

**House File 295 - Reprinted**

HOUSE FILE 295  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO HSB 92)

(As Amended and Passed by the House March 9, 2017)

**A BILL FOR**

1 An Act prohibiting counties and cities from establishing  
2 certain regulations relating to employment matters and the  
3 sale or marketing of consumer merchandise, providing for  
4 properly related matters, and including effective date  
5 provisions.

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

1 Section 1. Section 331.301, subsection 6, Code 2017, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. (1) A county shall not adopt an  
4 ordinance, motion, resolution, or amendment that sets standards  
5 or requirements regarding the sale or marketing of consumer  
6 merchandise that are different from, or in addition to, any  
7 requirement established by state law. For purposes of this  
8 paragraph:

9 (a) "*Consumer merchandise*" means merchandise offered for  
10 sale or lease, or provided with a sale or lease, primarily but  
11 not exclusively for personal, family, or household purposes,  
12 and includes any container used for consuming, carrying, or  
13 transporting such merchandise.

14 (b) "*Container*" means a bag, cup, package, container,  
15 bottle, or other packaging that is all of the following:

16 (i) Designed to be either reusable or single-use.

17 (ii) Made of cloth, paper, plastic, including foamed or  
18 expanded plastic, cardboard, corrugated material, aluminum,  
19 glass, or postconsumer recycled or similar material or  
20 substrates, including coated, laminated, or multilayer  
21 substrates.

22 (iii) Designed for consuming, transporting, or protecting  
23 merchandise, food, or beverages from or at a food service or  
24 retail facility.

25 (2) An ordinance, motion, resolution, or amendment adopted  
26 prior to the effective date of this Act that violates this  
27 paragraph is void and unenforceable on and after the effective  
28 date of this Act.

29 (3) This paragraph "c" shall not apply to county solid waste  
30 or recycling collection or county solid waste or recycling  
31 programs.

32 Sec. 2. Section 331.304, Code 2017, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 12. a. A county shall not adopt, enforce,  
35 or otherwise administer an ordinance, motion, resolution, or

1 amendment providing for any terms or conditions of employment  
2 that exceed or conflict with the requirements of federal  
3 or state law relating to a minimum or living wage rate,  
4 any form of employment leave, hiring practices, employment  
5 benefits, scheduling practices, or other terms or conditions  
6 of employment.

7     *b.* An ordinance, motion, resolution, or amendment adopted  
8 prior to the effective date of this Act that violates this  
9 subsection is void and unenforceable on and after the effective  
10 date of this Act.

11     Sec. 3. Section 364.3, subsection 3, Code 2017, is amended  
12 by adding the following new paragraph:

13     NEW PARAGRAPH. *c.* (1) A city shall not adopt an ordinance,  
14 motion, resolution, or amendment that sets standards or  
15 requirements regarding the sale or marketing of consumer  
16 merchandise that are different from, or in addition to, any  
17 requirement established by state law. For purposes of this  
18 paragraph:

19     (i) "*Consumer merchandise*" means merchandise offered for  
20 sale or lease, or provided with a sale or lease, primarily but  
21 not exclusively for personal, family, or household purposes,  
22 and includes any container used for consuming, carrying, or  
23 transporting such merchandise.

24     (ii) "*Container*" means a bag, cup, package, container,  
25 bottle, or other packaging that is all of the following:

26         (i) Designed to be either reusable or single-use.

27         (ii) Made of cloth, paper, plastic, including foamed or  
28 expanded plastic, cardboard, corrugated material, aluminum,  
29 glass, or postconsumer recycled or similar material or  
30 substrates, including coated, laminated, or multilayer  
31 substrates.

32         (iii) Designed for consuming, transporting, or protecting  
33 merchandise, food, or beverages from or at a food service or  
34 retail facility.

35     (2) An ordinance, motion, resolution, or amendment adopted

1 prior to the effective date of this Act that violates this  
2 paragraph is void and unenforceable on and after the effective  
3 date of this Act.

4 (3) This paragraph "c" shall not apply to city solid waste  
5 or recycling collection or city solid waste or recycling  
6 programs.

7 Sec. 4. Section 364.3, Code 2017, is amended by adding the  
8 following new subsection:

9 NEW SUBSECTION. 12. *a.* A city shall not adopt, enforce,  
10 or otherwise administer an ordinance, motion, resolution, or  
11 amendment providing for any terms or conditions of employment  
12 that exceed or conflict with the requirements of federal  
13 or state law relating to a minimum or living wage rate,  
14 any form of employment leave, hiring practices, employment  
15 benefits, scheduling practices, or other terms or conditions  
16 of employment.

17 *b.* An ordinance, motion, resolution, or amendment adopted  
18 prior to the effective date of this Act that violates this  
19 subsection is void and unenforceable on and after the effective  
20 date of this Act.

21 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
22 immediate importance, takes effect upon enactment.