

Sec. 2. Section 481A.57, Code 2001, is amended to read as follows:

481A.57 POSSESSION AND STORAGE.

A person having lawful possession of game or fur-bearing animals or their pelts, except deer venison, may hold them for not to exceed thirty days after the close of the open season for such game or furbearers. A person having lawful possession of deer venison which is taken with a valid deer hunting license, may hold the deer venison from the date of taking until the following September 1. From September 1 until the first day of the next deer open season for which the person holds a valid deer hunting license, the person shall not possess more than twenty-five pounds of deer venison. Any person may possess up to twenty-five pounds of deer venison if the deer was obtained from a lawful source. A permit to hold for a longer period may be granted by the department.

Sec. 3. Section 805.8B, subsection 3, paragraph e, Code Supplement 2001, is amended to read as follows:

e. For violations of sections 481A.57, 481A.85, 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9, 482.15, and 483A.42, the scheduled fine is one hundred dollars.

Approved May 2, 2002

CHAPTER 1148

REGULATION OF MILK AND MILK PRODUCTS

H.F. 2617

AN ACT relating to the regulation of milk and milk products, by providing for permits, fees, and penalties, making penalties applicable, and providing an effective date.

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

Section 1. Section 192.111, subsection 1, Code 2001, is amended to read as follows:

1. The department shall issue and renew permits under this subsection as provided by rules adopted by the department. A permit, unless earlier revoked, is valid until the second July 1 following the issuance or renewal. The department shall establish and assess the fees for the issuance and renewal of permits annually as provided in this subsection. A permit fee for the renewal period shall be due on the date that the permit expires. Except as otherwise provided in this section, all of the following shall apply:

a. The following persons must receive a permit ~~or license~~ from and pay an accompanying permit fee to the department and ~~pay the following fees:~~

(1) A milk plant ~~which is not other than~~ a receiving station which must obtain a milk plant permit and pay a permit fee not greater than ~~one~~ two thousand dollars ~~per year~~.

(2) A transfer station which must obtain a transfer station permit and pay a permit fee not greater than ~~two~~ four hundred dollars ~~per year~~.

(3) A receiving station ~~which is not other than~~ a milk plant which must obtain a receiving station permit and pay a permit fee of not greater than ~~two~~ four hundred dollars ~~per year~~.

(4) A milk hauler which must obtain a license milk hauler permit and pay a license permit fee not greater than ~~ten~~ twenty dollars ~~per year~~.

(5) A milk grader which must obtain a license a¹ milk grader permit and pay a license fee of not greater than ~~ten~~ twenty dollars ~~per year~~.

¹ According to enrolled Act

b. ~~Each A bulk milk tanker shall be licensed by must operate pursuant to a bulk milk tanker permit obtained from the department, and The person obtaining the permit must pay a license permit fee not greater than twenty-five fifty dollars per year. However, a license fee shall not be required for a vehicle used for the collection of milk for manufacturing dairy products which has paid a license fee for the same period pursuant to section 194.19.~~

~~The secretary shall establish the fees provided in this subsection annually. The fees shall be paid on July 1 of each year.~~

c. ~~The following fees, which shall be in addition to any fee required to accompany a permit as required in this section, shall be assessed:~~

~~(1) A reinspection fee that shall be paid by a person holding a permit under this subsection for which reinspection is required as a condition of retaining the permit. The amount of the reinspection fee shall not be more than forty dollars for each such reinspection.~~

~~(2) A resealing fee that shall be paid by a person holding a milk plant permit, for resealing a milk plant's pasteurizer. The amount of the resealing fee shall not be more than one hundred dollars for each such resealing.~~

d. ~~A person who renews a permit and submits any accompanying renewal fee under this subsection more than thirty days after the date that the renewal period expires shall pay a late fee. The amount of the late fee shall be equal to ten percent of the permit renewal fee. However, in no instance shall the late fee be less than twenty-five dollars.~~

Sec. 2. Section 192.111, subsection 3, paragraph a, Code 2001, is amended to read as follows:

a. Fees collected under this section and sections 192.133, 194.14, 194.19, and section 194.20 shall be deposited in the general fund of the state. All moneys deposited under this section are appropriated to the department for the costs of inspection, sampling, analysis, and other expenses necessary for the administration of this chapter and chapter 194, and shall be subject to the requirements of section 8.60.

Sec. 3. Section 192.112, unnumbered paragraph 1, Code 2001, is amended to read as follows:

~~The department shall adopt rules pursuant to chapter 17A which provide for licensing milk haulers, milk graders, and bulk milk tankers as provided in section 192.111. The department shall establish standards of operation for milk haulers, milk graders, and bulk milk tankers. The standards shall include, but need not be limited to, all of the following:~~

Sec. 4. Section 192.113, subsection 1, Code 2001, is amended to read as follows:

1. a. ~~A person shall not act as a milk hauler unless the person is licensed as a milk hauler holds a milk hauler permit required pursuant to section 192.111. A person shall not solicit another person to act as a milk hauler or procure or obtain the services of a person to act as a milk hauler unless the person solicited or from whom the services are procured or obtained is licensed as a milk hauler pursuant to section 192.111 holds a milk hauler permit.~~

b. ~~A person shall not act as a milk grader unless the person is licensed as a milk grader holds a milk grader permit required pursuant to section 192.111. A person shall not solicit another person to act as a milk grader or procure or obtain the services of a person to act as a milk grader, unless the person solicited or from whom the services are procured or obtained is licensed as a milk grader pursuant to section 192.111 holds a milk grader permit.~~

c. ~~A person shall not operate a bulk milk tanker unless the bulk milk tanker is licensed operates pursuant to a bulk milk tanker permit required pursuant to section 192.111. A person shall not solicit another person to operate a bulk milk tanker or procure or obtain the services of a person to operate a bulk milk tanker, unless the bulk milk tanker is licensed pursuant to section 192.111 operates pursuant to a bulk milk tanker permit.~~

Sec. 5. Section 194.3, Code 2001, is amended to read as follows:

194.3 DEFINITIONS.

For the purpose of this chapter:

1. “Bulk milk tanker” means all of the following:
 - a. A bulk milk tanker as defined in section 192.101A.
 - b. A vehicle that transports milk stored in milk cans.
2. “Milk grader” means the same as defined in section 192.101A.
3. “Milk hauler” means the same as defined in section 192.101A.
- ~~1.~~ 4. “Milk processing plant” means an establishment to which receiving milk of from diverse producers is delivered where said products are manufactured, if the milk is manufactured into butter, cheese, dry milk or other dairy products for commercial purposes.
- ~~2.~~ 5. “Milk used for manufacturing purposes” means milk or milk products manufactured into butter, cheese, ungraded dry milk, or other dairy products except milk and milk products as defined in the Grade “A” Pasteurized Milk Ordinance provided in section 192.102.
- ~~3.~~ 6. “Organoleptic examination or grading of milk” means examination by the senses of sight, smell, and taste.
- ~~4.~~ “Person” includes individuals, partnerships, corporations, and associations.

Sec. 6. NEW SECTION. 194.3A PERMIT REQUIREMENTS.

1. The department shall issue and renew permits under this chapter as provided by rules adopted by the department. The following persons must receive a permit from and pay a permit fee to the department:
 - a. A milk hauler which must obtain a milk hauler permit.
 - b. A milk grader which must obtain a milk grader permit.
 - c. A bulk milk tanker which must operate pursuant to a bulk milk tanker permit.
2. The department shall provide for the issuance and renewal of permits under this section as provided by rules adopted by the department, in the same manner as provided in section 192.111. The amount of the permit fee shall be the same as provided in section 192.111. A person shall not be required to obtain a milk hauler permit, milk grader permit, or bulk milk tanker permit under this section, if the person has obtained the same permit under section 192.111.
3. The department may suspend or revoke a permit issued or renewed under this section in the same manner that the department may suspend or revoke a permit issued or renewed under section 192.111.
4. A person who does any of the following is in violation of this section:
 - a. (1) Acts as a milk hauler or milk grader, unless the person holds a milk hauler permit or milk grader permit as required in this section.
 - (2) Solicits another person to act as a milk hauler or milk grader or procures the services of a person to act as a milk hauler or milk grader, unless the person solicited or from whom the services are procured holds a milk hauler permit or milk grader permit as required in this section.
 - b. (1) Operates a bulk milk tanker, unless the bulk milk tanker operates pursuant to a bulk milk tanker permit as required in this section.
 - (2) Solicits another person to operate a bulk milk tanker or procures the services of a person to operate a bulk milk tanker, unless the bulk milk tanker operates pursuant to a bulk milk tanker permit as required in this section.

Sec. 7. Section 194.18, Code 2001, is amended to read as follows:

194.18 COLORING UNLAWFUL MILK.

A person who holds a milk hauler permit or a milk grader licensed permit pursuant to section ~~192.112~~ 192.111 may mix a harmless coloring matter in unlawful milk as provided in section 194.9 to prevent the unlawful milk from being processed and used in any form for human consumption.

Sec. 8. Section 194.25, Code 2001, is amended to read as follows:

194.25 PENALTY VIOLATIONS AND PENALTIES.

1. Any Except as provided in subsection 2, a person who, in person or by an agent or employee, willfully violates any requirement of this chapter shall be guilty of a simple misdemeanor.

2. A person in violation of section 194.3A is subject to the same civil penalty as applied to that person as provided in section 192.113.

Sec. 9. Sections 192.131 through 192.137, section 192.142, sections 194.12 through 194.16, and section 194.19, Code 2001, are repealed.

Sec. 10. STAGGERED FEE SYSTEM — IMPLEMENTATION.

1. Except as provided in subsection 2, the department of agriculture and land stewardship shall treat licenses that would otherwise require renewal under section 192.111 or sections 194.12 through 194.14, Code 2001, as permits requiring renewal as provided in section 192.111, as amended by this Act, and section 194.3A, as enacted in this Act.

2. Notwithstanding section 192.111, as amended by this Act, and section 194.3A, as enacted in this Act, the department shall provide that fifty percent of the permits issued or renewed in 2003 under these sections shall expire on July 1, 2003, and the remainder shall expire on July 1, 2004. Persons obtaining permits that expire on July 1, 2003, shall pay a permit fee of one-half of the amount otherwise required under those sections.

3. Notwithstanding section 192.111, as amended by this Act, and section 194.3A, as enacted in this Act, requiring that the department adopt rules to establish fees for permits as provided in those sections, for the fiscal year beginning July 1, 2002, and ending June 30, 2003, the following shall apply:

a. For fifty percent of the permits issued or renewed under chapters 192 and 194, that expire on July 1, 2003, the amount of the fee for a permit shall be the same as required for a comparable license or permit that applied under those chapters on June 30, 2002.

b. For fifty percent of the permits issued or renewed under chapters 192 and 194, that expire on July 1, 2004, the amount of the fee for a permit shall be double the amount otherwise required for a comparable license or permit that applied under these chapters on June 30, 2002.

Sec. 11. EFFECTIVE DATE — APPLICABILITY. This Act, being deemed of immediate importance, takes effect upon enactment. The provisions of this Act become applicable on and after July 1, 2002. However, the department may adopt rules in preparation for the Act's applicability on and after the Act's effective date.

Approved May 2, 2002

CHAPTER 1149

FARMERS MARKETS

H.F. 2620

AN ACT regulating farmers markets, providing for fees, making penalties applicable, and providing an effective date.

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

Section 1. Section 137F.1, subsection 8, paragraph e, Code Supplement 2001, is amended to read as follows:

e. Premises ~~which operate as~~ where a person operates a farmers market, if the person does not sell or distribute potentially hazardous food from the premises.