A BILL FOR

1 An Act relating to county and city standards and requirements
2 for the sale or marketing of bags.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 331.301, subsection 6, paragraph c, subparagraph (1), subparagraph division (b), unnumbered paragraph 1, Code 2020, is amended to read as follows:

"Container" means a bag, cup, package, container, bottle, or other packaging, other than a bag, that is all of the following:

Sec. 2. Section 331.301, subsection 6, paragraph c, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) This paragraph "c" does not prohibit a county from adopting or enforcing an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of bags of any kind offered for sale or lease, or provided with a sale or lease of consumer merchandise.

Sec. 3. Section 364.3, subsection 3, paragraph c, subparagraph (1), subparagraph division (b), unnumbered paragraph 1, Code 2020, is amended to read as follows:

"Container" means a bag, cup, package, container, bottle, or other packaging, other than a bag, that is all of the following:

Sec. 4. Section 364.3, subsection 3, paragraph c, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) This paragraph "c" does not prohibit a city from adopting or enforcing an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of bags of any kind offered for sale or lease, or provided with a sale or lease of consumer merchandise.

EXPLANATION

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

This bill relates to the regulation of bags by counties and cities.

Current law prohibits a county or city from adopting or enforcing an ordinance, motion, resolution, or amendment that
sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any state law. The definition of "consumer merchandise" includes any container used for consuming, carrying, or transporting such merchandise. The definition of "container" includes a bag, cup, package, container, bottle, or other package, all of which are subject to specified conditions. The bill excludes the word "bag" from the definition of "container", and therefore bags are not considered consumer merchandise. The bill provides that the prohibition preventing counties and cities from adopting or enforcing an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of consumer merchandise that are different from, or in addition to, any state law does not prevent a county or city from adopting or enforcing an ordinance, motion, resolution, or amendment that sets standards or requirements regarding the sale or marketing of bags of any kind offered for sale or lease, or provided with a sale or lease of consumer merchandise.