

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

As Engrossed: H2/19/25

# A Bill

HOUSE BILL 1045

5 By: Representative Cavenaugh  
6  
7

## For An Act To Be Entitled

9 AN ACT REGARDING CROP RESIDUE BURNS; TO PLACE CERTAIN  
10 REQUIREMENTS ON AN INDIVIDUAL PLANNING A CROP RESIDUE  
11 BURN; TO ADDRESS LIABILITY OF AN INDIVIDUAL WHO HAS  
12 FOLLOWED CROP RESIDUE BURN REQUIREMENTS; AND FOR  
13 OTHER PURPOSES.  
14  
15

### Subtitle

16 TO PLACE CERTAIN REQUIREMENTS ON AN  
17 INDIVIDUAL PLANNING A CROP RESIDUE BURN;  
18 AND TO ADDRESS LIABILITY OF AN  
19 INDIVIDUAL WHO HAS FOLLOWED CROP RESIDUE  
20 BURN REQUIREMENTS.  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Arkansas Code Title 2, Chapter 1, Subchapter 1, is amended  
26 to add an additional section to read as follows:

27 2-1-103. Crop residue burn requirements – Liability – Penalty.

28 (a) A crop residue burn shall:

29 (1) Be reported to the Department of Agriculture before burning  
30 commences; and

31 (2) Comply with the Arkansas Voluntary Smoke Management  
32 Guidelines for Row Crop Burning.

33 (b) An individual who conducts a crop residue burn in compliance with  
34 this section is not liable in a civil action for any damage or injury caused  
35 by a fire in the crop residue burn, including without limitation the  
36 reignition of a smoldering and previously contained fire or resulting from



1 smoke, unless the claimant proves by a preponderance of the evidence that the  
2 claimant suffered damages as a result of negligence by the individual in  
3 planning, implementing, or conducting the crop residue burn.

4 (c) Information reported to the department under subsection (a) of  
5 this section is not a public record and is exempt from the Freedom of  
6 Information Act of 1967, § 25-19-101 et seq.

7  
8 SECTION 2. EFFECTIVE DATE. This act shall be effective on and after  
9 July 1, 2026.

10  
11 /s/Cavanaugh  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36