

**455.21 SERVICE BY PUBLICATION — COPY MAILED — PROOF.**

The notice provided in section 455.20 shall be served by publication as provided in section 331.305 before the hearing except that the notice shall be published at least twenty days before the hearing date. Proof of the service shall be made by affidavit of the publisher. Copy of the notice shall also be sent by ordinary mail to each person and to the clerk or recorder of each city named in the notice at that person's last known mailing address unless there is on file an affidavit of the auditor, or of a person designated by the board to make the necessary investigation, stating that no mailing address is known and that diligent inquiry has been made to ascertain it. The copy of notice shall be mailed not less than twenty days before the day set for hearing and proof of the service shall be by affidavit of the auditor. Proofs of service required by this section shall be on file at the time the hearing begins.

Approved April 4, 1988

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**CHAPTER 1036**

**MEAT AND POULTRY REGULATION**

*S.F. 2011*

**AN ACT** relating to meat and poultry regulation and inspection, providing penalties, and providing for injunctive relief.

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

Section 1. Section 189A.10, subsections 1 and 2, Code 1987, are amended to read as follows:

1. ~~No A person shall, with respect to any livestock or poultry or any livestock products or poultry products, do commits a fraudulent practice as defined in section 714.8 if the person does any of the following:~~

a. ~~Slaughter any such animals Slaughters livestock or poultry or prepare any such articles which are prepares an article produced from livestock or poultry which is capable of use as human food, at any establishment preparing such articles the article solely for intrastate commerce, except in compliance with the requirements of this chapter.~~

b. ~~Sell, transport, offer Sells, transports, offers for sale or transportation, or receive receives for transportation in intrastate commerce, any such articles article produced from livestock or poultry which are is both of the following:~~

(1) Capable of use as human food.

(2) Adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or ~~any articles~~ required to be inspected under this chapter unless they have been so inspected and the article has passed inspection.

c. ~~With respect to any such articles which are capable of use as human food, Commits any act while they are being transported in intrastate commeree or held for sale after such transportation, which is intended to cause or has the effect of causing such articles an article produced from livestock or poultry to be adulterated or misbranded, if the article is capable of use as human food and is being transported or held for sale after being transported in intrastate commerce.~~

2. ~~No A person shall sell, transport, offer commits a fraudulent practice as defined in section 714.8, if the person sells, transports, offers for sale or transportation, or receive receives for transportation in intrastate commerce, or receives from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the secretary except as may be authorized by such regulations.~~

Sec. 2. Section 189A.14, subsection 2, Code 1987, is amended to read as follows:

2. The district court is hereby vested with jurisdiction to enforce this chapter, to prevent and restrain violations herein. The district court in the county where the violation occurs may enjoin a person from violating this chapter or a regulation promulgated by the secretary pursuant to this chapter. The department may apply to the district court for the injunction. In order to obtain injunctive relief the department shall not be required to post a bond or prove the absence of an adequate remedy at law, unless the court for good cause otherwise orders. The court may order any form of prohibitory or mandatory relief that is appropriate under principles of equity, including but not limited to issuing a temporary or permanent restraining order.

Approved April 7, 1988

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## CHAPTER 1037

### HOSPICE SERVICES UNDER MEDICARE

S.F. 2159

**AN ACT** relating to the provision of hospice care within health care facilities by medicare certified hospice programs.

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

Section 1. NEW SECTION. 135C.32 HOSPICE SERVICES COVERED BY MEDICARE.

The requirement that the care of a resident of a health care facility must be provided under the immediate direction of either the facility or the resident's personal physician does not apply if all of the following conditions are met:

1. The resident is terminally ill.
2. The resident has elected to receive hospice services under the federal Medicare program from a Medicare certified hospice program.
3. The health care facility and the Medicare certified hospice program have entered into a written agreement under which the hospice program takes full responsibility for the professional management of the resident's hospice care and the facility agrees to provide room and board to the resident.

Approved April 7, 1988

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## CHAPTER 1038

### SCHOOL BOARD MEMBERS AND OFFICERS QUALIFICATION

S.F. 2236

**AN ACT** relating to the qualification for office by elected school board members and school officers.

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

Section 1. Section 275.25, subsection 3, Code 1987, is amended to read as follows:

3. The directors who are elected and qualify to serve shall serve until their successors are elected and qualify. At the special election, the newly elected director receiving the most votes shall be elected to serve until the director's successor qualifies after the fourth regular school