

## 8-6-418. Possession or use of glass containers on navigable waterways.

(a)(1) Except for containers for medicinal substances contained in a first-aid kit or prescribed by a licensed physician, and except as provided under subdivision (a)(2) of this section, **no person shall possess or use glass containers within a vessel within the banks of Arkansas' navigable waterways.**

(2) **A person engaged in removing glass previously discarded by others** and found within the banks of an Arkansas navigable waterway **may not be charged with a violation** of this section on the basis of possession of glass, **if while underway and upon a waterway, he or she transports the removed glass securely in a trash container.**

(b)(1) A person entering, traveling upon, or otherwise using Arkansas' navigable waterways by canoe, kayak, inner tube, or other vessel easily susceptible to swamping, tipping, rolling, or otherwise discharging its contents into a waterway, and transporting foodstuffs or beverages shall:

(A) **Transport all foodstuffs and beverages in a sturdy container** and ensure that the container is made to seal or lock in the contents to prevent the contents from spilling into the water;

(B)(i) **Carry and affix** to the vessel **a trash container or bag** suitable for containing his or her refuse, waste, and trash materials and capable of being securely closed.

(ii) The trash container or bag shall be **either a sturdy container**, of a construction similar to a sturdy container, **or a bag of mesh construction;**

(C)(i) Except as provided under subdivision (b)(1)(C)(ii) of this section, **transport all his or her refuse, waste, and trash either in a sturdy container or in a trash container** to a place where the refuse, waste, and trash may be safely and lawfully disposed of.

(ii) A person engaged in removing items of refuse, waste, and trash materials previously discarded by others and found by him or her within the banks of an Arkansas navigable waterway and that are too large to be transported in a trash container or bag, may not be charged with a violation of this section on the basis of possession and transportation of the refuse, waste, and trash; and

(D) At all times other than when a beverage is securely contained in a sturdy container or a trash container as in subdivisions (b)(1)(A)-(C) of this section, **keep the beverage attached to or held within a floating holder or other device** designed to prevent the beverage from sinking beneath the surface of the waterway.

(2) **Neither a sturdy container nor a trash container may be required of a person traveling without foodstuffs or beverages.**

(c)(1) A violation of this section shall be a misdemeanor and each violation may be prosecuted as a separate offense.

(2) Each violation shall be punishable by a fine of not more than five hundred dollars (\$500).

(d) For purposes of this section:

(1) "Navigable waterway" means any navigable river, lake, or other body of water used or susceptible to being used in its natural condition by canoe, kayak, innertube, or other vessel easily susceptible to swamping, tipping, or rolling and located wholly or partly within this state;

(2) **"Sturdy container" shall not include** a container that is:

(A) Primarily constructed of **styrofoam**; or

(B) So constructed that it may be easily broken; and

(3) "Vessel" shall not include a houseboat, party barge, johnboat, runabout, ski boat, bass boat, or similar craft not easily susceptible to swamping, tipping, or rolling.

**History.** Acts 2001, No. 803, § 1; 2003, No. 1101, § 1.

Also found in Arkansas State Game and Fish Commission Code Book, Chapter 37.11 and Addendum L1.03 (posted on AFGC website April 17, 2014)