

House File 679 - Introduced

HOUSE FILE 679
BY CROKEN

A BILL FOR

- 1 An Act relating to county and city authorization to impose fees
- 2 for the provision of single-use plastic bags.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 331.301, subsection 6, paragraph c,
2 subparagraph (1), subparagraph division (b), unnumbered paragraph
3 1, Code 2025, is amended to read as follows:

4 "Container" means a bag, other than a single-use plastic bag,
5 cup, package, container, bottle, or other packaging that is all
6 of the following:

7 Sec. 2. Section 331.301, subsection 6, paragraph c,
8 subparagraph (1), Code 2025, is amended by adding the following
9 new subparagraph division:

10 NEW SUBPARAGRAPH DIVISION. (c) "Single-use plastic bag"
11 means a bag made of plastic that is provided by a retailer to
12 a consumer at the point of sale and that is not a reusable
13 grocery bag. A single-use plastic bag does not include any of
14 the following:

15 (i) A bag provided by a pharmacy to a customer purchasing a
16 prescription medication.

17 (ii) A bag without handles used to protect a purchased item
18 from damaging or contaminating other purchased items when placed
19 in another bag.

20 (iii) A bag provided to contain an unwrapped food item.

21 Sec. 3. Section 331.301, subsection 6, paragraph c, Code
22 2025, is amended by adding the following new subparagraph:

23 NEW SUBPARAGRAPH. (4) This paragraph "c" does not prohibit
24 a county from adopting or enforcing an ordinance, motion,
25 resolution, or amendment that sets a fee for providing a
26 single-use plastic bag with a sale or lease of consumer
27 merchandise.

28 Sec. 4. Section 364.3, subsection 3, paragraph c,
29 subparagraph (1), subparagraph division (b), unnumbered paragraph
30 1, Code 2025, is amended to read as follows:

31 "Container" means a bag, other than a single-use plastic bag,
32 cup, package, container, bottle, or other packaging that is all
33 of the following:

34 Sec. 5. Section 364.3, subsection 3, paragraph c,
35 subparagraph (1), Code 2025, is amended by adding the following

1 new subparagraph division:

2 NEW SUBPARAGRAPH DIVISION. (c) "Single-use plastic bag"
3 means a bag made of plastic that is provided by a retailer to
4 a consumer at the point of sale and that is not a reusable
5 grocery bag. A single-use plastic bag does not include any of
6 the following:

7 (i) A bag provided by a pharmacy to a customer purchasing a
8 prescription medication.

9 (ii) A bag without handles used to protect a purchased item
10 from damaging or contaminating other purchased items when placed
11 in another bag.

12 (iii) A bag provided to contain an unwrapped food item.

13 Sec. 6. Section 364.3, subsection 3, paragraph c, Code 2025,
14 is amended by adding the following new subparagraph:

15 NEW SUBPARAGRAPH. (4) This paragraph "c" does not prohibit a
16 city from adopting or enforcing an ordinance, motion, resolution,
17 or amendment that sets a fee for providing a single-use plastic
18 bag with a sale or lease of consumer merchandise.

19 EXPLANATION

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

22 This bill relates to the regulation of single-use plastic bags
23 by counties and cities.

24 Current law prohibits a county or city from adopting or
25 enforcing an ordinance, motion, resolution, or amendment that
26 sets standards or requirements regarding the sale or marketing of
27 consumer merchandise that are different from, or in addition to,
28 any state law. The definition of "consumer merchandise" includes
29 any container used for consuming, carrying, or transporting such
30 merchandise. The definition of "container" includes a bag, cup,
31 package, container, bottle, or other package, all of which are
32 subject to specified conditions.

33 The bill excludes single-use plastic bags from the definition
34 of "container", and therefore single-use plastic bags are not
35 considered consumer merchandise. The bill defines "single-use

1 plastic bag" to mean a bag made of plastic that is provided
2 by a retailer to a consumer at the point of sale and that is
3 not a reusable grocery bag, but with certain exceptions. The
4 bill provides that the prohibition preventing counties and cities
5 from adopting or enforcing an ordinance, motion, resolution, or
6 amendment that sets standards or requirements regarding the sale
7 or marketing of consumer merchandise that are different from, or
8 in addition to, any state law does not prevent a county or city
9 from adopting or enforcing an ordinance, motion, resolution, or
10 amendment that sets a fee for providing a single-use plastic bag
11 with a sale or lease of consumer merchandise.

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