

17 tion. Possession of marijuana for personal use shall be a lesser included
 18 offense of possession of marijuana held for sale. Second and subsequent
 19 offenses of possession of marijuana for whatever purpose shall be punished
 20 as provided in subsection one (1) of this section."

Approved June 6, 1969.

CHAPTER 150

PESTICIDES IN PUBLIC WATERS

H. F. 165

AN ACT relating to the use of pesticides in relation to public waters.

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

1 SECTION 1. Section two hundred six point three (206.3), Code 1966,
 2 subsection two (2), paragraph "d", line five (5), is amended by striking the
 3 word and figures "section 135.18" and inserting in lieu thereof the words and
 4 figures "chapter four hundred fifty-five B (455B)".

Approved March 14, 1969.

CHAPTER 151

MOISTURE-MEASURING DEVICES

H. F. 548

AN ACT to provide for the testing or inspecting by the Iowa department of agriculture of devices used in this state in testing or measuring the moisture content of agricultural products offered for sale, processing, or storage and to make an appropriation therefor.

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

1 SECTION 1. As used in this Act:
 2 1. "Secretary" means the secretary of agriculture.
 3 2. "Department" means the Iowa department of agriculture.
 4 3. "Moisture-measuring devices" means any device or instrument used
 5 by any person in proving or ascertaining the moisture content of agricul-
 6 tural products.
 7 4. "Agricultural products" means any product of agricultural activity
 8 which is tested for moisture content when offered for sale, processing, or
 9 storage.
 10 5. "Person" means an individual, corporation, partnership, cooperative
 11 association, or two or more persons having a joint or common interest in

12 the same venture and shall include the United States, the state, or any
13 subdivision of either.

1 SEC. 2. The department shall inspect or cause to be inspected at
2 least annually every moisture-measuring device used in commerce in this
3 state, except those belonging to the United States or the state, or any sub-
4 division of either, except as herein provided. The department may inspect
5 or cause to be inspected at the convenience of the department any mois-
6 ture-measuring device upon a request in writing from the owner thereof.

1 SEC. 3. The department is hereby charged with the enforcement of
2 this Act and, after due publicity and due public hearing, is empowered to
3 establish rules, regulations, specifications, standards, and tests as may be
4 necessary in order to secure the efficient administration of this Act. Pub-
5 licity concerning the public hearing shall be reasonably calculated to give
6 interested parties adequate notice and adequate opportunity to be heard.
7 In establishing such rules, regulations, specifications, standards, and tests
8 the department may use such specifications and tolerances established in
9 section two hundred fifteen point eighteen (215.18) of the Code, or those
10 specifications and tolerances established by the United States department
11 of agriculture, until established by the United States bureau of standards.
12 The department may from time to time publish such data in connection
13 with the administration of this Act as may be of public interest.

1 SEC. 4. The department may at its discretion designate an employee
2 or officer of the department to act for the department in any details con-
3 nected with the administration of this Act.

1 SEC. 5. If an inspection or comparative test reveals that the moisture-
2 measuring device being inspected or tested conforms to the standards and
3 specifications established by the department, the department shall cause
4 the same to be marked with an appropriate seal. Any moisture-measuring
5 device which upon inspection is found not to conform with the specifica-
6 tions and standards established by the department shall be marked with
7 an appropriate seal showing such device to be defective, which seal shall
8 not be altered or removed until said moisture-measuring device is properly
9 repaired and reinspected. The owner or user of such device shall be notified
10 of such defective condition by the department or its properly designated
11 employees on an inspection form prepared by the department.

1 SEC. 6. Any defective moisture-measuring device, while so marked,
2 sealed, or tagged, as provided in section five (5) of this Act, may be used
3 to ascertain the moisture content of agricultural products offered for sale,
4 processing, or storage, only under the following conditions:

5 1. The person shall keep a record, open to inspection, of every commer-
6 cial sample of agricultural products inspected by the tagged device, show-
7 ing that an adjustment was made on all such agricultural products tested.

8 2. The device shall be repaired to comply with section five (5) of this
9 Act within a period of thirty days, and the department thereupon notified.
10 If, upon reinspection, the device is again rejected under the provisions
11 of section five (5) of this Act, such device shall be sealed and shall not be
12 used until repaired and reinspected.

1 SEC. 7. Every device used to ascertain the moisture content of agri-
2 cultural products offered for sale, processing, or storage shall be used in a
3 location visible to the general public and the detailed procedure for operat-
4 ing a moisture-measuring device shall be displayed in a conspicuous place
5 close to the moisture-measuring device.

1 SEC. 8. After September 1, 1970, no person shall use or cause to be
2 used any grain moisture-measuring device which has not been inspected
3 and approved for use by the department; except that after September 1,
4 1970, a newly purchased grain moisture-measuring device may be used
5 prior to regular inspection and approval if the user of such device has given
6 notice to the department of the purchase and before use of such new device.

1 SEC. 9. The department shall charge, assess, and cause to be collected
2 at the time of inspection an inspection fee of ten dollars for the first mois-
3 ture-measuring device required to be inspected under this Act, and for
4 each additional moisture-measuring device inspected at the same time the
5 fee shall be five dollars.

6 A fee of ten dollars shall be charged for each device subject to reinspec-
7 tion under section five (5) of this Act. All moneys received by the depart-
8 ment under the provisions of this Act shall be handled in the same man-
9 ner as "repayment receipts" as defined in chapter eight (8) of the Code,
10 and shall be used for the administration and enforcement of the provisions
11 of this Act.

1 SEC. 10. Every person who uses or causes to be used a moisture-
2 measuring device in commerce with knowledge that such device has not
3 been inspected and approved by the department in accordance with the
4 provisions of this Act shall be guilty of a misdemeanor and upon convic-
5 tion shall be punished by a fine not exceeding one hundred dollars or by
6 imprisonment in the county jail for a period not to exceed thirty days or
7 both such fine and imprisonment.

1 SEC. 11. There is hereby appropriated to the state department of agri-
2 culture from the general fund of the state of Iowa for the biennium begin-
3 ning July 1, 1969 and ending June 30, 1971, the sum of fifty thousand
4 (50,000) dollars, or so much thereof as may be necessary, for use in em-
5 ploying personnel and defraying other expenses for inspection of mois-
6 ture-measuring devices.

Approved May 22, 1969.