

the board to each first purchaser when requested and the first purchaser shall make the applications available to any producer. Each application for refund by a producer shall have attached thereto proof of assessment deducted. The proof of assessment may be in the form of a duplicate or certified copy of the purchase invoice by the first purchaser. The secretary board shall have thirty days from the date the application for refund is received to remit the refund to the producer.

Sec. 9. Section one hundred eighty-five C point thirty-two (185C.32), Code 1979, is amended to read as follows:

185C.32 FIRST PURCHASER INFORMATION. Every first purchaser shall upon request furnish the secretary with such information as is necessary to enable the secretary and the board to carry out the provisions of this chapter. Such information shall be provided as prescribed by the secretary. The secretary may examine any records relating to the purchase or assessment of corn by any first purchaser. The secretary may hold hearings, take testimony, administer oaths, subpoena witnesses, and issue subpoenas as may be necessary ~~to carry out the provisions for the proper administration of~~ this chapter. When requested by the board, the secretary shall employ these powers in the manner requested.

Sec. 10. Section one hundred eighty-five C point thirty-three (185C.33), Code 1979, is amended to read as follows:

185C.33 ANNUAL REPORT. The secretary board shall make an annual report to the secretary on or before December 1 of each year, showing all income and expenses and other relevant information concerning assessments collected and expended under the provisions of this chapter.

Approved April 21, 1980

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## CHAPTER 1053

### SALE OF EGGS

H. F. 225

AN ACT relating to the licensing and regulations of the sale of eggs.

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

Section 1. Section one hundred ninety-six point one (196.1), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. "Consumer" means a person who buys eggs for personal consumption.

Sec. 2. Section one hundred ninety-six point one (196.1), subsection two (2), Code 1979, is amended to read as follows:

2. "Egg handler" or "handler" means a person who buys or sells eggs, or uses eggs in the preparation of human food. "Egg handler" or "handler" does not include a retailer, a consumer, an ~~institution~~ establishment, or a producer who sells eggs as provided in section 196.4.

Sec. 3. Section one hundred ninety-six point one (196.1), subsection five (5), Code 1979, is amended to read as follows:

5. "Establishment" means any place in which eggs are offered or sold as human food for consumption by its employees, students, patrons, customers, residents, inmates or patients or as an ingredient in food offered or sold in a form ready for immediate consumption.

Sec. 4. Section one hundred ninety-six point one (196.1), subsection seven (7), Code 1979, is amended to read as follows:

7. "Grading" means classifying each shell egg by weight and grading in accordance with egg grading standards approved by the United States government as of July 1, 1976 1979, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq.

Sec. 5. Section one hundred ninety-six point two (196.2), Code 1979, is amended to read as follows:

196.2 ENFORCEMENT. The secretary shall enforce the provisions of this chapter, and may make rules pursuant to chapter 17A and consistent with regulations of the United States government as they exist on July 1, 1976 1979, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq., and the Egg Products Inspection Act of 1970, 21 U.S.C. ss. 1044 et. seq.

Sec. 6. Section one hundred ninety-six point three (196.3), Code 1979, is amended to read as follows:

196.3 EGG HANDLER'S LICENSE AND FEE. Every egg handler shall obtain an annual license from the department. The fee for the license shall be determined on the basis of the total number of eggs purchased and or handled during the preceding month of April in each calendar year as follows:

1. Less than one hundred twenty-five cases.....	<del>\$12-50</del> <u>15.00</u>
2. One hundred twenty-five cases or more but less than two hundred fifty cases.....	<del>\$25-00</del> <u>35.00</u>
3. Two hundred fifty cases or more but less than one thousand cases.....	<del>\$37-50</del> <u>50.00</u>
4. One thousand cases or more <u>but less than five thousand cases</u> .....	<del>\$50-00</del> <u>100.00</u>
5. <u>Five thousand cases or more but less than ten thousand cases</u> .....	<u>\$175.00</u>
6. <u>Ten thousand cases or more</u> .....	<u>\$250.00</u>

The license shall expire one year after its date of issue. For the purpose of determining fees, a case shall be thirty dozen eggs. All fees collected shall be remitted to the treasurer of state for deposit in the general fund of the state.

If an egg handler is not operating during the month of April, the department shall estimate the volume of eggs purchased or handled, or both, and may revise the fee based on three months of operation.

Sec. 7. Section one hundred ninety-six point four (196.4), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Producers who sell eggs produced exclusively by their own flocks directly to handlers, or to consumers, shall not be required to ~~obtain-a-handler's-and-grader's--license~~ demonstrate to the department or the United States

department of agriculture inspector their capability to perform candling and grading.

Sec. 8. Section one hundred ninety-six point five (196.5), Code 1979, is amended to read as follows:

196.5 CANDLEING AND GRADING LICENSE CAPABILITY. A Each person who candles and grades eggs shall ~~obtain--a--candler--and--grader--license--from--the--department--The--license--fee--shall--be--three--dollars--per--year--for--such--person--Before--a--license--is--issued--each--person--who--is--engaged--in--candling--and--grading--shall~~ demonstrate to the satisfaction of the department or the United States department of agriculture inspector, the capability to perform candling and grading.

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

Sec. 9. Section one hundred ninety-six point eight (196.8), Code 1979, is amended to read as follows:

196.8 QUALITY. All eggs offered for sale to an establishment must be no lower than United States department of agriculture consumer grade "B". Retailers selling eggs at retail must hold eggs at a temperature not to exceed sixty degrees fahrenheit or sixteen degrees celsius.

Sec. 10. Section one hundred ninety-six point nine (196.9), Code 1979, is amended to read as follows:

196.9 EGGS UNFIT AS HUMAN FOOD. Eggs determined to be unfit for human food under title 21, section ~~1031~~ 1034 of the United States Code as amended to July 1, ~~1976~~ 1979, shall not be bought or sold or offered for purchase or sale by any person unless the eggs are denatured so that they cannot be used for human food.

Approved April 21, 1980