other voluntary solutions to control  
36 pollution from plastic bags in Arkansas, only a small percentage of single-



1 use carryout bags are recycled, and the rest either take up valuable landfill  
 2 space or are discarded into the environment; and

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

5 (b) It is the intent of the General Assembly to encourage the  
 6 widespread use of reusable bags as an environmentally sound alternative to  
 7 single-use carryout bags.

8  
 9 8-9-703. Definitions.

10 As used in this subchapter:

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

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

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

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

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

20 (ii) Made of plastic; and

21 (iii) Provided by a store to a customer at a point  
 22 of sale.

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

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

28 (A) Is a supermarket;

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  
 33 retailing a limited line of goods that generally includes milk, bread, soda,  
 34 and snacks; and

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

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

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

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 8 8-9-704. Single-use carryout bag – Prohibition.

9 Beginning January 1, 2012, a store shall:

10 (1) Not provide a single-use carryout bag to a customer; and

11 (2) Make reusable bags available for purchase by a customer.

12  
 13 8-9-705. Administration and report.

14 (a) The Arkansas Department of Environmental Quality shall administer  
 15 this subchapter and may adopt rules it deems reasonable or necessary to  
 16 implement this subchapter.

17 (b)(1) On or before January 1, 2015, the department shall submit a  
 18 report to the General Assembly regarding the effectiveness of this subchapter  
 19 in achieving widespread use of reusable bags and preserving landfill space.

20 (2) The report shall include recommendations to:

21 (A) Further encourage the use of reusable bags by  
 22 consumers and retailers;

23 (B) Reduce the consumption of single-use carryout bags;  
 24 and

25 (C) Expand the definition of stores that are subject to  
 26 this subchapter to all other stores and retail establishments distributing  
 27 single-use carryout bags.