

# House Study Bill 86

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to enforcement of prohibitions against the use of  
2 heavy metals in packaging and packaging components and  
3 providing a civil penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1401DP 82  
6 tm/sh/8

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1 1 Section 1. Section 455D.19, subsection 8, Code 2007, is  
1 2 amended by striking the subsection and inserting in lieu  
1 3 thereof the following:  
1 4 8. The commission or the director may issue any order  
1 5 necessary to secure compliance with or prevent a violation of  
1 6 a provision of this section or a rule adopted pursuant to this  
1 7 section. The attorney general shall, upon request by the  
1 8 department, institute any civil or criminal legal proceeding  
1 9 necessary to obtain compliance with an order of the commission  
1 10 or director or to prosecute a person for a violation of a  
1 11 provision of this section or a rule adopted pursuant to this  
1 12 section.

1 13 Unless otherwise provided in this section, a person who  
1 14 violates a provision of this section, a rule adopted pursuant  
1 15 to this section, or a condition of a permit or order issued  
1 16 pursuant to this section shall be subject to a civil penalty  
1 17 not to exceed five thousand dollars for each day of such  
1 18 violation.

### EXPLANATION

1 19 This bill relates to enforcement of prohibitions against  
1 20 the use of heavy metals in packaging and packaging components.

1 21 Currently, if a manufacturer or distributor does not comply  
1 22 with prohibitions against the use of heavy metals in packaging  
1 23 and packaging components, the manufacturer or distributor is  
1 24 guilty of a simple misdemeanor.

1 25 The bill provides that the environmental protection  
1 26 commission or the director of the department of natural  
1 27 resources may issue any order necessary to secure compliance  
1 28 with or prevent a violation of the prohibitions against the  
1 29 use of heavy metals in packaging and packaging components.  
1 30 The bill provides that the attorney general shall, upon  
1 31 request by the department, institute any civil or criminal  
1 32 legal proceeding necessary to obtain compliance with an order  
1 33 of the commission or director or to prosecute a person for a  
1 34 violation of the prohibitions.  
1 35

2 1 The bill provides that a person who violates a prohibition  
2 2 against the use of heavy metals in packaging and packaging  
2 3 components shall be subject to a civil penalty not to exceed  
2 4 \$5,000 for each day of such violation.

2 5 LSB 1401DP 82

2 6 tm:rj/sh/8