

3 inserting in lieu thereof the word "and". Further amend said section  
4 by adding at the end thereof the following: "No milk dealer, as defined  
5 in this chapter, shall sell or offer for sale at retail, in any city or town  
6 any milk or cream unless same has been fully pasteurized as defined  
7 in this chapter, except that Grade A raw milk need not be pasteurized."

1 SEC. 2. Amend section one hundred ninety-two point six (192.6),  
2 Code 1946, by striking from lines seven (7), eight (8), nine (9) and  
3 ten (10) the following: "except that pasteurization shall not be  
4 required when ice cream, skimmed milk, or buttermilk is made from  
5 cream or milk" and inserting in lieu thereof the following: "and in  
6 addition cream or milk used shall be".

1 SEC. 3. The provision of this bill shall be in full force and effect  
2 on April 15, 1949.

1 SEC. 4. The provisions of this act shall also apply to special charter  
2 cities.

1 SEC. 5. Grade A raw milk is milk the bacterial count of which does  
2 not exceed 50,000 bacteria per milliliter, standard plate count, as deter-  
3 mined by the logarithmic averages of four consecutive tests of milk  
4 samples taken on separate days.

1 SEC. 6. Grade A pasteurized milk is milk which has been pasteur-  
2 ized, cooled and bottled in a plant approved by the Secretary of  
3 Agriculture, the bacterial count of which at no time after pasteuriza-  
4 tion and until delivery exceeds 30,000 bacteria per milliliter, standard  
5 plate count, as determined by the logarithmic averages of four  
6 consecutive tests of milk samples taken on separate days.

1 SEC. 7. The Secretary of Agriculture may by regulation promulgate  
2 production standards for pasteurized milk and Grade A raw milk,  
3 which shall conform to federal standards.

1 SEC. 8. Nothing in this section shall be construed to mean compul-  
2 sory grading of milk; such grades shall apply only to pasteurized and  
3 raw milk on which the grade is declared on the label.

Approved April 7, 1947.

## CHAPTER 108

### PETROLEUM PRODUCTS

H. F. 468

AN ACT to repeal chapter two hundred eight (208), code 1946, relating to petroleum products and to enact a substitute therefor.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Chapter two hundred eight (208), Code 1946, be and  
2 the same is hereby repealed and the following enacted in lieu thereof:

1 SEC. 2. As used in this chapter:

2 (a) The term "illuminating oil" shall mean all products known or

3 sold as kerosene and any petroleum product sold for use in atmospheric  
4 pressure wickfed illuminating apparatus.

5 (b) The term "department" shall mean the department of agri-  
6 culture of the state of Iowa and shall include the authorized agents of  
7 such department.

1 SEC. 3. It shall be unlawful for any person to sell, offer for sale  
2 or use any illuminating oil in this state unless it has first been sampled  
3 for testing by the department as hereinafter provided, nor if the  
4 same, upon being tested by the department as hereinafter prescribed,  
5 emits a combustible vapor at a temperature of less than 100° fahren-  
6 heit.

1 SEC. 4. Illuminating oil stored in any tank at or adjacent to a  
2 refinery or marine or pipe line terminal in this state, from which  
3 same is withdrawn for sale or use in this state or for distribution to  
4 destinations in this state, shall be sampled for testing by the depart-  
5 ment whenever the stock in such tank is replenished. After replenish-  
6 ment of any such stock, no withdrawals shall be made therefrom for  
7 sale or use in this state or for shipment or delivery to points in this  
8 state, until a true sample of not less than 16 fluid ounces is taken  
9 therefrom as hereinafter prescribed. Every person storing illumi-  
10 nating oil in such tanks shall notify the department of each consign-  
11 ment by which the stock in such tanks will be replenished. Illuminating  
12 oil imported into this state (other than that placed in storage at  
13 refineries or marine or pipe line terminals in this state) shall not  
14 be unloaded or emptied from its original container or sold or offered  
15 for sale or used in this state until a sample of not less than 16 fluid  
16 ounces is taken therefrom as hereinafter prescribed; provided that  
17 if such illuminating oil has been previously sampled or tested by the  
18 department, the same may be unloaded, emptied, sold, offered for  
19 sale or used. Every person receiving or about to receive illuminating  
20 oil so imported into this state which has not been previously sampled  
21 or tested as hereinafter provided for shall notify the department of  
22 the receipt or anticipated receipt of each consignment thereof.

23 If such replenishment or receipt of illuminating oil occurs during  
24 the usual business hours of any regular business day notice thereof  
25 (unless previously given stating the approximate date of anticipated  
26 replenishment or receipt) shall be given to the department forthwith.  
27 If such replenishment or receipt occurs outside usual business hours,  
28 such notice shall be given during the first usual business hour there-  
29 after. For the purposes of this act, usual business hours shall be  
30 between 8 a.m. and 5 p.m. on any regular business day except Saturday  
31 and between 8 a.m. and 12 noon on Saturday. Sundays and legal  
32 holidays shall not be considered regular business days.

33 If, after the stock of illuminating oil has been replenished in any  
34 tank at a refinery or marine or pipe line terminal in this state, such  
35 replenished stock has not been sampled by the department prior  
36 to the time the first withdrawal therefrom is made, the custodian  
37 of such oil shall take a true sample thereof, of not less than sixteen  
38 (16) fluid ounces, for testing by the department. If illuminating oil  
39 brought into this state (other than that imported by boat, barge,  
40 or pipe line for storage at a marine or pipe line terminal in this  
41 state) has not been sampled by the department prior to the time

42 the same is ready for unloading in this state, the receiver thereof  
43 shall take a true sample therefrom, of not less than sixteen (16)  
44 fluid ounces, for testing by the department. All such samples shall be  
45 immediately placed in a clean container and sealed. Suitable containers  
46 and seals shall be furnished by the department. The person taking  
47 such sample or custodian shall record upon or with the seal thereon  
48 the date and the identity of the conveyance or container, from which  
49 the sample was taken, and the kind of product sampled, together  
50 with such other information as the department may reasonably require  
51 for the proper identification of such sample and the making of a  
52 proper inspection certificate. Such sample thus taken shall be mailed  
53 or held for delivery to the department as the department shall prescribe.  
54 After such sample is taken, such illuminating oil may be withdrawn,  
55 unloaded, sold, offered for sale, or used, the same as if sampled by  
56 the department.

57 The department may, upon agreement with the operator of any  
58 refinery or marine or pipe-line terminal outside this state, provide  
59 an inspector or appoint an agent to sample or to make tests of illumi-  
60 nating oil at such refinery or terminal for shipment or delivery into  
61 this state in which case the procedures prescribed in this act may  
62 be performed thereat in the same manner and with the same force  
63 and effect as if such refinery or terminal was within this state.

1 SEC. 5. All tests provided for in this chapter shall be conducted  
2 in accordance with the methods outlined by the American Society  
3 for Testing Materials—Method D-56 (A.S.T.M.) or with the Foster  
4 Cup or Foster Automatic Oil Tester. If Foster Cup or Foster Auto-  
5 matic Oil Tester is used, it shall be used in accordance with the follow-  
6 ing directions:

7 (1) Remove the thermometer with its mountings from the oil cup.

8 (2) Lift off the oil cup containing the flashing taper and fill open  
9 water bath with water to the mark upon the inside.

10 (3) Take the wick holder from the oil cup, and fill this vessel  
11 with the oil to be tested, pouring in the oil at the place of the wick  
12 holder and noting the gauge mark at the thermometer hole, pouring  
13 very gradually as the surface approaches the gauge mark. The gauge  
14 mark consists of a small pendant shelf and the oil cup is properly  
15 filled when the upper surface of the oil just adheres to the lower  
16 surface of the gauge mark. Too much care cannot be taken at this  
17 point. Having ceased pouring, tip the cup so that the oil flows away  
18 from the gauge, then gradually restore it to the horizontal, and if  
19 the surface does not again adhere, add a little more oil.

20 (4) Adjust the wick to the flashing taper to give a flame that does  
21 not exceed one-quarter ( $\frac{1}{4}$ ) of an inch in height and that exhibits  
22 as much blue at its base as yellow at its top.

23 (5) Set the oil cup on top and into the water bath, return the  
24 flashing taper to its place, inverting the conical thimble around it,  
25 and return the thermometer to its place upon the cup. In doing this  
26 be sure that the casing of the latter is pushed down upon the cup  
27 as far as it will go.

28 (6) Fill the lamp beneath half full of alcohol, light and place it  
29 beneath the water bath. Note the rate of increase in temperature  
30 as shown by the thermometer and adjust the wick to raise the

31 temperature at the rate of two degrees (2°) per minute. When  
32 the temperature has reached eighty-five (85°), light the flashing  
33 taper and observe it closely. As soon as the oil under test has reached  
34 its "flashing point", the flame of this taper will be extinguished by  
35 the first "flash", and the point of attention is the temperature at  
36 the instant the flame of the taper is extinguished. This "Flashing  
37 point" is the point of temperature at which the oil emits a combustible  
38 vapor.

39 The department shall determine which of the methods set out  
40 above shall be used in the inspection of kerosene, and shall by regula-  
41 tion prescribe the one method which shall be uniform in all kerosene  
42 inspections.

1 SEC. 6. The department shall keep such records as may be necessary  
2 for the purposes of this act of all tests made by it of illuminating  
3 oil. Such records shall be open at all reasonable times to public  
4 inspection. The department shall furnish to the person for whom  
5 such tests are made a certificate of inspection covering each sample  
6 tested showing the date of such test, the identity of the conveyance  
7 or container from which the sample was taken, the kind of illumi-  
8 nating oil therein, the result of the test and inspection.

1 SEC. 7. No person shall place gasoline or any other petroleum  
2 product having a flash point below 100° fahrenheit into any bottle,  
3 can, cask, barrel or other similar receptacle having a capacity in  
4 excess of one pint unless the same is painted bright red and is  
5 plainly marked with the word "gasoline" or with the warning  
6 "flammable—keep fire away" in red lettering of a height equal to  
7 at least 1/10 of the smallest dimension of such container. The foregoing  
8 shall not apply to vehicle cargo or supply tanks nor to underground  
9 storage nor to storage tanks from which such liquids are withdrawn  
10 for manufacturing purposes or are loaded into vehicle cargo tanks,  
11 but all outlet faucets or valves from such excepted containers shall  
12 be painted bright red and suitably tagged to indicate the nature of  
13 the product to be withdrawn therefrom. No person shall place illumi-  
14 nating oil in any container which is painted red nor shall illuminating  
15 oil be loaded or withdrawn through any piping which is used or  
16 designated as aforesaid for products having a flash point below 100°  
17 fahrenheit.

1 SEC. 8. If any illuminating oil is commingled with any other  
2 product the entire commingled products shall be deemed uninspected  
3 and untested, and it shall be unlawful for any person to sell, offer  
4 for sale, or use any such commingled product for illuminating purposes  
5 within this state unless and until the same has been inspected and  
6 approved for sale or use by the department.

1 SEC. 9. Illuminating oil inspections provided for in this act  
2 shall be deemed to be made for, and fees therefor at the rate of one  
3 cent (1c) per barrel (fifty gallons) on all illuminating oil received  
4 shall be paid by, the person who first received such illuminating oil  
5 in this state.

6 For the purposes of computing such fees, illuminating oil shall  
7 be deemed to be received in this state as follows:

8 (a) If placed in storage at or adjacent to a refinery or a marine  
 9 or pipe-line terminal in this state the same shall be deemed to be  
 10 received when withdrawn from such storage for sale or use in this  
 11 state or for transportation to destinations in this state other than  
 12 for transfer to other refineries or marine or pipe-line terminals in  
 13 this state and not before. When so withdrawn, such oil shall be  
 14 deemed to be received by the person who was the owner thereof  
 15 just prior to withdrawal. Provided that if such oil so withdrawn is  
 16 shipped or delivered to a person engaged in the storage and distribution  
 17 thereof by tank car or tank truck, such oil when so withdrawn shall  
 18 be deemed to be received by such distributor.

19 (b) If imported into this state (other than to a refinery or marine  
 20 or pipe-line terminal in this state) the same shall be deemed to be  
 21 received by the person who is the owner thereof immediately after  
 22 the same is unloaded in this state.

23 On or before the last day of each calendar month, every person  
 24 receiving illuminating oil in this state shall file with the department  
 25 a report in such form and containing such information as the depart-  
 26 ment shall prescribe as to each receipt or the total receipts of  
 27 illuminating oil by such person in this state during the preceding  
 28 calendar month and at the same time shall remit to the department  
 29 the inspection fees thereon. Providing, however, that only one-half  
 30 of the inspection fees shall be remitted on illuminating oil received and  
 31 thereafter shipped or sold in rail tank car or motor transport lots  
 32 directly to the federal government or on illuminating oil received  
 33 and thereafter exported from this state, and if remitted in full, one-  
 34 half said fees shall be refunded or credit therefor shall be allowed  
 35 on subsequent reports.

Approved April 18, 1947.

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## CHAPTER 109

### BOARD OF CONTROL REMOVAL

#### S. F. 412

AN ACT to amend section two hundred seventeen point four (217.4), code 1946, relating to removal of members of board of control.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Amend section two hundred seventeen point four  
 2 (217.4), Code 1946, by adding thereto the following:

3 "In addition to the foregoing provisions the governor may, when  
 4 the general assembly is not in session, remove any member for the  
 5 causes and in the manner provided for in chapter sixty-six (66),  
 6 Code 1946."

Approved April 14, 1947.