



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

March 30, 2017

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 295, an Act prohibiting counties and cities from establishing certain regulations relating to employment matters and the sale or marketing of consumer merchandise, providing for properly related matters, and including effective date provisions.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad".

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



House File 295

AN ACT

PROHIBITING COUNTIES AND CITIES FROM ESTABLISHING CERTAIN REGULATIONS RELATING TO EMPLOYMENT MATTERS AND THE SALE OR MARKETING OF CONSUMER MERCHANDISE, PROVIDING FOR PROPERLY RELATED MATTERS, AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

Section 1. Section 331.301, subsection 6, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* (1) A county shall not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any requirement established by state law. For purposes of this paragraph:

(a) "*Consumer merchandise*" means merchandise offered for sale or lease, or provided with a sale or lease, primarily but not exclusively for personal, family, or household purposes, and includes any container used for consuming, carrying, or

transporting such merchandise.

(b) "Container" means a bag, cup, package, container, bottle, or other packaging that is all of the following:

(i) Designed to be either reusable or single-use.

(ii) Made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, or postconsumer recycled or similar material or substrates, including coated, laminated, or multilayer substrates.

(iii) Designed for consuming, transporting, or protecting merchandise, food, or beverages from or at a food service or retail facility.

(2) An ordinance, motion, resolution, or amendment adopted prior to the effective date of this Act that violates this paragraph is void and unenforceable on and after the effective date of this Act.

(3) This paragraph "c" shall not apply to county solid waste or recycling collection or county solid waste or recycling programs.

Sec. 2. Section 331.304, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 12. *a.* A county shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment providing for any terms or conditions of employment that exceed or conflict with the requirements of federal or state law relating to a minimum or living wage rate, any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms or conditions of employment.

b. An ordinance, motion, resolution, or amendment adopted prior to the effective date of this Act that violates this subsection is void and unenforceable on and after the effective date of this Act.

Sec. 3. Section 364.3, subsection 3, Code 2017, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* (1) A city shall not adopt an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any

requirement established by state law. For purposes of this paragraph:

(a) "*Consumer merchandise*" means merchandise offered for sale or lease, or provided with a sale or lease, primarily but not exclusively for personal, family, or household purposes, and includes any container used for consuming, carrying, or transporting such merchandise.

(b) "*Container*" means a bag, cup, package, container, bottle, or other packaging that is all of the following:

(i) Designed to be either reusable or single-use.

(ii) Made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, or postconsumer recycled or similar material or substrates, including coated, laminated, or multilayer substrates.

(iii) Designed for consuming, transporting, or protecting merchandise, food, or beverages from or at a food service or retail facility.

(2) An ordinance, motion, resolution, or amendment adopted prior to the effective date of this Act that violates this paragraph is void and unenforceable on and after the effective date of this Act.

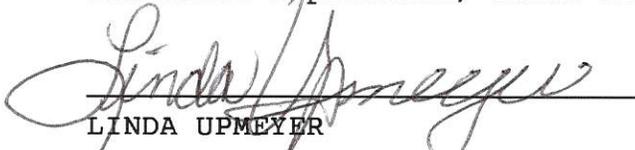
(3) This paragraph "c" shall not apply to city solid waste or recycling collection or city solid waste or recycling programs.

Sec. 4. Section 364.3, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 12. *a.* A city shall not adopt, enforce, or otherwise administer an ordinance, motion, resolution, or amendment providing for any terms or conditions of employment that exceed or conflict with the requirements of federal or state law relating to a minimum or living wage rate, any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms or conditions of employment.

b. An ordinance, motion, resolution, or amendment adopted prior to the effective date of this Act that violates this subsection is void and unenforceable on and after the effective date of this Act.

Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.


LINDA UPMAYER
Speaker of the House


JACK WHITVER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 295, Eighty-seventh General Assembly.


CARMINE BOAL
Chief Clerk of the House

Approved March 30, 2017


TERRY E. BRANSTAD
Governor



(?return)



The Daily Iowan

The Daily Iowan • November 9, 2021 • <https://dailyiowan.com/2021/11/09/opinion-iowas-outdated-irresponsible-legislation-is-contributing-to-the-degradation-of-the-environment/>

Opinion | Iowa's outdated, irresponsible legislation is contributing to the degradation of the environment

Despite their ability to ban plastic usage, government officials prioritize protecting plastic bags over the health and success of Iowa's environment, resources, and species.

Grace Hildahl, Opinions Contributor

When Katy Perry sang, "Do you ever feel like a plastic bag drifting through the wind wanting to start again?" many thought of it as a touching line or were possibly concerned for her emotional well-being.

However, my main takeaway from this lyric is the extreme amount of plastic pollution blowing around that created this collective experience that warranted a line in a song.

The usage and pollution of plastic bags have been normalized, and it needs to stop.



NICK ROHLMAN

An employee at Bread Garden, a grocery store in Iowa City bags a customer's groceries on April 18th, 2017. Bread Garden offers a small discount for customers who bring their own bags.

According to the World Counts, an organization dedicated to understanding and reporting statistics, a plastic bag is used for an average of 12 minutes while it takes up to 1,000 years for it to decompose.

So, what does that plastic do after its 12 minutes of fame? Slowly, but viciously, it degrades Earth's environment and species.

Plastic bags break down for centuries, but they never completely degrade. Instead, they break into smaller pieces of plastic called microplastics. These tiny, harmful particles and larger pieces of the bags are consumed by organisms.

Once ingested, the plastic slowly and painfully kills animals due to intestinal obstruction. The plastic is often too concentrated for their digestive tracts to break down, causing a buildup of plastic materials. The plastic buildup then makes the animal feel full, causing malnutrition and eventually starvation.

Plastic bag pollution also has a major impact on Iowa's livestock, killing a significant amount of cattle each year. After consumption, plastic bags can poison cows through absorbed chemicals while ultimately leading to intestinal obstruction.

Many cities and even some states have begun the fight against further degradation by plastic pollution through plastic bag regulations. These areas have implemented solutions to the plastic problem such as charging for usage of plastic bags in stores, incentivizing reusable bags through discounts, or completely banning plastic bag distribution.

In total, eight states — California, Connecticut, Delaware, Hawaii, Maine, New York, Oregon, and Vermont — have officially banned the use of plastic bags.

The state of Iowa, however, prioritizes plastic bags.

Iowa not only continues to use plastic bags but has a government-established prohibition on plastic bans.

In 2017, former Iowa Gov. Terry Branstad signed House File 295, a law that forbade the sanctioning of any plastic bag regulations.

This act prohibits "counties and cities from establishing certain regulations relating to employment matters and the sale or marketing of consumer merchandise."

Concerning consumer merchandise, the protection from regulations includes "any container used for consuming, carrying, or transporting such merchandise."

The act also detailed its protection over any medium of container, safeguarding vessels made of cloth, papers, plastics, etc., and anything reusable or single-use.



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Thanks to this act, energy and fossil fuel resources will continue to deplete and pollute through plastic manufacturing, and plastic pollution will continue to increase, diminishing city aesthetics and killing organisms.

Prioritizing plastic usage over the lives of species and the wellness of communities is disgraceful.

Despite the environmental neglect from government officials, we as individuals must take matters into our own hands, or rather into our own bags.

Just because a plastic bag is an option, that doesn't mean you should choose it. Eliminate this option through BYOB: Bringing your own bag.

Reusable bags function just as well as plastic bags and can be used for years rather than just minutes.

While replacing plastic bags may seem to be a difficult adjustment, try keeping a reusable bag in your car or on your doorknob so you won't forget it when walking out the door.

Most importantly, remembering small sacrifices now will help rebuild a healthier future.

Columns reflect the opinions of the authors and are not necessarily those of the Editorial Board, The Daily Iowan, or other organizations in which the author may be involved.