

House File 320 - Introduced

HOUSE FILE 320

BY STAED, ANDERSON, and
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A BILL FOR

1 An Act relating to the use of single-use plastic bags,
2 containers, and straws, providing penalties, and including
3 effective date provisions.

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

1 Section 1. Section 455B.183A, subsection 1, Code 2021, is
2 amended to read as follows:

3 1. A water quality protection fund is created in the
4 state treasury under the control of the department. The fund
5 consists of moneys appropriated to the fund by the general
6 assembly, moneys deposited into the fund from fees described
7 in subsection 2, moneys deposited into the fund from fees
8 collected pursuant to sections 455B.187 and 455B.190A, moneys
9 deposited into the fund from fees and civil penalties collected
10 pursuant to section 455D.17, and other moneys available to and
11 obtained or accepted by the department from the United States
12 government or private sources for placement in the fund. The
13 fund is divided into the public water supply system account
14 and the private water supply system account. Moneys in the
15 public water supply system account are appropriated to the
16 department for purposes of carrying out the provisions of this
17 division, which relate to the administration, regulation, and
18 enforcement of the federal Safe Drinking Water Act, and to
19 support the program to assist supply systems, as provided in
20 section 455B.183B. Moneys in the private water supply system
21 account are appropriated to the department for the purpose of
22 supporting the programs established to protect private drinking
23 water supplies as provided in sections 455B.187, 455B.188,
24 455B.190, and 455B.190A.

25 Sec. 2. NEW SECTION. 455D.17 **Single-use plastic bags,**
26 **containers, and straws.**

27 1. As used in this section:

28 a. *“Carryout bag”* means a bag made of plastic that is
29 provided by a retail establishment to a customer at the point
30 of sale and that is not a reusable grocery bag. *“Carryout bag”*
31 does not include any of the following:

32 (1) A bag provided by a pharmacy to a customer purchasing a
33 prescription medication.

34 (2) A bag without handles used to protect a purchased item
35 from damaging or contaminating other purchased items when

1 placed in another bag.

2 (3) A bag provided to contain an unwrapped food item.

3 (4) A bag that is designed to be placed over an article of
4 clothing on a hanger.

5 *b. "Consumer product"* means any product that is regularly
6 used or purchased to be used for personal, family, household,
7 commercial, or industrial purposes.

8 *c.* Except when used in the context of a single-use plastic
9 straw, *"container"* means a bottle, can, jar, or carton composed
10 in whole or in part of plastic, designed to contain a consumer
11 product, and having a volume capacity of five thousand seven
12 hundred milliliters or less. *"Container"* includes a bottle,
13 can, jar, or carton that is made of biodegradable material.

14 *d. "Food service establishment"* means any place where food
15 that is intended for individual service and consumption is
16 routinely provided completely prepared, regardless of whether
17 consumption occurs on or off the premises and regardless
18 of whether there is a charge for the food. *"Food service
19 establishment"* does not mean a private home where food is
20 prepared for individual consumption.

21 *e. "Manufacturer"* means a person who does any of the
22 following:

23 (1) Manufactures a single-use carryout bag or a consumer
24 product in a single-use container for sale in this state under
25 its own brand or label or without affixing a brand name or
26 label.

27 (2) Sells in this state under its own brand or label a
28 single-use carryout bag or a consumer product in a single-use
29 container produced by another supplier.

30 (3) Owns a brand that it licenses to another person for
31 use on a single-use carryout bag or a consumer product in a
32 single-use container sold in this state.

33 (4) Imports into the United States for sale in this state a
34 single-use carryout bag or a consumer product in a single-use
35 container manufactured by a person without a presence in the

1 United States.

2 *f. "Plastic"* means a synthetic material made from organic
3 polymers that can be molded into a shape while soft and then
4 set into a rigid or slightly elastic form.

5 *g. "Reusable grocery bag"* means a bag that is provided by
6 a retail establishment to a customer at the point of sale and
7 that satisfies all of the following:

8 (1) The bag has a handle and is designed for at least one
9 hundred twenty-five uses.

10 (2) The bag has a volume capacity of at least fifteen
11 liters.

12 (3) The bag is machine washable or made from a material that
13 can be cleaned and disinfected.

14 (4) The bag has printed on the bag, or on a tag attached to
15 the bag that is not intended to be removed, in a manner visible
16 to the customer all of the following information:

17 (a) The name of the manufacturer.

18 (b) The country where the bag was manufactured.

19 (c) A statement that the bag is a reusable bag and designed
20 for at least one hundred twenty-five uses.

21 (d) If the bag is eligible for recycling in this state, a
22 statement that the bag is recyclable, provided the statement
23 complies with 16 C.F.R. §260.12.

24 *h. "Single-use"* means the intention that a consumer product
25 is to be used only once with the general recognition by the
26 public that such item be discarded after one use.

27 *i. "Single-use plastic straw"* means a single-use tube made
28 of plastic that is used to transfer liquid from a container to
29 the mouth of a person drinking the liquid.

30 2. The department shall charge a manufacturer a fee of five
31 cents on each single-use carryout bag or single-use container
32 sold in this state. The department shall deposit the fees
33 collected on a monthly basis in the water quality protection
34 fund created in section 455B.183A.

35 3. Each manufacturer shall keep a record of all single-use

1 carryout bags or single-use containers sold in or sold into
2 this state. Records shall be available at all times for
3 inspection by the department.

4 4. A food service establishment shall not offer, provide,
5 distribute, or sell a single-use plastic straw to a consumer
6 unless requested by the consumer. A food service establishment
7 that violates this subsection shall be subject to a civil
8 penalty imposed by the department of not more than fifty
9 dollars for each day the food service establishment remains in
10 violation. The food service establishment shall be subject
11 to a civil penalty imposed by the department of one hundred
12 dollars for each day a subsequent violation occurs. The
13 department shall deposit the civil penalties collected on a
14 monthly basis in the water quality protection fund created in
15 section 455B.183A.

16 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
17 2022.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to single-use plastic bags, containers,
22 and straws.

23 The bill defines "carryout bag", "consumer product",
24 "container", "food service establishment", "manufacturer",
25 "plastic", "reusable grocery bag", "single-use", and
26 "single-use plastic straw". The bill requires the department
27 of natural resources to collect from manufacturers a fee of 5
28 cents for every single-use plastic bag or single-use container
29 sold in or sold into the state. The department shall deposit
30 fees collected into the water quality protection fund. The
31 bill requires each manufacturer to keep a record of all
32 single-use carryout bags or single-use containers sold in or
33 sold into this state and to make records available at all times
34 for inspection by the department.

35 The bill prohibits a food service establishment from

1 offering, providing, distributing, or selling a single-use
2 plastic straw to a consumer unless requested by the consumer.
3 A food service establishment that offers, provides,
4 distributes, or sells a single-use plastic straw in violation
5 of the bill shall be subject to a civil penalty imposed by
6 the department of not more than \$50 for each day the food
7 service establishment remains in violation. The food service
8 establishment shall be subject to a civil penalty imposed by
9 the department of \$100 for each day a subsequent violation
10 occurs. The department shall deposit civil penalties collected
11 in the water quality protection fund.

12 The director of the department of natural resources may
13 issue a compliance order against a person who violates the
14 bill. A person against whom a compliance order is issued may
15 initiate a contested case pursuant to Code chapter 17A. Upon
16 request of the department, the attorney general shall institute
17 any legal proceedings necessary to obtain compliance with an
18 order of the commission or the director, including proceedings
19 for a temporary injunction, or prosecuting any person for
20 a violation of an order of the environmental protection
21 commission or the director or the provisions of the bill or
22 rules adopted pursuant to the bill.

23 The bill takes effect January 1, 2022.