

FILED 1974

SENATE FILE 1235

By COMMITTEE ON AGRICULTURE  
(Committee on Agriculture)

Passed Senate, Date 5-25-74 (991) Passed House, Date 4-8-74 (1567)

Vote: Ayes 47 Nays 0 Vote: Ayes 86 Nays 0

Approved 4-23-74

Passed as amended by House 4-11-74 (1320)  
42-0

### A BILL FOR

1 An Act to regulate the manufacture and distribution of com-  
2 mercial feeds in this state and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. SHORT TITLE. This Act shall  
2 be known as the "Iowa Commercial Feed Law of 1974".

3 Sec. 2. NEW SECTION. ENFORCING OFFICIAL. This Act shall  
4 be administered by the secretary of agriculture.

5 Sec. 3. NEW SECTION. DEFINITIONS. For the purposes of  
6 this Act:

7 1. "Secretary" means the secretary of agriculture.

8 2. "Distribute" means to offer for sale, sell, exchange,  
9 or barter, commercial feed or to supply, furnish, or other-  
10 wise provide commercial feed to a contract feeder.

11 3. "Distributor" means any person who distributes.

12 4. "Commercial feed" means all materials except whole  
13 seeds unmixed or physically altered entire unmixed seeds,  
14 when not adulterated within the meaning of section seven (7),  
15 subsection one (1) of this Act; which are distributed for  
16 use as feed or for mixing in feed. The secretary by regu-  
17 lation may exempt from this definition, or from specific  
18 provisions of this Act, commodities such as hay, straw, stover,  
19 silage, cobs, husks, hulls, and individual chemical compounds  
20 or substances when such commodities, compounds or substances  
21 are not intermixed or mixed with other materials, and are  
22 not adulterated within the meaning of section seven (7),  
23 subsection one (1) of this Act.

24 5. "Feed ingredient" means each of the constituent  
25 materials making up a commercial feed.

26 6. "Mineral feed" means a commercial feed intended to  
27 supply primarily mineral elements or inorganic nutrients.

28 7. "Drug" means any article intended for use in the  
29 diagnosis, cure, mitigation, treatment, or prevention of  
30 disease in animals other than man and articles other than  
31 feed intended to affect the structure or any function of the  
32 animal body.

33 8. "Customer-formula feed" means commercial feed which  
34 consists of a mixture of commercial feeds or feed ingredients,

1 or both, each batch of which is manufactured according to  
2 the specific instructions of the final purchaser.

3 9. "Manufacture" means to grind, mix or blend, or further  
4 process a commercial feed for distribution.

5 10. "Brand name" means any word, name, symbol, or device,  
6 or any combination thereof, identifying the commercial feed  
7 of a distributor or registrant and distinguishing it from  
8 that of others.

9 11. "Product name" means the name of the commercial feed  
10 which identifies it as to kind, class, or specific use.

11 12. "Label" means a display of written, printed, or graphic  
12 matter upon or affixed to the container in which a commercial  
13 feed is distributed, or on the invoice or delivery slip with  
14 which a commercial feed is distributed.

15 13. "Labeling" means all labels and other written, printed,  
16 or graphic matter upon a commercial feed or any of its  
17 containers or wrappers or, accompanying such commercial feed.

18 14. "Ton" means a net weight of two thousand pounds  
19 avoirdupois.

20 15. "Percent" or "percentages" means percentages by weight.

21 16. "Official sample" means a sample of feed taken by  
22 the secretary or his agent in accordance with the provisions  
23 of section eleven (11), subsections three (3), five (5), or  
24 six (6) of this Act.

25 17. "Contract feeder" means a person who as an indepen-  
26 dent contractor, feeds commercial feed to animals pursuant  
27 to a contract whereby such commercial feed is supplied,  
28 furnished, or otherwise provided to such person and whereby  
29 such person's remuneration is determined all or in part by  
30 feed consumption, mortality, profits, or amount or quality  
31 of product.

32 18. "Pet food" means any commercial feed prepared and  
33 distributed for consumption by pets.

34 19. "Pet" means any domesticated animal normally main-  
35 tained in or near the household of the owner thereof.

1       20. "Specialty pet food" means any commercial feed pre-  
2       pared and distributed for consumption by specialty pets.

3       21. "Specialty pet" means any domesticated animal pet  
4       normally maintained in a cage or tank, such as, but not limited  
5       to, gerbils, hamsters, canaries, psittacine birds, mynahs,  
6       finches, tropical fish, goldfish, snakes and turtles.

7       Sec. 4. NEW SECTION. REGISTRATION.

8       1. No person shall manufacture a commercial feed in this  
9       state, unless he has filed with the secretary on forms pro-  
10      vided by the secretary, his name, place of business and loca-  
11      tion of each manufacturing facility in this state.

12      2. No person shall distribute in this state a commercial  
13      feed, except a customer-formula feed, which has not been  
14      registered pursuant to the provisions of this section. The  
15      application for registration shall be submitted in the manner  
16      prescribed by the secretary. Upon approval by the secretary  
17      the registration shall be issued to the applicant. A regis-  
18      tration shall continue in effect unless it is canceled by  
19      the registrant or unless it is canceled by the secretary  
20      pursuant to subsection three (3) of this section.

21      3. The secretary may refuse registration of any commer-  
22      cial feed not in compliance with the provisions of this Act  
23      and may cancel any registration found not to be in compliance  
24      with any provisions of this Act, provided, that no registration  
25      shall be refused or canceled unless the registrant shall have  
26      been given an opportunity to be heard before the secretary  
27      and to amend his application in order to comply with the  
28      requirements of this Act.

29      Sec. 5. NEW SECTION. LABELING. A commercial feed shall  
30      be labeled as follows:

31      1. In case of a commercial feed, except a customer-formula  
32      feed, it shall be accompanied by a label bearing the following  
33      information:

34          a. The net weight.

35          b. The product name and the brand name, if any, under

1 which the commercial feed is distributed.

2 c. The guaranteed analysis stated in such terms as the  
3 secretary by regulation determines is required to advise the  
4 user of the composition of the feed or to support claims made  
5 in the labeling. In all cases the substances or elements  
6 must be determinable by laboratory methods such as the methods  
7 published by the association of official analytical chemists.

8 d. The common or usual name of each ingredient used in  
9 the manufacture of the commercial feed, provided, that the  
10 secretary by regulation may permit the use of a collective  
11 term for a group of ingredients which perform a similar  
12 function, or he may exempt such commercial feeds, or any group  
13 thereof, from this requirement of an ingredient statement  
14 if he finds that such statement is not required in the interest  
15 of consumers.

16 e. The name and principal mailing address of the manu-  
17 facturer or the person responsible for distributing the com-  
18 mercial feed.

19 f. Adequate directions for use for all commercial feeds  
20 containing drugs and for such other feeds as the secretary  
21 may require by regulation as necessary for their safe and  
22 effective use.

23 g. Such precautionary statements as the secretary by regu-  
24 lation determines are necessary for the safe and effective  
25 use of the commercial feed.

26 2. In the case of a customer-formula feed, it shall be  
27 accompanied by a label, invoice, delivery slip, or other ship-  
28 ping document, bearing the following information:

29 a. Name and address of the manufacturer.

30 b. Name and address of the purchaser.

31 c. Date of delivery.

32 d. The product name and brand name, if any, and the net  
33 weight of each registered commercial feed used in the mix-  
34 ture, and the net weight of each other ingredient used.

35 e. Adequate directions for use for all customer-formula

1 feeds containing drugs and for such other feeds as the secre-  
2 tary may require by regulation as necessary for their safe  
3 and effective use.

4 f. Such precautionary statements as the secretary by  
5 regulation determines are necessary for the safe and effec-  
6 tive use of the customer-formula feed.

7 Sec. 6. NEW SECTION. MISBRANDING. A commercial feed  
8 shall be deemed to be misbranded:

9 1. If its labeling is false or misleading in any particu-  
10 lar.

11 2. If it is distributed under the name of another  
12 commercial feed.

13 3. If it is not labeled as required in section six (6)  
14 of this Act.

15 4. If it purports to be or is represented as a commercial  
16 feed, or if it purports to contain or is represented as con-  
17 taining a commercial feed ingredient, unless such commercial  
18 feed or feed ingredient conforms to the definition, if any,  
19 prescribed by regulation by the secretary.

20 5. If any word, statement, or other information required  
21 by this Act to appear on the label is not prominently and  
22 conspicuously placed thereon and in such terms as to render  
23 it likely to be read and understood by the ordinary individual  
24 under customary conditions of purchase and use.

25 Sec. 7. NEW SECTION. ADULTERATION. A commercial feed  
26 shall be deemed to be adulterated:

27 1. a. If it bears or contains any poisonous or dele-  
28 terious substance which may render it injurious to health;  
29 but in case the substance is not an added substance, such  
30 commercial feed shall not be considered adulterated under  
31 this subsection if the quantity of such substance in such  
32 commercial feed does not ordinarily render it injurious to  
33 health.

34 b. If it bears or contains any added poisonous, added  
35 deleterious, or added nonnutritive substance which is unsafe

1 within the meaning of section four hundred six (406) of the  
2 Federal Food, Drug, and Cosmetic Act, other than one which is  
3 a pesticide chemical in or on a raw agricultural commodity  
4 or a food additive.

5 c. If it is, or it bears or contains any food additive  
6 which is unsafe within the meaning of section four hundred  
7 nine (409) of the Federal Food, Drug, and Cosmetic Act.

8 d. If it is a raw agricultural commodity and it bears  
9 or contains a pesticide chemical which is unsafe within the  
10 meaning of section four hundred eight (408) subparagraph a  
11 of the Federal Food, Drug, and Cosmetic Act, provided, that  
12 where a pesticide chemical has been used in or on a raw  
13 agricultural commodity in conformity with an exemption granted  
14 or a tolerance prescribed under section four hundred eight  
15 (408) of the Federal Food, Drug, and Cosmetic Act and such  
16 raw agricultural commodity has been subjected to processing  
17 such as canning, cooking, freezing, dehydrating, or milling,  
18 the residue of such pesticide chemical remaining in or on  
19 such processed feed shall not be deemed unsafe if such residue  
20 in or on the raw agricultural commodity has been removed to  
21 the extent possible in good manufacturing practice and the  
22 concentration of such residue in the processed feed is not  
23 greater than the tolerance prescribed for the raw agriculture  
24 commodity unless the feeding of such processed feed will  
25 result or is likely to result in a pesticide residue in the  
26 edible product of the animal, which is unsafe within the  
27 meaning of section four hundred eight (408), subparagraph a  
28 of the Federal Food, Drug, and Cosmetic Act.

29 e. If it is, or it bears or contains any color additive  
30 which is unsafe within the meaning of section seven hundred  
31 six (706) of the Federal Food, Drug, and Cosmetic Act.

32 2. If any valuable constituent has been in whole or in  
33 part omitted or abstracted therefrom or any less valuable  
34 substance substituted therefor.

35 3. If its composition or quality falls below or differs

1 from that which it is purported or is represented to possess  
2 by its labeling.

3 4. If it contains a drug and the methods used in or the  
4 facilities or controls used for its manufacture, processing,  
5 or packaging do not conform to current good manufacturing  
6 practice regulations promulgated by the secretary to assure  
7 that the drug meets the requirement of this Act as to safety  
8 and has the identity and strength and meets the quality and  
9 purity characteristics which it purports or is represented  
10 to possess. In promulgating such regulations, the secretary  
11 shall adopt the current good manufacturing practice regula-  
12 tions for medicated feed premixes and for medicated feeds  
13 established under authority of the Federal Food, Drug, and  
14 Cosmetic Act, unless he determines that they are not appro-  
15 priate to the conditions which exist in this state.

16 5. If it contains viable weed seeds in amounts exceeding  
17 the limits which the secretary shall establish by rule or  
18 regulation.

19 Sec. 8. NEW SECTION. PROHIBITED ACTS. It shall be  
20 unlawful for any person to:

21 1. Manufacture or distribute any commercial feed that  
22 is adulterated or misbranded.

23 2. Adulterate or misbrand any commercial feed.

24 3. Distribute agricultural commodities such as whole seed,  
25 hay, straw, stover, silage, cobs, husks, and hulls, which  
26 are adulterated within the meaning of section seven (7),  
27 subsection one (1) of this Act.

28 4. Remove or dispose of a commercial feed in violation  
29 of an order under section twelve (12) of this Act.

30 5. Fail or refuse to register in accordance with sec-  
31 tion four (4) of this Act.

32 6. Violate section thirteen (13), subsection six (6) of  
33 this Act.

34 7. Fail to pay inspection fees and file reports as required  
35 by section nine (9) of this Act.

1       Sec. 9. NEW SECTION.   INSPECTION FEES AND REPORTS.

2       1. An inspection fee to be fixed annually by the secre-  
3 tary, at the rate of no more than ten cents per ton shall  
4 be paid on commercial feeds distributed in this state, by  
5 the person who distributes the commercial feed to the consumer,  
6 subject to the following:

7       a. A fee shall not be paid on a commercial feed if the  
8 payment has been made by a previous distributor.

9       b. A fee shall not be paid on customer-formula feeds if  
10 the inspection fee is paid on the commercial feeds which are  
11 used as ingredients therein.

12       c. A fee shall not be paid on commercial feeds which are  
13 used as ingredients for the manufacture of commercial feeds  
14 which are registered. If the fee has already been paid,  
15 credit shall be given for such payment.

16       d. In the case of a commercial feed which is distributed  
17 in the state only in packages of ten pounds or less, an annual  
18 fee of twenty-five dollars, shall be paid in lieu of the  
19 inspection fee specified above.

20       e. The minimum inspection fee shall be a semiannual fee  
21 of ten dollars.

22       f. In the case of specialty pet food, which is distri-  
23 buted in the state in packages of one pound or less, an annual  
24 fee of twenty-five dollars shall be paid in lieu of an inspec-  
25 tion fee.

26       2. Each person who is liable for the payment of such fee  
27 shall:

28       a. File, not later than the last day of January and July  
29 of each year a semiannual statement, setting forth the num-  
30 ber of net tons of commercial feeds distributed in this state  
31 during the preceding six months and upon filing such state-  
32 ment shall pay the inspection fee at the rate stated in sub-  
33 section one (1) of this section. Inspection fees which are  
34 due and owing and have not been remitted to the secretary  
35 within fifteen days following the due date shall have a

1 delinquency fee of ten percent or five dollars, whichever  
2 is greater, added to the amount due when payment is finally  
3 made. The assessment of this penalty fee shall not prevent  
4 the department from taking other actions as provided in this  
5 Act.

6 b. Keep such records as may be necessary or required by  
7 the secretary to indicate accurately the tonnage of commer-  
8 cial feed distributed in this state, and the secretary shall  
9 have the right to examine such records to verify statements  
10 of tonnage.

11 Failure to make an accurate statement of tonnage or to  
12 pay the inspection fee or comply as provided herein shall  
13 constitute sufficient cause for the cancellation of all regis-  
14 trations on file for the distributor.

15 3. Fees collected shall constitute a fund for the pay-  
16 ment of the costs of inspection, sampling, analysis, supporta-  
17 tive research, and other expenses necessary for the adminis-  
18 tration of this Act.

19 Sec. 10. NEW SECTION. RULES AND REGULATIONS.

20 1. The secretary may promulgate such rules and regulations  
21 for commercial feeds and pet foods as are specifically autho-  
22 rized in this Act and such other reasonable rules and regula-  
23 tions as may be necessary for the efficient enforcement of  
24 this Act. In the interest of uniformity the secretary shall  
25 by regulation adopt, unless he determines that they are incon-  
26 sistent with the provisions of this Act or are not appropriate  
27 to conditions which exist in this state, the following:

28 a. The official definitions of feed ingredients and  
29 official feed terms adopted by the association of American  
30 feed control officials and published in the official  
31 publication of that organization, and

32 b. Any regulation promulgated pursuant to the authority  
33 of the Federal Food, Drug, and Cosmetic Act, U.S.C. section  
34 three hundred one (301), et seq., provided, that the secre-  
35 tary would have the authority under this Act to promulgate

1 such regulations.

2 2. Before the issuance, amendment, or repeal of any rule  
3 or regulation authorized by this Act, the secretary shall  
4 publish the proposed regulation, amendment, or notice to  
5 repeal an existing regulation in a manner reasonably calcu-  
6 lated to give interested parties, including all current regis-  
7 trants, adequate notice and shall afford all interested per-  
8 sons an opportunity to be heard, orally or in writing, within  
9 a reasonable period of time. After consideration of all views  
10 presented by interested persons, the secretary shall take  
11 appropriate action to issue the proposed rule or regulation  
12 or to amend or repeal an existing rule or regulation. The  
13 provisions of this paragraph notwithstanding, if the secretary,  
14 pursuant to the authority of this Act, adopts the official  
15 definitions of feed ingredients or official feed terms as  
16 adopted by the association of American feed control officials,  
17 or regulations promulgated pursuant to the authority of the  
18 Federal Food, Drug, and Cosmetic Act, any amendment or  
19 modification adopted by said association or by the secretary  
20 of health, education and welfare in the case of regulations  
21 promulgated pursuant to the Federal Food, Drug and Cosmetic  
22 Act, shall be adopted automatically under this Act without  
23 regard to publication of the notice required by this  
24 subsection, unless the secretary, by order specifically  
25 determines that said amendment or modification shall not be  
26 adopted.

27 Sec. 11. NEW SECTION. INSPECTION, SAMPLING, AND ANALYSIS.

28 1. For the purpose of enforcement of this Act, and in  
29 order to determine whether its provisions have been complied  
30 with, including whether or not any operations may be subject  
31 to such provisions, officers or employees duly designated  
32 by the secretary, upon presenting appropriate credentials,  
33 and a written notice to the owner, operator or agent in charge,  
34 are authorized:

35 a. To enter, during normal business hours, any factory,

1 warehouse, or establishment within the state in which commer-  
2 cial feeds are manufactured, processed, packed, or held for  
3 distribution, or to enter any vehicle being used to trans-  
4 port or hold such feed.

5 b. To inspect at reasonable times and within reasonable  
6 limits and in a reasonable manner, such factory, warehouse,  
7 establishment or vehicle and all pertinent equipment, finished  
8 and unfinished materials, containers, and labeling therein.  
9 The inspection may include the verification of only such  
10 records, and production and control procedures as may be  
11 necessary to determine compliance with the good manufacturing  
12 practice regulations established under section seven (7),  
13 subsection four (4) of this Act.

14 2. A separate notice shall be given for each such inspec-  
15 tion, but a notice shall not be required for each entry made  
16 during the period covered by the inspection. Each such  
17 inspection shall be commenced and completed with reasonable  
18 promptness. Upon completion of the inspection, the person  
19 in charge of the facility or vehicle shall be so notified.

20 3. If the officer or employee making such inspection of  
21 a factory, warehouse, or other establishment has obtained  
22 a sample in the course of the inspection, upon completion  
23 of the inspection and prior to leaving the premises he shall  
24 give to the owner, operator, or agent in charge a receipt  
25 describing the samples obtained.

26 4. If the owner of any factory, warehouse, or establish-  
27 ment described in subsection one (1) of this section, or his  
28 agent, refuses to admit the secretary or his agent to inspect  
29 in accordance with subsections one (1) and two (2) of this  
30 section, the secretary may obtain from any state court a  
31 warrant directing such owner or his agent to submit the  
32 premises described in such warrant to inspection.

33 5. For the purpose of the enforcement of this Act, the  
34 secretary or his duly designated agent is authorized to enter  
35 upon any public or private premises including any vehicle

1 of transport during regular business hours to have access  
2 to, and to obtain samples, and to examine records relating  
3 to distribution of commercial feeds.

4 6. Sampling and analysis shall be conducted in accordance  
5 with methods published by the association of official analyti-  
6 cal chemists, or in accordance with other generally recog-  
7 nized methods.

8 7. The results of all analyses of official samples shall  
9 be forwarded by the secretary to the person named on the  
10 label. When the inspection and analysis of an official sample  
11 indicates a commercial feed has been adulterated or misbranded  
12 and upon request within thirty days following receipt of the  
13 analysis the secretary shall furnish to the registrant a  
14 portion of the sample concerned.

15 8. The secretary, in determining for administrative pur-  
16 poses whether a commercial feed is deficient in any component,  
17 shall be guided by the official sample as defined in section  
18 three (3), subsection sixteen (16) of this Act and obtained  
19 and analyzed as provided for in section eleven (11),  
20 subsections three (3), five (5), and six (6) of this Act.

21 Sec. 12. NEW SECTION. DETAINED COMMERCIAL FEEDS.

22 1. When the secretary or his authorized agent has reason-  
23 able cause to believe any lot of commercial feed is being  
24 distributed in violation of any of the provisions of this  
25 Act or of any of the prescribed regulations under this Act,  
26 he may issue and enforce a written or printed "withdrawal  
27 from distribution" order, warning the distributor not to  
28 dispose of the lot of commercial feed in any manner until  
29 written permission is given by the secretary or the court.  
30 The secretary shall release the lot of commercial feed so  
31 withdrawn when said provisions and regulations have been  
32 complied with. If compliance is not obtained within thirty  
33 days, the secretary may begin, or upon request of the  
34 distributor or registrant shall begin, proceedings for  
35 condemnation.

1        2. Any lot of commercial feed not in compliance with said  
2 provisions and regulations shall be subject to seizure on  
3 complaint of the secretary to a court of competent jurisdic-  
4 tion in the area in which said commercial feed is located.  
5 In the event the court finds the said commercial feed to be  
6 in violation of this Act and order the condemnation of said  
7 commercial feed, it shall be disposed of in any manner consis-  
8 tent with the quality of the commercial feed and the laws  
9 of the state, provided, that in no instance shall the  
10 disposition of said commercial feed be ordered by the court  
11 without first giving the claimant an opportunity to apply  
12 to the court for release of said commercial feed or for  
13 permission to process or relabel said commercial feed to bring  
14 it into compliance with this Act.

15        Sec. 13. NEW SECTION. PENALTIES.

16        1. Any person convicted of violating any of the provisions  
17 of this Act or who shall impede, hinder, or otherwise prevent,  
18 or attempt to prevent, said secretary or his authorized agent  
19 in performance of his duty in connection with the provisions  
20 of this Act, shall be guilty of a misdemeanor and shall be  
21 fined not less than twenty-five dollars or more than one hun-  
22 dred dollars for the first violation, and not less than fifty  
23 dollars or more than three hundred dollars for a subsequent  
24 violation.

25        2. Nothing in this Act shall be construed as requiring  
26 the secretary or his representative to:

27        a. Report for prosecution.

28        b. Institute seizure proceedings.

29        c. Issue a withdrawal from distribution order, as a result  
30 of minor violations of the Act, or when he believes the pub-  
31 lic interest will best be served by suitable notice of warning  
32 in writing.

33        3. It shall be the duty of each county attorney to whom  
34 any violation is reported to cause appropriate proceedings  
35 to be instituted and prosecuted in a court of competent juris-

1 diction without delay. Before the secretary reports a viola-  
2 tion for such prosecution, an opportunity shall be given the  
3 distributor to present his view to the secretary.

4 4. The secretary may apply for and the court to grant  
5 a temporary or permanent injunction restraining any person  
6 from violating or continuing to violate any of the provisions  
7 of this Act or any rule or regulation promulgated under the  
8 Act notwithstanding the existence of other remedies at law.  
9 Said injunction to be issued without bond.

10 5. Any person adversely affected by an act, order, or  
11 ruling made pursuant to the provisions of this Act may within  
12 forty-five days thereafter bring action in the district court  
13 for judicial review of such actions. The form of the pro-  
14 ceeding shall be any which may be provided by statutes of  
15 this state to review decisions of administrative agencies,  
16 or in the absence or inadequacy thereof, any applicable form  
17 of legal action, including actions for declaratory judgments  
18 or writs or prohibitory or mandatory injunctions.

19 6. Any person who uses to his own advantage, or reveals  
20 to other than the secretary, or officers of the department  
21 or to the courts when relevant in any judicial proceeding,  
22 any information acquired under the authority of this Act,  
23 concerning any method, records, formulations, or processes  
24 which as a trade secret is entitled to protection, is guilty  
25 of a misdemeanor and shall on conviction thereof be fined  
26 not less than one hundred dollars or imprisoned for not less  
27 than six months, or both, provided that this prohibition shall  
28 not be deemed as prohibiting the secretary, or his duly  
29 authorized agent, from exchanging information of a regulatory  
30 nature with appointed officials of the United States  
31 government, or of other states, who are similarly prohibited  
32 by law from revealing this information.

33 Sec. 14. NEW SECTION. COOPERATION WITH OTHER ENTITIES.  
34 The secretary may cooperate with and enter into agreements  
35 with governmental agencies of this state, other states,



HOUSE AMENDMENT TO SENATE FILE 1235

1 Amend Senate File 1235, as passed by the Senate, by  
2 inserting on page 16, after line 12, the following sections:

3 "Sec. \_\_\_\_\_. Section two hundred three point eight (203.8),  
4 Code 1973, is amended to read as follows:

5 203.8 COMMERCIAL FEEDS FEEDS EXCEPTED. Nothing in this  
6 chapter shall be construed as applying to commercial feeds feeds  
7 so defined in ~~subsection 4 of section 198.3~~ section three (3)  
8 of this Act.

9 Sec. \_\_\_\_\_. Section one hundred fifty-five point two  
10 (155.2), subsection one (1), Code 1973, is amended to read  
11 as follows:

12 1. Persons who sell, offer or expose for sale, completely  
13 denatured alcohol or concentrated lye, insecticides or  
14 fungicides in original packages or biological products as  
15 defined in chapter 166 or commercial feeds ~~or stock tonics as~~  
16 ~~defined in chapter 198~~ as defined in section three (3) of this  
17 Act, or stock tonic as defined in this section. For purposes  
18 of this section, stock tonic shall mean commercial feed for  
19 livestock and poultry such as remedies for the cure and  
20 mitigation of diseases and other nonnutritional conditions.  
21 It shall include only those articles and products for oral  
22 administration and shall not include medicated livestock and  
23 poultry feeds.

24 Sec. \_\_\_\_\_. Section two hundred five point eight (205.8),  
25 subsection three (3), Code 1973, is amended to read as follows:

Page 2

1 3. To insecticides and fungicides as defined in chapter  
2 206 and commercial feeds as defined in ~~chapter 198~~ section  
3 three (3) of this Act, provided same be labeled in  
4 accordance with said chapter section and sold in original un-  
5 broken packages, provided, however, that stock dips and fly  
6 sprays may be sold in bulk or otherwise and the vessel or  
7 container need not have printed on the label the most  
8 available antidote."

Received from the House  
April 9, 1974

*Senate concurred 4/11*

S-2514

1 Amend Senate File 1235 as follows:  
2 1. Page 10, line 3, by striking the word "penalty"  
3 and inserting in lieu thereof the word "delinquency".

S-2514 Filed *adopted 3/25*  
March 19, 1974

By TIEDEN

1 Amend Senate File 1235, as passed by the Senate,  
2 by inserting on page 16, after line 12, the following  
3 sections:

4 "Sec. \_\_\_\_\_. Section two hundred three point eight  
5 (203.8), Code 1973, is amended to read as follows:

6 203.8 COMMERCIAL FEEDS FEEDS EXCEPTED. Nothing  
7 in this chapter shall be construed as applying to  
8 commercial feeds feeds so defined in ~~subsection 4 of~~  
9 ~~section 198-3~~ section three (3) of this Act.

10 Sec. \_\_\_\_\_. Section one hundred fifty-five point  
11 two (155.2), subsection one (1), Code 1973, is amended  
12 to read as follows:

13 i. Persons who sell, offer or expose for sale,  
14 completely denatured alcohol or concentrated lye,  
15 insecticides or fungicides in original packages or  
16 biological products as defined in chapter 166 or  
17 ~~commercial feeds or stock tonics as defined in~~  
18 ~~chapter 198~~ as defined in section three (3) of this  
19 Act, or stock tonic as defined in this section. For  
20 purposes of this section, stock tonic shall mean  
21 commercial feed for livestock and poultry such as  
22 remedies for the cure and mitigation of diseases and  
23 other nonnutritional conditions. It shall include  
24 only those articles and products for oral administra-  
25 tion and shall not include medicated livestock and  
26 poultry feeds.

27 Sec. \_\_\_\_\_. Section two hundred five point eight  
28 (205.8), subsection three (3), Code 1973, is amended  
29 to read as follows:

30 3. To insecticides and fungicides as defined  
31 in chapter 206 and commercial feeds as defined in  
32 ~~chapter 198~~ section three (3) of this Act, provided  
33 same be labeled in accordance with said chapter  
34 section and sold in original unbroken packages,  
35 provided, however, that stock dips and fly sprays  
36 may be sold in bulk or otherwise and the vessel or  
37 container need not have printed on the label the  
38 most available antidote."