

In the interest of uniformity the secretary shall ~~by rule adopt, unless any rule based on regulations promulgated under the authority of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., provided the secretary has the authority under this chapter to adopt the rule. However, the secretary is not required to adopt such a rule, if the secretary determines that they are the rule would be inconsistent with this chapter or are not appropriate to conditions which exist in this state, the following:~~

a. ~~The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization, and~~

b. ~~Any rule adopted pursuant to the authority of the federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., provided the secretary has the authority under this chapter to adopt such rules.~~

2. Before the issuance, amendment, or repeal of a rule authorized by this chapter, the secretary shall publish the proposed rule, amendment, or notice to repeal an existing rule in a manner reasonably calculated to give interested parties, including all current licensees, adequate notice, and shall afford all interested persons an opportunity to be heard, orally or in writing, within a reasonable period of time. After consideration of all views presented by interested persons, the secretary shall take appropriate action to issue the proposed rule or to amend or repeal an existing rule. However, if the secretary, ~~pursuant to this chapter, adopts the official definitions of feed ingredients or official feed terms as adopted by the association of American feed control officials, or adopts rules based on regulations promulgated pursuant to~~ under the authority of the federal Food, Drug, and Cosmetic Act, any amendment or modification adopted by ~~that association, or by the United States~~ secretary of health and human services ~~in the case of regulations promulgated pursuant to the federal Food, Drug, and Cosmetic Act,~~ shall be adopted automatically under this chapter without regard to publication of the notice required by this subsection, unless the secretary by order specifically determines that an amendment or modification shall not be adopted.

Sec. 3. 1994 Iowa Acts, chapter 1198, section 1, subsection 3, paragraph a, unnumbered paragraph 3, is amended to read as follows:

Of the amount appropriated under this paragraph "a" or paragraph "c" of this subsection, the department shall allocate \$160,000 ~~shall be allocated from the either~~ appropriation to Iowa state university for purposes of training commercial pesticide applicators.

Sec. 4. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 19, 1995

CHAPTER 43

LIVESTOCK CLASSIFICATION OF OSTRICHES, RHEAS, AND EMUS S.F. 278

AN ACT providing that animals classified as ostriches, rheas, and emus are considered livestock.

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

Section 1. Section 4.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. "Livestock" includes but is not limited to an animal classified as an ostrich, rhea, or emu.

Sec. 2. Section 9H.5A, subsection 3, paragraph g, Code 1995, is amended to read as follows:

g. The approximate number of livestock, including cattle, sheep, swine, ostriches, rheas, emus, or poultry, owned, contracted for, or kept by the corporation, limited liability company, trust, or limited partnership, and the approximate number of offspring produced from the livestock.

Sec. 3. Section 96.19, subsection 18, paragraph g, subparagraph (3), subparagraph subdivision (f), Code 1995, is amended to read as follows:

(f) The term "farm" includes ~~stock~~ livestock, dairy, poultry, fruit, fur-bearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

Sec. 4. Section 162.2, subsection 17, Code 1995, is amended to read as follows:

17. "Vertebrate animal" means those vertebrate animals other than members of the equine, bovine, ovine, and porcine species, and ostriches, rheas, or emus.

Sec. 5. Section 166D.2, subsection 29, Code 1995, is amended to read as follows:

29. "Livestock" means swine, cattle, sheep, goats, ~~and~~ horses, ostriches, rheas, or emus.

Sec. 6. Section 172B.1, subsection 2, Code 1995, is amended to read as follows:

2. "Livestock" means and includes live cattle, swine, sheep, ~~or~~ horses, ostriches, rheas, or emus, and the carcasses of such animals whether in whole or in part.

Sec. 7. Section 172D.1, subsection 9, Code 1995, is amended to read as follows:

9. "Livestock" means cattle, sheep, swine, ostriches, rheas, emus, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

Sec. 8. Section 189A.2, subsections 14, 16, and 25, Code 1995, are amended to read as follows:

14. "Livestock" means ~~any~~ cattle, sheep, swine, goats, ostriches, rheas, emus, or equines, including horses, and mules ~~or other equines,~~ whether live or dead.

16. "Meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the secretary under such conditions as the secretary may prescribe to assure that the meat or other portions of such carcass contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines or ostriches, rheas, or emus shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

25. "Poultry" means any domesticated bird, whether live or dead. However, poultry does not include ostriches, rheas, or emus.

Sec. 9. Section 189A.18, Code 1995, is amended to read as follows:

189A.18 HUMANE SLAUGHTER PRACTICES.

Every establishment subject to the provisions of this chapter engaged in the slaughter of bovine, porcine, or ovine animals or ostriches, rheas, or emus shall slaughter all such animals in an approved humane slaughtering method. For purposes of this section an

approved humane slaughtering method shall include and be limited to slaughter by shooting, electrical shock, captive bolt, or use of carbon dioxide gas prior to the animal being shackle hoisted, thrown, cast or cut; however, the slaughtering, handling or other preparation of livestock in accordance with the ritual requirements of the Jewish or any other faith that prescribes and requires a method whereby slaughter becomes effected by severance of the carotid arteries with a sharp instrument is hereby designated and approved as a humane method of slaughter under the law.

Sec. 10. Section 267.1, subsection 2, Code 1995, is amended to read as follows:

2. "Livestock" means swine, sheep, poultry, ~~and cattle,~~ ostriches, rheas, or emus.

Sec. 11. Section 427C.10, Code 1995, is amended to read as follows:

427C.10 RESTRAINT OF LIVESTOCK AND LIMITATION ON USE.

Cattle, horses, mules, sheep, goats, ostriches, rheas, emus, and ~~hogs~~ swine shall not be permitted upon a fruit-tree or forest reservation. Fruit-tree and forest reservations shall not be used for economic gain other than the gain from raising fruit or forest trees.

Sec. 12. Section 554A.1, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Notwithstanding section 554.2316, subsection 2, all implied warranties arising under sections 554.2314 and 554.2315 are excluded from a sale of cattle, hogs, sheep, ostriches, rheas, emus, and horses if the following information is disclosed to the prospective buyer or the buyer's agent in advance of the sale, and if confirmed in writing at or before the time of acceptance of the livestock when confirmation is requested by the buyer or the buyer's agent:

Sec. 13. Section 570A.1, subsection 11, Code 1995, is amended to read as follows:

11. "Livestock" means cattle, sheep, swine, ostriches, rheas, emus, poultry, or other animals or fowl.

Sec. 14. Section 717.1, subsection 2, Code 1995, is amended to read as follows:

2. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, emus, or poultry.

Sec. 15. Section 717A.1, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. "Animal" means a ~~warm-warm-blooded~~ or cold-blooded animal, including an animal belonging to the bovine, canine, feline, equine, ovine, or porcine species, or ostriches, rheas, or emus; an animal which belongs to a species of poultry or fish; or an animal which is an invertebrate.

Sec. 16. The department of agriculture and land stewardship shall adopt rules providing for the slaughter of ostriches, rheas, and emus under voluntary inspection. The rules shall provide for humane slaughter and include a fee schedule for such inspections. In order to implement this Act, the department shall adopt rules as required under this section to be effective no later than January 1, 1996.

Approved April 19, 1995

CHAPTER 44
ELIMINATION OF POLYSTYRENE BAN
S.F. 157

AN ACT relating to solid waste by eliminating the polystyrene ban and providing an effective date.

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

Section 1. Section 216B.3, subsection 14, Code 1995, is amended to read as follows:

14. In conjunction with the recommendations made by the department of natural resources, purchase and use recycled printing and writing paper in accordance with the schedule established in section 18.18; establish a wastepaper recycling program, by January 1, 1990, in accordance with the recommendations made by the department of natural resources and requirements of section 18.20; ~~comply with the recycling goal, recycling schedule, and ultimate termination of purchase and use of polystyrene products for the purpose of storing, packaging, or serving food for immediate consumption pursuant to section 455D.16;~~ and, in accordance with section 18.6, require product content statements, the provision of information regarding on-site review of waste management in product bidding and contract procedures, and compliance with requirements regarding contract bidding.

Sec. 2. Section 262.9, subsection 5, Code 1995, is amended to read as follows:

5. In conjunction with the recommendations made by the department of natural resources, purchase and use recycled printing and writing paper, with the exception of specialized paper when no recyclable product is available, in accordance with the schedule established in section 18.18; establish a wastepaper recycling program for all institutions governed by the board in accordance with recommendations made by the department of natural resources and the requirements of section 18.20; ~~comply with, and the institutions governed by the board shall also comply with, the recycling goal, recycling schedule, and ultimate termination of purchase and use of polystyrene products for the purpose of storing, packaging, or serving food for immediate consumption pursuant to section 455D.16;~~ shall, in accordance with the requirements of section 18.6, require product content statements, the provision of information regarding on-site review of waste management in product bidding and contract procedures, and compliance with requirements regarding procurement specifications; and shall comply with the requirements for the purchase of lubricating oils and industrial oils as established pursuant to section 18.22.

Sec. 3. Section 307.21, subsection 4, paragraph b, subparagraph (3), Code 1995, is amended by striking the subparagraph.

Sec. 4. Section 455D.5, subsection 3, Code 1995, is amended by striking the subsection.

Sec. 5. REPEALS. Section 18.21 and section 455D.16, Code 1995, are repealed.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 20, 1995