

House File 295 - Enrolled

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 UPMEYER

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 _____, 2017

TERRY E. BRANSTAD

Governor