

CHAPTER 1126

EGGS

H. F. 1490

AN ACT relating to the licensing and regulating of the sale of eggs and providing a penalty.

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

- 1 SECTION 1. **Definitions.** Unless the context otherwise requires:
- 2 1. "Retailer" means a person who sells eggs directly to consumers except a
- 3 producer who sells eggs under the provisions of section four (4) of this Act.
- 4 2. "Egg handler" means a person who buys or sells eggs, or uses eggs in the
- 5 preparation of human food. "Egg handler" does not include a retailer, a
- 6 consumer, an institution, or a producer who sells eggs as provided in section four
- 7 (4) of this Act.
- 8 3. "Nest run eggs" means eggs which have not been denatured, candled,
- 9 graded, processed or labeled.
- 10 4. "Producer" means a person who owns layer type chickens.
- 11 5. "Establishment" means any place in which eggs are offered or sold as human
- 12 food for consumption by its patrons, customers, residents, inmates or patients or
- 13 as an ingredient in food offered or sold in a form ready for immediate
- 14 consumption.
- 15 6. "Candling" means the careful examination of each shell egg and the
- 16 elimination of those eggs determined unfit for human consumption.
- 17 7. "Grading" means classifying each shell egg by weight and grading in
- 18 accordance with egg grading standards approved by the United States
- 19 government as of July 1, 1976.
- 20 8. "Secretary", "department", and "package" have the meanings ascribed to
- 21 them in section one hundred eighty-nine point one (189.1) of the Code.

1 SEC. 2. **Enforcement.** The secretary shall enforce the provisions of this Act,

2 and may make rules pursuant to chapter seventeen A (17A) of the Code and

3 consistent with regulations of the United States government as they exist on

4 July 1, 1976.

1 SEC. 3. **Egg handler's license and fee.** Every egg handler shall obtain an

2 annual license from the department. The fee for the license shall be determined

3 on the basis of the total number of eggs purchased and handled during the

4 preceding month of April in each calendar year as follows:

- 5 1. Less than one hundred twenty-five cases \$ 12.50
- 6 2. One hundred twenty-five cases or more but less than two hundred
- 7 fifty cases \$ 25.00
- 8 3. Two hundred fifty cases or more but less than one thousand cases \$ 37.50
- 9 4. One thousand cases or more \$ 50.00

10 The license shall expire one year after its date of issue. For the purpose of

11 determining fees, a case shall be thirty dozen eggs. All fees collected shall be

12 remitted to the treasurer of state for deposit in the general fund of the state.

13 If an egg handler is not operating during the month of April, the department

14 shall estimate the volume of eggs purchased or handled, or both, and may revise

15 the fee based on three months of operation.

1 SEC. 4. **Producers and hatcheries exempt.** Producers who sell eggs produced

2 exclusively by their own flocks directly to handlers, or to consumers, shall not be

3 required to obtain a candler's and grader's license.

4 A hatchery shall obtain an egg handler's license pursuant to section three (3) of

5 this Act if it purchases eggs which are not used for hatching purposes.

1 **SEC. 5. Candling and grading license.** A person who candles and grades eggs
2 shall obtain a candler and grader license from the department. The license fee
3 shall be three dollars per year for such person. Before a license is issued, each
4 person who is engaged in candling and grading shall demonstrate to the
5 satisfaction of the department capability to perform candling and grading.

6 With the approval of the secretary, persons candling and grading eggs may be
7 appointed for a period of not more than fourteen days pending licensing by the
8 department, if during this period the employer of the temporary candler and
9 grader will be responsible for his or her work while acting in the capacity of
10 candler or grader.

1 **SEC. 6. Candling and grading room.** An egg handler's license shall be
2 obtained from the department for each location at which eggs will be candled and
3 graded. Before a license is issued for each location candling eggs, the department
4 shall make a careful survey of the premises and determine that the premises
5 contain proper facilities for candling and grading.

1 **SEC. 7. Candling and grading prior to sale.** All eggs offered for sale by an egg
2 handler to a retailer, an establishment or a consumer, shall be candled and
3 graded.

1 **SEC. 8. Quality.** All eggs offered for sale to an establishment must be no
2 lower than United States department of agriculture consumer grade "B".

1 **SEC. 9. Eggs unfit as human food.** Eggs determined to be unfit for human
2 food under title twenty-one (21), section one thousand thirty-one (1031) of the
3 United States Code as amended to July 1, 1976 shall not be bought or sold or
4 offered for purchase or sale by any person unless the eggs are denatured so that
5 they cannot be used for human food.

1 **SEC. 10. Labeling.** Sections one hundred eighty-nine point nine (189.9)
2 through one hundred eighty-nine point twelve (189.12) of the Code shall apply to
3 the labeling of packaged eggs which have been candled and graded if not
4 inconsistent with the provisions of this Act. All cases of loose packed eggs sold in
5 this state shall identify the egg handler's name or license number or United States
6 department of agriculture plant number, and, the grade of the eggs contained in
7 the case. Each carton containing eggs for retail sale in Iowa which have been
8 candled and graded shall be marked with the grade and size of the eggs
9 contained, the date they were packed, and the name and address of the
10 distributor or packer.

1 **SEC. 11. Storage.** The provisions of section one hundred eighty-nine point
2 twenty-eight (189.28) of the Code shall not apply to eggs.

1 **SEC. 12. Transportation.** Vehicles used to transport eggs from the point of
2 production to an egg handler or between handlers shall be kept in sanitary
3 condition and shall be enclosed. However, this section shall not apply to
4 producers transporting their own eggs to a handler.

1 **SEC. 13. Records.** Handlers shall keep a record for three years of each of
2 their purchases and sales of eggs, including the date of the transaction, the names
3 of the parties, the grade, or nest run, and the quantity of eggs being purchased or
4 sold.

1 **SEC. 14. Penalty.** Any person found guilty of any violation of this Act shall
2 upon conviction for the first offense, be fined twenty-five dollars; for the second
3 offense, one hundred dollars; and for the third and subsequent offenses, two
4 hundred dollars. In addition to such fines, if the offender is a handler or a
5 retailer, the court for the third offense shall suspend his or her license for thirty

6 days; and for the fourth and any subsequent offense, such license shall be
7 revoked for a period of one year.

1 SEC. 15. Chapter one hundred ninety-six (196), Code 1975, is repealed.

Approved June 28, 1976

CHAPTER 1127

PLANT NUTRIENTS IN FERTILIZERS

H. F. 787

AN ACT relating to minimum percentages of plant nutrients in fertilizers.

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

1 SECTION 1. Chapter two hundred (200), Code 1975, is amended by adding the
2 following new section:

3 NEW SECTION. No phosphatic fertilizer containing less than eighteen percent
4 available phosphoric acid (P_2O_5), nor any nitrogen fertilizer containing less than
5 fifteen percent total nitrogen (N), nor any potash fertilizer containing less than
6 fifteen percent soluble potash (K_2O), nor any mixed fertilizer in which the sum of
7 the guaranteed analysis of total nitrogen (N), available phosphoric acid (P_2O_5),
8 and soluble potash (K_2O), totals less than twenty percent shall be offered for sale,
9 sold, or distributed in this state. This Act shall neither apply to specialty fertilizers
10 as defined in subsection five (5) of section two hundred point three (200.3) of the
11 Code nor to any fertilizer designed to be applied and ordinarily applied directly
12 to growing plant foliage to stimulate further growth.

Approved March 12, 1976

CHAPTER 1128

PESTICIDES APPLICATION

H. F. 1509

AN ACT relating to certification for applicators of restricted use of pesticides.

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

1 SECTION 1. Acts of the Sixty-fifth General Assembly, 1974 Session, chapter
2 one thousand one hundred fifty-seven (1157), section twenty-one (21), is amended
3 to read as follows:

4 Sec. 21. This Act shall become effective January 1, 1975. However, certification
5 for applicators of restricted use pesticides shall not be required until October 21,
6 1976 1977.

7 Notwithstanding any of the provisions of chapter two hundred and six (206) of
8 the Code, all licenses and product registrations that expire after June 30, 1974,
9 and before December 31, 1974, shall remain in full force and effect and be
10 deemed a current license or product registration during the period between July 1,
11 1974 and December 31, 1974. All licenses and product registrations so extended
12 shall expire on December 31, 1974.