

## CHAPTER 143

## BEER WAREHOUSES

S. F. 44

AN ACT relating to beer warehouses.

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

1 SECTION 1. Section one hundred seventy point one (170.1), subsection  
 2 six (6), Code 1966, is hereby amended by inserting in line eight (8) after  
 3 the word "consumption" the words ", except those premises holding a cur-  
 4 rent class 'A' license issued pursuant to chapter one hundred twenty-four  
 5 (124) of the Code".

Approved February 20, 1969.

## CHAPTER 144

## DOGS IN FOOD ESTABLISHMENTS

H. F. 113

AN ACT relating to dogs in food establishments.

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

1 SECTION 1. Section one hundred seventy point nineteen (170.19), Code  
 2 1966, subsection seven (7), line four (4), is amended by striking the word  
 3 and figures "section 351.30" and inserting in lieu thereof the words and  
 4 figures "chapter one hundred eighteen (118), section five (5), Acts of the  
 5 Sixty-second General Assembly".

Approved February 21, 1969.

## CHAPTER 145

## MEAT INSPECTION

H. F. 417

AN ACT relating to the inspection of meat and poultry, to clarify and otherwise amend chapter one hundred eighty-nine A (189A) of the Code to provide for cooperation with appropriate federal agencies with respect to meat and poultry products inspection programs, and for other purposes and make an appropriation therefor.

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

1 SECTION 1. Section one hundred eighty-nine A point two (189A.2),  
 2 Code 1966, is hereby repealed and the following enacted in lieu thereof:  
 3 As used in this chapter except as otherwise specified:  
 4 1. "Department" means the Iowa department of agriculture.  
 5 2. "Secretary" means the Iowa secretary of agriculture or his delegate.  
 6 3. "Person" includes any individual, partnership, corporation, associa-  
 7 tion, or other business unit, and any officer, agent, or employee thereof.

8 4. "Broker" means any person engaged in the business of buying or  
9 selling livestock products or poultry products on commission, or otherwise  
10 negotiating purchases or sales of such articles other than for his own ac-  
11 count or as an employee of another person.

12 5. "Renderer" means any person engaged in the business of rendering  
13 livestock or poultry carcasses, or parts or products of such carcasses, ex-  
14 cept rendering conducted under inspection or exemption under this chap-  
15 ter.

16 6. "Animal food manufacturer" means any person engaged in the  
17 business of preparing animal food, including poultry, derived wholly or in  
18 part from livestock or poultry carcasses or parts or products of such car-  
19 casses.

20 7. "Intrastate commerce" means commerce within this state.

21 8. "Livestock" means any cattle, sheep, swine, goats, horses, mules or  
22 other equines, whether live or dead.

23 9. "Livestock product" means any carcass, part thereof, meat, or meat  
24 food product of any livestock.

25 10. "Meat food product" means any product capable of use as human  
26 food which is made wholly or in part from any meat or other portion of  
27 the carcass of any cattle, sheep, swine, or goats, excepting products which  
28 contain meat or other portions of such carcasses only in a relatively  
29 small proportion or historically have not been considered by consumers  
30 as products of the meat food industry, and which are exempted from  
31 definition as a meat food product by the secretary under such conditions  
32 as he may prescribe to assure that the meat or other portions of such car-  
33 cass contained in such product are not adulterated and that such products  
34 are not represented as meat food products. This term as applied to food  
35 products of equines shall have a meaning comparable to that provided in  
36 this paragraph with respect to cattle, sheep, swine, and goats.

37 11. "Poultry" means any domesticated bird, whether live or dead.

38 12. "Poultry product" means any poultry carcass or part thereof, or  
39 any product which is made wholly or in part from any poultry carcass or  
40 part thereof, excepting products which contain poultry ingredients only  
41 in a relatively small proportion or historically have not been considered  
42 by consumers as products of the poultry food industry, and which are  
43 exempted by the secretary from definition as a poultry product under  
44 such conditions as he may prescribe to assure that the poultry ingredients  
45 in such products are not adulterated and that such products are not  
46 represented as poultry products.

47 13. "Capable of use as human food" shall apply to any livestock or poul-  
48 try carcass, or part or product of any such carcass, unless it is denatured  
49 or otherwise identified as required by regulations prescribed by the secre-  
50 tary to deter its use as human food, or it is naturally inedible by humans.

51 14. "Prepared" means slaughtered, canned, salted, stuffed, rendered,  
52 boned, cut up, or otherwise manufactured or processed.

53 15. "Adulterated" shall apply to any livestock product or poultry  
54 product under any one or more of the following circumstances:

55 a. If it bears or contains any poisonous or deleterious substance which  
56 may render it injurious to health; but in case the substance is not an added  
57 substance such article shall not be considered adulterated under this clause  
58 if the quantity of such substance in or on such article does not ordinarily  
59 render it injurious to health.

60     *b.* (1) If it bears or contains, by reason of administration of any sub-  
61 stance to the livestock or poultry or otherwise, any added poisonous or del-  
62 eterious substance, other than one which is a pesticide chemical in or on  
63 a raw agricultural commodity; a food additive; or a color additive, which  
64 may, in the judgment of the secretary, make such article unfit for human  
65 food.

66     (2) If it is, in whole or in part, a raw agricultural commodity and such  
67 commodity bears or contains a pesticide chemical which is unsafe within  
68 the meaning of section four hundred eight (408) of the Federal Food, Drug,  
69 and Cosmetic Act.

70     (3) If it bears or contains any food additive which is unsafe within the  
71 meaning of section four hundred nine (409) of the Federal Food, Drug,  
72 and Cosmetic Act.

73     (4) If it bears or contains any color additive which is unsafe within the  
74 meaning of section seven hundred six (706) of the Federal Food, Drug, and  
75 Cosmetic Act; however, an article which is not otherwise deemed adulter-  
76 ated under subparagraphs two (2), three (3), or four (4) of this paragraph  
77 shall nevertheless be deemed adulterated if use of the pesticide chemical,  
78 food additive, or color additive in or on such article is prohibited by regu-  
79 lations of the secretary in official establishments.

80     *c.* If it consists in whole or in part of any filthy, putrid, or decomposed  
81 substance or is for any other reason unsound, unhealthful, unwholesome,  
82 or otherwise unfit for human food.

83     *d.* If it has been prepared, packed, or held under insanitary conditions  
84 whereby it may have become contaminated with filth, or whereby it may  
85 have been rendered injurious to health.

86     *e.* If it is, in whole or in part, the product of an animal, including poul-  
87 try, which has died otherwise than by slaughter.

88     *f.* If its container is composed, in whole or in part, of any poisonous or  
89 deleterious substance which may render the contents injurious to health.

90     *g.* If it has been intentionally subjected to radiation, unless the use of  
91 the radiation was in conformity with a regulation or exemption in effect  
92 pursuant to section four hundred nine (409) of the Federal Food, Drug,  
93 and Cosmetic Act.

94     *h.* If any valuable constituent has been in whole or in part omitted or  
95 abstracted therefrom; or if any substance has been substituted, wholly or  
96 in part therefor; or if damage or inferiority has been concealed in any man-  
97 ner; or if any substance has been added thereto or mixed or packed there-  
98 with so as to increase its bulk or weight, or reduce its quality or strength,  
99 or make it appear better or of greater value than it is.

100     *i.* If it is margarine containing animal fat and any of the raw material  
101 used therein consisted in whole or in part of any filthy, putrid, or decom-  
102 posed substance.

103     16. "Misbranded" shall apply to any livestock product or poultry product  
104 under any one or more of the following circumstances:

105     *a.* If its labeling is false or misleading in any particular.

106     *b.* If it is offered for sale under the name of another food.

107     *c.* If it is an imitation of another food, unless its label bears, in type of  
108 uniform size and prominence, the word "imitation", and immediately  
109 thereafter the name of the food imitated.

110     *d.* If its container is so made, formed, or filled as to be misleading.

111     *e.* Unless it bears a label showing both:

112 (1) The name and place of business of the manufacturer, packer, or dis-  
113 tributor.

114 (2) An accurate statement of the quantity of the product in terms of  
115 weight, measure, or numerical count; however, under this paragraph, ex-  
116 emptions as to livestock products not in containers may be established by  
117 regulations prescribed by the secretary, and under this subparagraph  
118 reasonable variations may be permitted, and exemptions as to small pack-  
119 ages may be established for livestock products or poultry products by reg-  
120 ulations prescribed by the secretary.

121 *f.* If any word, statement, or other information required by or under  
122 authority of this chapter to appear on the label or other labeling is not  
123 prominently placed thereon with such conspicuousness, as compared with  
124 other words, statements, designs, or devices in the labeling, and in such  
125 terms as to render it likely to be read and understood by the ordinary  
126 individual under customary conditions of purchase and use.

127 *g.* If it purports to be or is represented as a food for which a definition and  
128 standard of identity or composition has been prescribed by the regulations  
129 of the secretary under section five (5) of this Act, unless it conforms to such  
130 definition and standard and its label bears the name of the food specified  
131 in the definition and standard and, insofar as may be required by such regu-  
132 lations, the common names of optional ingredients, other than spices, flavor-  
133 ing, and coloring, present in such food.

134 *h.* If it purports to be or is represented as a food for which a standard  
135 or standards of fill of container have been prescribed by regulations of the  
136 secretary under section five (5) of this Act, and it falls below the standard  
137 of fill of container applicable thereto, unless its label bears, in such manner  
138 and form as such regulations specify, a statement that it falls below such  
139 standard.

140 *i.* If it is not subject to the provisions of paragraph *g* of this subsection,  
141 unless its label bears both:

142 (1) The common or usual name of the food, if any.

143 (2) In case it is fabricated from two or more ingredients, the common or  
144 usual name of each such ingredient; except that spices, flavorings, and col-  
145 orings may, when authorized by the secretary, be designated as spices, flavor-  
146 ings, and colorings without naming each; however, to the extent that com-  
147 pliance with the requirements of this subparagraph is impracticable, or  
148 results in deception or unfair competition, exemptions shall be established  
149 by regulations promulgated by the secretary.

150 *j.* If it purports to be or is represented for special dietary uses, unless  
151 its label bears such information concerning its vitamin, mineral, and other  
152 dietary properties as the secretary, after consultation with the secretary  
153 of agriculture of the United States, determines to be and by regulations  
154 prescribes as necessary in order to fully inform purchasers as to its value  
155 for such uses.

156 *k.* If it bears or contains any artificial flavoring, artificial coloring, or  
157 chemical preservative, unless it bears labeling stating that fact; however,  
158 to the extent that compliance with the requirements of this paragraph is  
159 impracticable, exemptions shall be established by regulations promulgated  
160 by the secretary.

161 *l.* If it fails to bear, directly thereon and on its containers, as the secre-  
162 tary may by regulations prescribe, the official inspection legend and estab-  
163 lishment number of the establishment where the product was prepared and,  
164 unrestricted by any of the foregoing, such other information as the secre-

165 tary may require in such regulations to assure that it will not have false  
166 or misleading labeling and that the public will be informed of the manner  
167 of handling required to maintain the article in a wholesome condition.

168 17. "Label" means a display of written, printed, or graphic matter upon  
169 any article or the immediate container, not including package liners, of  
170 any article.

171 18. "Labeling" means all labels and other written, printed, or graphic  
172 matter either upon any article or any of its containers or wrappers, or  
173 accompanying such article.

174 19. "Container" or "package" means any box, can, tin, cloth, plastic or  
175 other receptacle, wrapper, or cover.

176 20. "Shipping container" means any container used or intended for use  
177 in packaging the product packed in an immediate container.

178 21. "Immediate container" means any consumer package; or any other  
179 container in which livestock products or poultry products, not consumer  
180 packaged, are packed.

181 22. "Federal Meat Inspection Act" means the Act so entitled approved  
182 March 4, 1907 (34 Stat. 1260), as amended by the Wholesome Meat Act  
183 (81 Stat. 584); "Federal Poultry Products Inspection Act" means the  
184 Act so entitled approved August 28, 1957 (71 Stat. 441), as amended by the  
185 Wholesome Poultry Products Act (82 Stat. 791); and "federal acts" means  
186 these two federal laws.

187 23. "Federal Food, Drug, and Cosmetic Act" means the Act so entitled,  
188 approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or  
189 supplementary thereto.

190 24. "Pesticide chemical", "food additive", "color additive", and "raw  
191 agricultural commodity" shall have the same meanings for purposes of this  
192 chapter as under the Federal Food, Drug, and Cosmetic Act.

193 25. "Official mark" means the official inspection legend or any other sym-  
194 bol prescribed by regulations of the secretary to identify the status of any  
195 article or livestock or poultry under this chapter.

196 26. "Official inspection legend" means any symbol prescribed by regula-  
197 tions of the secretary showing that an article was inspected and passed in  
198 accordance with this chapter.

199 27. "Official certificate" means any certificate prescribed by regulations  
200 of the secretary for issuance by an inspector or other person performing  
201 official functions under this chapter.

202 28. "Official device" means any device prescribed or authorized by the  
203 secretary for use in applying any official mark.

204 29. "Official establishment" means any establishment as determined by  
205 the secretary at which inspection of the slaughter of livestock or poultry  
206 or the preparation of livestock products or poultry products is maintained  
207 under the authority of this chapter.

208 30. "Inspector" means an employee or official of the Iowa department of  
209 agriculture authorized by the secretary or any employee or official of the  
210 government of any county or other governmental subdivision of this state,  
211 authorized by the secretary to perform any inspection functions under this  
212 chapter under an agreement between the secretary and such governmental  
213 subdivision.

214 31. "Veterinary inspector" means a graduate veterinarian with appropriate  
215 training to perform the inspection functions under the provisions of this  
216 chapter.

217 32. "Establishment" means all premises where animals or poultry are  
218 slaughtered or otherwise prepared, either for custom, resale, or retail, for  
219 food purposes, meat or poultry canneries, sausage factories, smoking or cur-  
220 ing operations, restaurants, grocery stores, brokerages, cold storage plants,  
221 and similar places.

222 33. "Reinspection" includes inspection of the preparation of livestock  
223 products and poultry products, as well as reexamination of articles previous-  
224 ly inspected.

1 SEC. 2. Section one hundred eighty-nine A point three (189A.3), Code  
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 No person shall operate an establishment without first obtaining a li-  
4 cense from the department. The license fee for each establishment, includ-  
5 ing restaurants and grocery stores, per year or any part of a year shall be:

6 1. For all meat and poultry slaughtered or otherwise prepared not ex-  
7 ceeding twenty thousand pounds per year for sale, resale, or custom, twen-  
8 ty-five dollars.

9 2. For all meat and poultry slaughtered or otherwise prepared in excess  
10 of twenty thousand pounds per year for sale or resale, fifty dollars.

11 The license fee for each restaurant selling twenty pounds or more of  
12 meat or meat products annually and each grocery store per year or any  
13 part of a year shall be five dollars.

14 The funds shall be deposited with the department of agriculture. The  
15 license year shall be from July first to June thirtieth. Applications for li-  
16 censes shall be in writing on forms prescribed by the department.

17 It is the objective of this chapter to provide for meat and poultry prod-  
18 ucts inspection programs that will impose and enforce requirements with  
19 respect to intrastate operations and commerce that are at least equal to  
20 those imposed and enforced under the Federal Meat Inspection Act and  
21 the Federal Poultry Products Inspection Act with respect to operations and  
22 transactions in interstate commerce; and the secretary is directed to ad-  
23 minister this chapter so as to accomplish this purpose. A director of the  
24 meat and poultry inspection service shall be designated as his delegate  
25 to be the appropriate state official to cooperate with the secretary of  
26 agriculture of the United States in administration of this Act.

1 SEC. 3. Section one hundred eighty-nine A point four (189A.4), Code  
2 1966, as amended by chapter one hundred seventy-nine (179), section one  
3 (1), and chapter one hundred eighty (180), section one (1), Acts of the Six-  
4 ty-second General Assembly, is hereby repealed and the following enacted  
5 in lieu thereof:

6 In order to accomplish the objectives of this chapter, the secretary may  
7 exempt the following types of operations from inspection:

8 1. Slaughtering and preparation by any person of livestock and poultry  
9 of his own raising exclusively for use by him and members of his house-  
10 hold, and his nonpaying guests and employees.

11 2. Any other operations which the secretary may determine would best  
12 be exempted to further the purposes of this chapter, to the extent such ex-  
13 emptions conform to the Federal Meat Inspection Act and the Federal  
14 Poultry Products Inspection Act and the regulations thereunder.

1 SEC. 4. Section one hundred eighty-nine A point five (189A.5), Code  
2 1966, is hereby amended by adding thereto the following:

3 In order to accomplish the objective stated in section two (2) of this Act  
4 the secretary shall:

5 1. By regulations require antemortem and postmortem inspections, quar-  
6 antine, segregation, and reinspections with respect to the slaughter of live-  
7 stock and poultry and the preparation of livestock products and poultry  
8 products at all establishments in this state, except those exempted by sec-  
9 tion three (3) of this Act, at which livestock or poultry are slaughtered  
10 or livestock or poultry products are prepared for human food solely for dis-  
11 tribution in intrastate commerce.

12 2. By regulations require the identification of livestock and poultry for  
13 inspection purposes and the marking and labeling of livestock products or  
14 poultry products or their containers, or both, as "Iowa Inspected and  
15 Passed" if the products are found upon inspection to be not adulterated,  
16 and as "Iowa Inspected and Condemned" if they are found upon inspec-  
17 tion to be adulterated; and the destruction for food purposes of all such  
18 condemned products under the supervision of an inspector.

19 3. Prohibit the entry into official establishments of livestock products  
20 and poultry products not prepared under federal inspection or inspection  
21 pursuant to this chapter and further limit the entry of such articles and  
22 other materials into such establishments under such conditions as he deems  
23 necessary to effectuate the purposes of this chapter.

24 4. By regulations require that when livestock products and poultry prod-  
25 ucts leave official establishments they shall bear directly thereon or on their  
26 containers, or both, all information required by subsection sixteen (16) of  
27 section one (1) of this Act; and require approval of all labeling and con-  
28 tainers to be used for such products when sold or transported in intrastate  
29 commerce to assure that they comply with the requirements of this chapter.

30 5. Investigate the sanitary conditions of each establishment within  
31 subsection one (1) of this section and withdraw or otherwise refuse to pro-  
32 vide inspection service at any such establishment where the sanitary condi-  
33 tions are such as to render adulterated any livestock products or poultry  
34 products prepared or handled thereat.

35 6. Prescribe regulations relating to sanitation for all establishments re-  
36 quired to have inspection under subsection one (1) of this section.

37 7. By regulations require that both of the following classes of persons  
38 shall keep such records and for such periods as are specified in the regula-  
39 tions to fully and correctly disclose all transactions involved in their busi-  
40 ness, and to afford the secretary and his representatives, including repre-  
41 sentatives of other governmental agencies designated by him, access to such  
42 places of business, and opportunity at all reasonable times to examine the  
43 facilities, inventory, and records thereof, to copy the records, and to take  
44 reasonable samples of the inventory upon payment of the fair market value  
45 therefor:

46 *a.* Any person that engages in or for intrastate commerce in the business  
47 of slaughtering any livestock or poultry, or preparing, freezing, packaging  
48 or labeling, buying or selling, as a broker, wholesaler, or otherwise, trans-  
49 porting, or storing any livestock products or poultry products for human  
50 or animal food.

51 *b.* Any person that engages in or for intrastate commerce in business  
52 as a renderer or in the business of buying, selling, or transporting any dead,  
53 dying, disabled, or diseased livestock or poultry or parts of the carcasses of  
54 any such animals, including poultry, that died otherwise than by slaughter.

1 SEC. 5. Section one hundred eighty-nine A point seven (189A.7), Code  
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 In order to accomplish the objective stated in section two (2) of this Act  
4 the secretary may:

5 1. Remove inspectors from any establishment that fails to destroy con-  
6 demned products as required under subsection two (2) of section four (4)  
7 of this Act.

8 2. Refuse to provide inspection service under this chapter with respect  
9 to any establishment for causes specified in section four hundred one (401)  
10 of the Federal Meat Inspection Act or section eighteen (18) of the Federal  
11 Poultry Products Inspection Act.

12 3. Order labeling and containers to be withheld from use if he determines  
13 that the labeling is false or misleading or the containers are of a misleading  
14 size or form.

15 4. By regulations prescribe the sizes and style of type to be used for la-  
16 beling information required under this chapter, and definitions and stand-  
17 ards of identity or composition or standards of fill of container, consistent  
18 with federal standards, when he deems such action appropriate for the pro-  
19 tection of the public and after consultation with the secretary of agricul-  
20 ture of the United States.

21 5. By regulations prescribe conditions of storage and handling of live-  
22 stock products and poultry products by persons engaged in the business of  
23 buying, selling, freezing, storing, or transporting such articles in or for  
24 intrastate commerce to assure that such articles will not be adulterated  
25 or misbranded when delivered to the consumer.

26 6. Require that equines be slaughtered and prepared in establishments  
27 separate from establishments where other livestock are slaughtered or  
28 their products are prepared.

29 7. By regulations require that every person engaged in business in or  
30 for intrastate commerce as a broker, renderer, animal food manufacturer,  
31 or wholesaler or public warehouseman of livestock or poultry products, or  
32 engaged in the business of buying, selling, or transporting in intrastate  
33 commerce any dead, dying, disabled, or diseased livestock or poultry or  
34 parts of the carcasses of any such animals, including poultry, that died  
35 otherwise than by slaughter shall register with the secretary his name and  
36 the address of each place of business at which and all trade names under  
37 which he conducts such business.

38 8. Adopt by reference or otherwise such provisions of the rules and regu-  
39 lations under the federal acts, with such changes therein as he deems appro-  
40 priate to make them applicable to operations and transactions subject to  
41 this chapter, which shall have the same force and effect as if promulgated  
42 under this chapter, and promulgate such other rules and regulations as he  
43 deems necessary for the efficient execution of the provisions of this chapter,  
44 including rules of practice providing opportunity for hearing in connection  
45 with issuance of orders under subsection five (5) of section four (4) and sub-  
46 sections one (1), two (2), or three (3) of this section and prescribing pro-  
47 cedures for proceedings in such cases; however, this shall not preclude a  
48 requirement that a label or container be withheld from use, or a refusal  
49 of inspection pursuant to the sections cited herein pending issuance of a  
50 final order in any such proceeding.

51 9. Appoint and prescribe the duties of such inspectors and other person-  
52 nel as he deems necessary for the efficient execution of the provisions of  
53 this chapter.



54 10. Cooperate with the secretary of agriculture of the United States in  
 55 administration of this chapter to effectuate the purposes stated in section  
 56 two (2) of this Act; accept federal assistance for that purpose and spend  
 57 public funds of this state appropriated for administration of this chapter  
 58 to pay the state's proportionate share of the estimated total cost of the co-  
 59 operative program.

60 11. Recommend to the secretary of agriculture of the United States for  
 61 appointment to the advisory committees provided for in the federal acts,  
 62 such officials or employees of the Iowa meat and poultry inspection service  
 63 as the secretary shall designate.

64 12. Serve as a representative of the governor for consultation with said  
 65 secretary under paragraph *c* of section three hundred one (301) of the Fed-  
 66 eral Meat Inspection Act and paragraph *c* of section five (5) of the Federal  
 67 Poultry Products Inspection Act unless the governor selects another repre-  
 68 sentative.

1 SEC. 6. Section one hundred eighty-nine A point eight (189A.8), Code  
 2 1966, is hereby repealed and the following enacted in lieu thereof:

3 1. No person shall sell, transport, offer for sale or transportation, or  
 4 receive for transportation in intrastate commerce, any carcasses of horses,  
 5 mules, or other equines or parts of such carcasses, or the meat or meat food  
 6 products thereof, unless they are plainly and conspicuously marked or la-  
 7 beled or otherwise identified as required by regulations prescribed by the sec-  
 8 retary to show the kinds of animals from which they were derived.

9 2. No person shall buy, sell, transport, or offer for sale or transporta-  
 10 tion, or receive for transportation, in intrastate commerce, any livestock  
 11 products or poultry products which are not intended for use as human food  
 12 unless they are denatured or otherwise identified as required by the regu-  
 13 lations of the secretary or are naturally inedible by humans.

14 3. No person engaged in the business of buying, selling, or transporting  
 15 in intrastate commerce, dead, dying, disabled, or diseased animals, or any  
 16 parts of the carcasses of any animals that died otherwise than by slaughter,  
 17 shall buy, sell, transport, offer for sale or transportation, or receive for  
 18 transportation in such commerce, any dead, dying, disabled, or diseased  
 19 livestock or poultry or the products of any such animals that died other-  
 20 wise than by slaughter, unless such transaction or transportation is made in  
 21 accordance with such regulations as the secretary may prescribe to assure  
 22 that such animals, or the unwholesome parts or products thereof, will be  
 23 prevented from being used for human food purposes.

1 SEC. 7. Section one hundred eighty-nine A point nine (189A.9), Code  
 2 1966, is hereby amended by adding to the end thereof the following sen-  
 3 tence:

4 A charge shall be made for overtime inspection in excess of eight hours  
 5 per day or outside assigned work schedules and also on state legal holidays.

1 SEC. 8. Section one hundred eighty-nine A point ten (189A.10), Code  
 2 1966, is hereby repealed and the following enacted in lieu thereof:

3 1. No person shall, with respect to any livestock or poultry or any live-  
 4 stock products or poultry products, do any of the following:

5 *a.* Slaughter any such animals or prepare any such articles which are  
 6 capable of use as human food, at any establishment preparing such articles  
 7 solely for intrastate commerce, except in compliance with the requirements  
 8 of this chapter.

9     *b.* Sell, transport, offer for sale or transportation, or receive for transpor-  
10 tation in intrastate commerce, any such articles which are both:

11       (1) Capable of use as human food.

12       (2) Adulterated or misbranded at the time of such sale, transportation,  
13 offer for sale or transportation, or receipt for transportation; or any articles  
14 required to be inspected under this chapter unless they have been so in-  
15 spected and passed.

16     *c.* With respect to any such articles which are capable of use as human  
17 food, any act while they are being transported in intrastate commerce or  
18 held for sale after such transportation, which is intended to cause or has  
19 the effect of causing such articles to be adulterated or misbranded.

20     2. No person shall sell, transport, offer for sale or transportation, or re-  
21 ceive for transportation in intrastate commerce, or from an official estab-  
22 lishment, any slaughtered poultry from which the blood, feathers, feet,  
23 head, or viscera have not been removed in accordance with regulations  
24 promulgated by the secretary except as may be authorized by such regula-  
25 tions.

26     3. No person shall violate any provision of the regulations or orders of  
27 the secretary under section four (4), subsection seven (7), or section five  
28 (5) of this Act.

1     SEC. 9. Section one hundred eighty-nine A point eleven (189A.11), Code  
2 1966, is hereby amended as follows:

3       1. By striking from line eight (8) the word "must" and inserting in lieu  
4 thereof the words "will be equal to federal inspection and therefore may".

5       2. By adding thereto the following:

6           1. No inspection of products placed in any container at any official es-  
7 tablishment shall be deemed to be complete until the products are sealed  
8 or enclosed therein under the supervision of an inspector.

9           2. For purposes of any inspection of products required by this chapter,  
10 inspectors authorized by the secretary shall have access at all times by day  
11 or night to every part of every establishment required to have inspection  
12 under this chapter, whether the establishment is operated or not.

1     SEC. 10. Section one hundred eighty-nine A point twelve (189A.12),  
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:

3     Whenever any livestock or poultry product or any product exempted  
4 from the definition of a livestock or poultry product, or any dead, dying,  
5 disabled, or diseased livestock or poultry is found by any authorized repre-  
6 sentative of the secretary upon any premises where it is held for purposes  
7 of, or during or after distribution in, intrastate commerce or is otherwise  
8 subject to this chapter, and there is reason to believe that any such article  
9 is adulterated or misbranded and is capable of use as human food, or that  
10 it has not been inspected in violation of the provisions of this chapter, the  
11 Federal Meat Inspection Act, the Federal Poultry Products Inspection  
12 Act, or the Federal Food, Drug, and Cosmetic Act, or that such article or  
13 animal has been or is intended to be distributed in violation of any such  
14 provisions, it may be detained by such representative for a period not to  
15 exceed twenty days, pending action under this section or notification of any  
16 federal authorities having jurisdiction over such article or animal, and shall  
17 not be moved by any person from the place at which it is located when so  
18 detained until released by such representative. All official marks may be

19 required by such representative to be removed from such article or animal  
20 before it is released unless it appears to the satisfaction of the secretary  
21 that the article or animal is eligible to retain such marks.

22 1. Any livestock or poultry product, or any dead, dying, disabled, or  
23 diseased livestock or poultry which is being transported in intrastate com-  
24 merce, or is otherwise subject to this chapter, or is held for sale in this  
25 state after such transportation, and which is or has been prepared, sold,  
26 transported, or otherwise distributed or offered or received for distribution  
27 in violation of this chapter; or is capable of use as human food and is adul-  
28 terated or misbranded; or is in any other way in violation of this chapter  
29 shall be liable to be proceeded against and seized and condemned at any  
30 time on a complaint filed in the district court of the particular county  
31 within the jurisdiction of which such article or animal is found. If such  
32 article or animal is condemned it shall, after entry of the decree, be disposed  
33 of by destruction or sale as the court may direct and any proceeds, less the  
34 court costs and fees, storage fees, and other proper expenses, shall be paid  
35 into the treasury of this state, but the article or animal shall not be sold  
36 contrary to the provisions of this chapter, the Federal Meat Inspection  
37 Act, the Federal Poultry Products Inspection Act, or the Federal Food,  
38 Drug, and Cosmetic Act; however, upon the execution and delivery of a  
39 good and sufficient bond conditioned that the article or animal shall not  
40 be sold or otherwise disposed of contrary to the provisions of this chapter  
41 or the laws of the United States, the court may direct that such article or  
42 animal be delivered to the owner thereof subject to such supervision by au-  
43 thorized representatives of the secretary as is necessary to insure compli-  
44 ance with the applicable laws. When a decree of condemnation is entered  
45 against the article or animal and it is released under bond or destroyed,  
46 court costs and fees, storage fees, and other proper expenses shall be award-  
47 ed against any person intervening as claimant of the article or animal.  
48 The proceedings in such cases shall be held without a jury, except that  
49 either party may demand trial by jury of any issue of fact joined in any  
50 case, and all such proceedings shall be at the suit of and in the name of  
51 this state.

52 2. The provisions of this section shall in no way derogate from authority  
53 for condemnation or seizure conferred by other provisions of this chapter  
54 or other applicable laws.

1 SEC. 11. Section one hundred eighty-nine A point fourteen (189A.14),  
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:

3 1. Any order issued under subsection three (3) of section four (4) or sub-  
4 sections one (1), two (2), or three (3) of section five (5) of this Act shall be  
5 final unless appealed to the district court within thirty days after service.  
6 Review of any such order and the determinations upon which it is based  
7 shall be upon the record in the proceedings in which the order was issued.

8 2. The district court is hereby vested with jurisdiction to enforce this  
9 chapter, to prevent and restrain violations herein, and shall have jurisdic-  
10 tion in all other kinds of cases arising hereunder.

1 SEC. 12. Section one hundred eighty-nine A point sixteen (189A.16),  
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:

3 1. No brand manufacturer, printer, or other person shall cast, print,  
4 lithograph, or otherwise make any device containing any official mark or  
5 simulation thereof, or any label bearing any such mark or simulation, or

6 any form of official certificate or simulation thereof, except as authorized  
7 by the secretary.

8 2. No person shall do any of the following:

9 a. Forge any official device, mark, or certificate.

10 b. Without authorization from the secretary, use any official device,  
11 mark, or certificate, or simulation thereof, or alter, detach, deface, or de-  
12 stroy any official device, mark, or certificate.

13 c. Contrary to the regulations prescribed by the secretary, fail to use,  
14 or to detach, deface, or destroy any official device, mark, or certificate.

15 d. Knowingly possess, without promptly notifying the secretary or his  
16 representative, any official device or any counterfeit, simulated, forged,  
17 or improperly altered official certificate or any device or label or any car-  
18 cass of any animal, including poultry, or part or product thereof, bearing  
19 any counterfeit, simulated, forged, or improperly altered official mark.

20 e. Knowingly make any false statement in any shipper's certificate or  
21 other nonofficial or official certificate provided for in the regulations pre-  
22 scribed by the secretary.

23 f. Knowingly represent that any article has been inspected and passed,  
24 or exempted, under this chapter when it has not been so inspected and  
25 passed, or exempted.

1 SEC. 13. Section one hundred eighty-nine A point seventeen (189A.17),  
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:

3 1. Any person who violates any provisions of this chapter for which no  
4 other criminal penalty is provided shall upon conviction be subject to im-  
5 prisonment in the county jail for not more than one year, or a fine of not  
6 more than one thousand dollars, or both such imprisonment and fine; but  
7 if such violation involves intent to defraud, or any distribution or attempt-  
8 ed distribution of an article that is adulterated, except as defined in para-  
9 graph *h* of subsection fifteen (15) of section one (1) of this Act, such person  
10 shall be subject to imprisonment in the penitentiary for not more than three  
11 years or a fine of not more than ten thousand dollars or both.

12 2. Nothing in this chapter shall be construed as requiring the secretary  
13 to report, for the institution of legal proceedings, minor violations of this  
14 chapter whenever he believes that the public interest will be adequately  
15 served by a suitable written notice of warning.

16 3. The secretary shall also have power:

17 a. To gather and compile information concerning, and to investigate  
18 from time to time the organization, business, conduct, practices, and man-  
19 agement of any person engaged in intrastate commerce, and the relation  
20 thereof to other persons.

21 b. To require persons engaged in intrastate commerce to file with the  
22 secretary in such form as the secretary may prescribe, annual or special  
23 reports or answers in writing to specific questions, furnishing to the secre-  
24 tary such information as he may require as to the organization, business,  
25 conduct, practices, management, and relation to other persons of the person  
26 filing such reports or answers. Such reports and answers shall be made  
27 under oath, or otherwise as the secretary may prescribe, and shall be filed  
28 with the secretary within such reasonable period as the secretary may  
29 prescribe, unless additional time be granted in any case by the secretary.

30 4. a. For the purpose of this chapter the secretary may, at all reasonable  
31 times, examine and copy any documentary evidence of any person being  
32 investigated or proceeded against, and may require by subpoena the at-

33 tendance and testimony of witnesses and the production of all documentary  
34 evidence of any person relating to any matter under investigation. The  
35 secretary may sign subpoenas and administer oaths and affirmations, ex-  
36 amine witnesses, and receive evidence.

37 *b.* Such attendance of witnesses, and the production of such documen-  
38 tary evidence may be required at any designated place of hearing. In case  
39 of disobedience to a subpoena the secretary may invoke the aid of the  
40 district court having jurisdiction over the matter in requiring the attend-  
41 ance and testimony of witnesses and the production of documentary evi-  
42 dence.

43 *c.* The district court may, in case of failure or refusal to obey a subpoena  
44 issued herein to any person, enter an order requiring such person to appear  
45 before the secretary or to produce documentary evidence if so ordered, or  
46 to give evidence concerning the matter in question; and any failure to  
47 obey such order of the court may be punished by such court as contempt.

48 *d.* Upon the application of the attorney general of this state at the re-  
49 quest of the secretary, the court shall have jurisdiction to issue writs of  
50 mandamus commanding any person to comply with the provisions of this  
51 chapter or any order of the secretary pursuant thereto.

52 *e.* The secretary may order testimony to be taken by deposition in any  
53 proceeding or investigation pending under this chapter at any stage of such  
54 proceeding or investigation. Such depositions may be taken before any per-  
55 son designated by the secretary and having power to administer oaths. Such  
56 testimony shall be reduced to writing by the person taking the deposition,  
57 or under his direction and shall then be subscribed by the deponent. Any  
58 person may be compelled to appear and depose and to produce documentary  
59 evidence in the same manner as witnesses may be compelled to appear  
60 and testify and produce documentary evidence before the secretary as herein  
61 provided.

62 *f.* Witnesses summoned before the secretary shall be paid the same fees  
63 and mileage that are paid witnesses in the district court, and witnesses  
64 whose depositions are taken and the persons taking the same shall several-  
65 ly be entitled to the same fees as are paid for like services in such district  
66 court.

67 *g.* No person shall be excused from attending and testifying or from  
68 producing books, papers, schedules of charges, contracts, agreements, or  
69 other documentary evidence before the secretary or in obedience to the  
70 subpoena of the secretary, whether such subpoena be signed or issued by  
71 him or his delegate, or in any cause or proceeding, criminal or otherwise,  
72 based upon or growing out of any alleged violation of this chapter for the  
73 reason that the testimony or evidence, documentary or otherwise, required  
74 of him may tend to incriminate him or subject him to a penalty or for-  
75 feiture; but no person shall be prosecuted or subjected to a penalty or for-  
76 feiture for or on account of any transaction, matter, or thing concerning  
77 which he is compelled, after having claimed his privilege against self-in-  
78 crimination, to testify or produce evidence, documentary or otherwise,  
79 except that any individual so testifying shall not be exempt from prosecu-  
80 tion and punishment for perjury committed in so testifying.

81 5. *a.* Any person who neglects or refuses to attend and testify or to  
82 answer any lawful inquiry, or to produce documentary evidence, if it is in  
83 his power to do so, in obedience to the subpoena or lawful requirement of  
84 the secretary shall be guilty of an offense and upon conviction thereof by  
85 a court of competent jurisdiction shall be punished by a fine of not less

86 than one thousand dollars nor more than five thousand dollars, or by im-  
87 prisonment in the county jail for not more than one year, or by both such  
88 fine and imprisonment.

89 *b.* Any person who willfully makes, or causes to be made, any false en-  
90 try or statement of fact in any report required to be made under this chap-  
91 ter, or who willfully makes, or causes to be made, any false entry in any  
92 account, record, or memorandum kept by any person subject to this chap-  
93 ter, or who willfully neglects or fails to make or to cause to be made, full,  
94 true, and correct entries in such accounts, records, or memoranda, of all  
95 facts and transactions pertaining to the business of such person, or who  
96 willfully removes himself from the jurisdiction of this state, or willfully  
97 mutilates, alters, or by any other means falsifies any documentary evidence  
98 of any person subject to this chapter or who willfully refuses to submit to  
99 the secretary or to any of his authorized agents, for the purpose of inspec-  
100 tion and taking copies, any documentary evidence of any person subject  
101 to this chapter in his possession or within his control, shall be deemed  
102 guilty of an offense and shall be subject, upon conviction in any court of  
103 competent jurisdiction, to a fine of not less than one thousand dollars nor  
104 more than five thousand dollars, or to imprisonment in the county jail or  
105 the penitentiary for a term of not more than three years, or to both such  
106 fine and imprisonment.

107 *c.* If any person required by this chapter to file any annual or special  
108 report shall fail so to do within the time fixed by the secretary for filing  
109 the same, and such failure shall continue for thirty days after notice of  
110 such default, such person shall forfeit to this state the sum of one hun-  
111 dred dollars for each and every day of the continuance of such failure,  
112 which forfeiture shall be payable into the treasury of this state, and shall  
113 be recoverable in a civil suit in the name of the state brought in the district  
114 court of the county where the person has his principal office or in the dis-  
115 trict court of any county in which he does business. It shall be the duty  
116 of the various county attorneys of this state to prosecute for the recovery  
117 of such forfeitures. The costs and expenses of such prosecution shall be paid  
118 out of the court expense fund of the county.

119 *d.* Any officer or employee of this state who makes public any informa-  
120 tion obtained by the secretary, without his authority, unless directed by a  
121 court, or uses any such information to his advantage, shall be deemed  
122 guilty of a misdemeanor, and upon conviction thereof shall be punished  
123 by a fine not exceeding five thousand dollars, or by imprisonment in the  
124 county jail not exceeding one year, or by both such fine and imprisonment.

125 The requirements of this chapter shall apply to persons, establishments,  
126 animals, and articles regulated under the Federal Meat Inspection Act or  
127 the Federal Poultry Products Inspection Act to the extent provided for in  
128 said federal acts and also to the extent provided in this chapter and in reg-  
129 ulations the secretary may prescribe to promulgate this chapter.

1 SEC. 14. Chapter one hundred seventy-eight (178), section one (1), Acts  
2 of the Sixty-second General Assembly, is hereby amended by inserting in  
3 line nine (9) after the word "shock," the words "captive bolt,".

1 SEC. 15. Chapter one hundred eighty-nine A (189A), Code 1966, is here-  
2 by amended by adding thereto the following sections:

3 1. Any person who gives, pays, or offers, directly or indirectly, to any  
4 officer or employee of this state authorized to perform any of the duties pre-  
5 scribed by this chapter or by the regulations of the secretary, any money or

6 other thing of value, with intent to influence said officer or employee in the  
7 discharge of any such duty, shall be deemed guilty of a felony and, upon  
8 conviction thereof, shall be punished by a fine not less than five thousand  
9 dollars nor more than ten thousand dollars and by imprisonment in the pen-  
10 itentiary not less than one year nor more than three years; and any officer  
11 or employee of this state authorized to perform any of the duties prescribed  
12 by this chapter who accepts any money, gift, or other thing of value from  
13 any person, given with intent to influence his official action, or who receives  
14 or accepts from any person engaged in intrastate commerce any gift, money,  
15 or other thing of value given with any purpose or intent whatsoever, shall  
16 be deemed guilty of a felony and shall, upon conviction thereof, be sum-  
17 marily discharged from office and shall be punished by a fine not less than  
18 one thousand dollars nor more than ten thousand dollars and by imprison-  
19 ment in the penitentiary not less than one year nor more than three years.

20 2. Any person who forcibly assaults, resists, opposes, impedes, intimi-  
21 dates, or interferes with any person while engaged in or on account of the  
22 performance of his official duties under this chapter shall be fined not more  
23 than five thousand dollars or imprisoned in the penitentiary not more than  
24 three years, or both. Whoever, in the commission of any such acts, uses a  
25 deadly or dangerous weapon, shall be fined not more than ten thousand  
26 dollars or imprisoned in the penitentiary not more than ten years, or both.  
27 Inspection shall not be provided under this chapter at any establish-  
28 ment for the slaughter of livestock or poultry or the preparation of any  
29 livestock products or poultry products which are not intended for use as  
30 human food, but such articles shall, prior to their offer for sale or transpor-  
31 tation in intrastate commerce, unless naturally inedible by humans, be  
32 denatured or otherwise identified as prescribed by regulations of the sec-  
33 retary to deter their use for human food.

1 SEC. 16. There is hereby authorized to be appropriated such sums as  
2 may be necessary to carry out the provisions of this Act.

1 SEC. 17. There is hereby appropriated from the general fund of the  
2 state to the department of agriculture the sum of four hundred thousand  
3 (400,000) dollars for each year of the biennium beginning July 1, 1969 and  
4 ending June 30, 1971 for an inspection program of meat and poultry prod-  
5 ucts in accordance with chapter one hundred eighty-nine A (189A) of the  
6 Code. Any unencumbered balances remaining as of June 30, 1971 from the  
7 funds so appropriated shall revert to the general fund.

1 SEC. 18. All federal grants to and the federal receipts of this depart-  
2 ment are hereby appropriated for the purpose set forth in such federal  
3 grants or receipts.

1 SEC. 19. Where any of the laws of this state are in conflict with this  
2 Act, the provisions of this Act shall govern for the biennium.

Approved June 5, 1969.