

**House Study Bill 693 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON WULF)

**A BILL FOR**

1 An Act providing a limitation on civil or criminal liability  
2 for any alleged actual or potential effect on climate caused  
3 wholly or partly by a greenhouse gas emission.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 673B.1 Definitions.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "*Agricultural source*" means a location where an  
5 agricultural commodity, including a farm animal or farm crop as  
6 defined in section 673A.3, is produced, stored, or processed.

7 2. "*Greenhouse gas*" means a gas derived from human activity  
8 or a natural source that is any of the following:

9 a. Originating from any of the following:

10 (1) An agricultural source.

11 (2) A renewable fuel source.

12 b. Any of the following gases:

13 (1) Carbon dioxide.

14 (2) Hydrofluorocarbons.

15 (3) Methane.

16 (4) Nitrogen trifluoride.

17 (5) Nitrous oxide.

18 (6) Sulfur hexafluoride.

19 (7) Perfluorocarbons.

20 3. "*Regulatory authority*" means the department of natural  
21 resources or a federal agency regulating greenhouse gas  
22 emissions, including the United States environmental protection  
23 agency.

24 4. "*Renewable fuel source*" means a location where renewable  
25 fuel, as defined in section 214A.1, is manufactured, stored,  
26 or dispensed.

27 Sec. 2. NEW SECTION. 673B.2 Action based on climate —  
28 limitation on liability.

29 1. Subject to section 673B.3, in any civil or criminal  
30 action, a defendant is not liable, and is not subject to  
31 any judicial remedy, under any principle of law or equity,  
32 for damages or injury from any alleged actual or potential  
33 effect on climate caused wholly or partly by a greenhouse gas  
34 emission.

35 2. Subsection 1 applies regardless of the civil or criminal

1 action brought or type of relief sought, whether legal or  
2 equitable.

3 3. A person bringing a civil or criminal action that alleges  
4 damages or injury as described in subsection 1 must do all of  
5 the following:

6 a. Specify each greenhouse gas emitted by the defendant that  
7 as asserted gives rise to the civil or criminal action.

8 b. Show by clear and convincing evidence that unavoidable  
9 and identifiable damage or injury has resulted or will  
10 result as a direct cause of the defendant's violation of an  
11 enforceable statutory limitation or restriction or a valid,  
12 enforceable operating, air, or other permit issued to the  
13 defendant by a regulatory authority.

14 Sec. 3. NEW SECTION. 673B.3 Action based on climate —  
15 applicability.

16 Section 673B.2 applies unless the district court in the  
17 civil or criminal case finds by clear and convincing evidence  
18 that the defendant has violated any of the following:

19 1. An enforceable statutory limitation or restriction  
20 governing the emission of a specific greenhouse gas originating  
21 within this state.

22 2. An express term of a valid, enforceable operating,  
23 air, or other permit issued to the defendant by a regulatory  
24 authority that has jurisdiction over the defendant's greenhouse  
25 gas emissions.

26 Sec. 4. NEW SECTION. 673B.4 Statutory construction.

27 This chapter shall not be construed to create either a right  
28 to bring any civil or criminal action, or a judicial remedy,  
29 under any principle of law or equity, based on the potential  
30 effect on climate caused wholly or partly by a greenhouse gas  
31 emission.

32 EXPLANATION

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

35 This bill limits civil or criminal liability arising from

1 any alleged actual or potential effect on climate caused wholly  
2 or partly by a greenhouse gas emission attributable to a  
3 defendant. A greenhouse gas includes a gas originating from an  
4 agricultural or renewable fuel source, or a number of specific  
5 gases, including carbon dioxide, hydrofluorocarbons, methane,  
6 nitrogen trifluoride, nitrous oxide, sulfur hexafluoride, or  
7 a perfluorocarbon. In a civil or criminal action, a district  
8 court must find by clear and convincing evidence that the  
9 defendant violated: (1) an enforceable statutory limitation  
10 or restriction governing the emission of a specific greenhouse  
11 gas originating in the state, or (2) an express term of  
12 an operating, air, or other permit issued to the defendant  
13 by the department of natural resources or a federal agency  
14 (e.g., United States environmental protection agency). The  
15 bill provides that its provisions are not to be construed as  
16 creating a right to bring a civil or criminal action or a  
17 judicial remedy.