

Senate File 494 - Reprinted

SENATE FILE 494
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SF 161)

(As Amended and Passed by the Senate March 24, 2025)

A BILL FOR

- 1 An Act prohibiting the regulation of certain residential gardens
- 2 by state agencies and local governments.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **137H.1 Short title.**

2 This chapter shall be known and may be cited as the "*Freedom*
3 *to Garden Act*".

4 Sec. 2. NEW SECTION. **137H.2 Definitions.**

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Garden food*" means vegetables, herbs, fruits, flowers,
8 pollinator plants, leafy greens, and other edible plants.

9 2. "*Local government*" includes but is not limited to a
10 county, special district, township, or city as provided in Title
11 IX.

12 3. "*Marketing*" means to offer for sale or sell, including by
13 transfer, exchange, or barter, conditional or otherwise, in any
14 manner by any means whatsoever, for consideration.

15 4. "*Residential garden*" means any plot of ground or elevated
16 soil bed located as part of a yard attached to a residential
17 property where garden food is produced and harvested primarily
18 for the benefit of the individual who owns or leases the
19 residential property or the members of the individual's family,
20 household, or guests.

21 5. "*Residential property*" means real property consisting of
22 not more than two family dwelling units, at least one of which is
23 occupied as a principal place of residence.

24 6. "*State agency*" means a unit of state government, which is
25 an authority, board, commission, committee, council, department,
26 or independent agency as defined in section 7E.4, including but
27 not limited to each principal central department enumerated in
28 section 7E.5.

29 Sec. 3. NEW SECTION. **137H.3 General principle — public**
30 **policy.**

31 1. As a general principle, each individual has a natural,
32 inherent, and unalienable right to save and exchange seeds and
33 the right to grow, raise, harvest, produce, and consume the
34 food of the individual's own choosing for the individual's own
35 nourishment, sustenance, bodily health, and well-being, as long

1 as the individual does not commit trespass, theft, poaching, or
2 other abuse of private property rights, public land, or natural
3 resources.

4 2. As a general principle, each individual has a natural,
5 inherent, and unalienable right to market wholesome garden food
6 harvested from that individual's residential garden, so long as
7 the individual fairly represents that food to purchasers.

8 3. The public policy of this state is to recognize and
9 encourage the development and expansion of the sustainable use
10 of residential gardens, including the use of such properties to
11 produce and harvest garden food.

12 Sec. 4. NEW SECTION. **137H.4 Residential garden regulation**
13 **— prohibition.**

14 A state agency or local government shall not adopt or
15 continue in effect any regulation, including in the form of
16 a rule, ordinance, or resolution, that prohibits an individual
17 from establishing, maintaining, or benefiting from a residential
18 garden located on property owned or leased by that individual.
19 A regulation in violation of this section is void and
20 unenforceable.

21 Sec. 5. NEW SECTION. **137H.5 Residential garden regulation**
22 **— applicability.**

23 Section 137H.4 does not apply to any of the following:

24 1. The use of residential property, if the titleholder or
25 leaseholder of the residential property is a state agency or
26 local government.

27 2. The use of residential property governed by a contract
28 entered into by the titleholder or lessee of the residential
29 property and a state agency or local government.

30 3. A regulation adopted in compliance with any of the
31 following:

32 a. Chapter 190C.

33 b. Chapter 199, 200, 200A, or 206.

34 c. Chapter 317.

35 4. A plant growing in easement, in a ditch, or in a location

1 that obstructs traffic, including a view of traffic.

2 5. A plant that invades onto a neighbor's property.

3 6. A plant used to produce a controlled substance as defined
4 in section 124.101, a precursor substance as described in section
5 124B.2, or cannabis.

6 7. A plant used to produce a substance used for medical or
7 psychological purposes.

8 8. A plant that is competitive, persistent, or pernicious,
9 and that may directly or indirectly cause damage to a crop or
10 other useful plant, or that may injure an animal or fish, that
11 may obstruct irrigation or drainage, or that poses a threat to
12 the public health.

13 9. A practice found by a court to be a public or private
14 nuisance, or that otherwise interferes with another person's
15 legal enjoyment of property.

16 10. A regulation that does not target the use of a
17 residential garden or a gardening practice, even though the
18 regulation may impact upon its use, including but not limited
19 to the construction and use of a structure, equipment, setback
20 requirements, water use restrictions, or public safety.

21 **Sec. 6. NEW SECTION. 137H.6 Regulation of selling food**
22 **harvested from residential garden — prohibition.**

23 A state agency or local government shall not adopt or
24 continue in effect any regulation, including in the form of
25 a rule, ordinance, or resolution, that prohibits an individual
26 from marketing food harvested from the individual's residential
27 garden located on property owned or leased by that individual.
28 A regulation in violation of this section is void and
29 unenforceable.

30 **Sec. 7. NEW SECTION. 137H.7 Selling food harvested from**
31 **residential garden — applicability.**

32 Section 137H.6 does not apply to any of the following:

33 1. A plant that is subject to regulation under section
34 137H.5.

35 2. A public place where food is marketed by vendors,

1 including a farmers market.

2 3. The use of property owned or leased by a person other than
3 the individual marketing the garden food.

4 4. An act that constitutes a public or private nuisance,
5 trespass, or other public offense.

6 5. The marketing of food to children or a person adjudged
7 incompetent by a court of law.

8 6. Garden food that is unwholesome or presents a clear danger
9 to the public health.

10 7. Garden food that is processed by altering its form or
11 identity.

12 8. Garden food that is falsely advertised.

13 9. A regulation that does not target the marketing of food
14 harvested from a residential garden, even though the regulation
15 may impact upon such marketing.

16 Sec. 8. Section 331.301, Code 2025, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 27. A county shall not adopt or continue in
19 effect any regulation, including in the form of an ordinance
20 or resolution, that prohibits an individual from establishing,
21 maintaining, or benefiting from a residential garden as provided
22 in chapter 137H. A county shall not adopt or continue in
23 effect any regulation, including in the form of an ordinance or
24 resolution, that prohibits that individual from marketing food
25 harvested from the individual's residential garden as provided in
26 that chapter.

27 Sec. 9. Section 364.3, Code 2025, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 20. A city shall not adopt or continue in
30 effect any regulation, including in the form of an ordinance
31 or resolution, that prohibits an individual from establishing,
32 maintaining, or benefiting from a residential garden as provided
33 in chapter 137H. A city shall not adopt or continue in
34 effect any regulation, including in the form of an ordinance or
35 resolution, that prohibits that individual from marketing food

1 harvested from the individual's residential garden as provided in
2 that chapter.

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