

Senate File 578

H-1293

1 Amend Senate File 578, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <DIVISION I

6 DEPARTMENTAL ORGANIZATION

7 Section 1. Section 159.5, subsection 7, Code 2021, is
8 amended to read as follows:

9 ~~7. Establish and maintain a marketing news service bureau~~
10 ~~in the department which shall, in cooperation with the~~
11 ~~federal market news and grading division~~ Cooperate with the
12 agricultural marketing service of the United States department
13 of agriculture, to collect and disseminate data and information
14 relative to the market prices and conditions of agricultural
15 products raised, produced, and handled in the state.

16 DIVISION II

17 ANIMALS

18 PART A

19 COMMERCIAL ESTABLISHMENTS

20 Sec. 2. Section 162.2A, subsection 3, paragraph d, Code
21 2021, is amended by striking the paragraph.

22 Sec. 3. Section 162.2A, Code 2021, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 4A. A commercial establishment shall not
25 be issued or renewed a state license by the department, unless
26 a person applying for the state license presents the department
27 with a valid, government-issued identification, or other form
28 of similar identification approved by the department, as
29 proof of identity that the person may legally act on behalf
30 of the commercial establishment in making the application.
31 The application must be signed by the person under penalty of
32 perjury subject to the penalty provisions of section 162.13,
33 subsection 1. Upon completion of the initial inspection,
34 the issued or renewed state license shall include a unique
35 identification number that is a public record under chapter 22.

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PART B

VETERINARY PRACTICE

Sec. 4. Section 169.20, subsection 2, Code 2021, is amended to read as follows:

2. The board shall issue certificates to veterinary assistants who have met the educational, experience, and testing requirements as the board shall specify by rule. ~~The A certificate is not a license and does not expire. The A new certificate shall be issued for a three-year period, subject to renewal at the end of each triennium. The board may adopt rules providing for the issuance and renewal of a certificate including the issuance of a new certificate for the balance of a triennium. A certificate may be suspended or revoked, or any other disciplinary action may be taken as specified in section 272C.3, subsection 2. All disciplinary actions shall be taken pursuant to~~ in the same manner as provided in [section 169.14](#).

PART C

FOREIGN ANIMAL DISEASE CONTROL

Sec. 5. Section 22.7, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 39A. Information related to the registration and identification of any premises where animals are kept as authorized pursuant to the foreign animal disease preparedness and response strategy as provided in section 163.3C.

Sec. 6. Section 163.3C, Code 2021, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. In developing and establishing a foreign animal disease preparedness and response strategy, the department may collect, maintain, and use information related to the registration and identification of any premises where animals are kept. The information may include but is not limited to all of the following:

- (1) The name, address, and contact information of an interested person.

1 (2) The location of the premises where the animals are kept.

2 (3) An identification number assigned to the premises where
3 the animals are kept.

4 *b.* The information described in paragraph "a" is a
5 confidential record as provided in section 22.7. Nothing
6 in this subsection limits the department in acting as the
7 lawful custodian of the confidential record from disclosing
8 the record or any part of the record to another person if the
9 department determines that such disclosure will assist in
10 implementing, administering, or enforcing the foreign animal
11 disease preparedness and response strategy.

12 DIVISION III

13 COMMODITY PRODUCTION AND SALE

14 PART A

15 LOCAL FARM PRODUCE PROGRAM

16 Sec. 7. NEW SECTION. 190A.11 Definitions.

17 As used in this subchapter, unless the context otherwise
18 requires:

19 1. "Department" means the department of agriculture and land
20 stewardship.

21 2. "Farm source" means a farmer who produces and sells fresh
22 farm produce grown on the farmer's land or a distributor of
23 fresh farm produce who purchases fresh farm produce directly
24 from such farmer or sells fresh farm produce on behalf of such
25 farmer.

26 3. "Fresh farm produce" means vegetables, fruits, or nuts
27 intended for inclusion as part of a school diet, including
28 school meals and snacks as described in section 190A.3, if the
29 vegetables, fruits, or nuts are not processed except for being
30 trimmed, cleaned, dried, sorted, or packaged.

31 4. "Fund" means the local farm produce fund created in
32 section 190A.12.

33 5. "Program" means the local farm produce program created
34 in section 190A.13.

35 6. "School" means a public school or nonpublic school, as

1 those terms are defined in section 280.2, or that portion of a
2 public school or nonpublic school that provides facilities for
3 teaching any grade from kindergarten through grade twelve.

4 7. "School district" means a school district as described
5 in chapter 274.

6 Sec. 8. NEW SECTION. 190A.12 Local farm produce fund.

7 1. A local farm produce fund is created in the state
8 treasury under the management and control of the department.

9 2. The fund shall include moneys appropriated to the fund
10 by the general assembly. The fund may include other moneys
11 available to and obtained or accepted by the department,
12 including moneys from public or private sources.

13 3. Moneys in the fund are appropriated to support the
14 program in a manner determined by the department, including for
15 reasonable administrative costs incurred by the department.
16 Moneys expended from the fund shall not require further special
17 authorization by the general assembly.

18 4. a. Notwithstanding section 12C.7, interest or earnings
19 on moneys in the fund shall be credited to the fund.

20 b. Notwithstanding section 8.33, moneys credited to the
21 fund that remain unencumbered or unobligated at the end of a
22 fiscal year shall not revert but shall remain available for the
23 purposes designated.

24 Sec. 9. NEW SECTION. 190A.13 Local farm produce program.

25 1. A local farm produce program is created. The program
26 shall be controlled and administered by the department.

27 2. The purpose of the program is to assist schools and
28 school districts in purchasing fresh farm produce.

29 3. The department shall reimburse a school or school
30 district for expenditures incurred by the school or school
31 district during the school year in which the school or school
32 district is participating in the program for purchases of fresh
33 farm produce.

34 4. A school or school district must apply each year to the
35 department to participate in the program according to rules

1 adopted by the department pursuant to chapter 17A.

2 5. To be eligible to participate in the program, a school or
3 school district must purchase the fresh farm produce directly
4 from a farm source as follows:

5 a. Except as provided in paragraph "b", the farm source must
6 be located in this state.

7 b. If the school district shares a border with another
8 state, or the school is part of a school district that shares
9 a border with another state, the farm source may be located
10 in the other state. However, the farm source must be located
11 within thirty miles from the school district's border with that
12 state and the department must approve the purchase.

13 6. The department shall require proof of purchase prior to
14 reimbursing the school or school district for the purchase of
15 fresh farm produce.

16 7. The department may administer the program in cooperation
17 with the department of education and the participating school
18 or school district in which a participating school is located.

19 8. a. The department shall reimburse a participating
20 school or school district that submits a claim as required
21 by the department. The department shall pay the claim on a
22 matching basis with the department contributing one dollar
23 for every three dollars expended by the school or school
24 district. However, a school or school district shall not
25 receive more than one thousand dollars during any year in which
26 it participates in the program.

27 b. Notwithstanding paragraph "a", if the department
28 determines that there are sufficient moneys in the fund to
29 satisfy all claims that may be submitted by schools and school
30 districts, the department shall provide for the distribution
31 of the available moneys in a manner determined equitable by
32 the department, which may include a prorated distribution to
33 participating schools and school districts.

34 PART B

35 FERTILIZERS AND SOIL CONDITIONERS

1 Sec. 10. Section 200.3, subsection 24, Code 2021, is amended
2 by striking the subsection.

3 Sec. 11. Section 200.14, Code 2021, is amended to read as
4 follows:

5 **200.14 Rules.**

6 1. a. ~~The secretary is authorized, after public hearing,~~
7 ~~following due notice, to~~ department may adopt rules setting
8 forth pursuant to chapter 17A providing minimum general
9 safety standards for the design, construction, location,
10 installation, and operation of equipment for storage, handling,
11 transportation by tank truck or tank trailer, and utilization
12 of anhydrous ammonia fertilizers and soil conditioners.

13 ~~a.~~ b. The rules shall be such as are reasonably necessary
14 for the protection and safety of the public and persons using
15 anhydrous ammonia fertilizers or soil conditioners, and shall
16 be in substantial conformity with the generally accepted
17 standards of safety.

18 ~~b.~~ ~~Rules that are in substantial conformity with the~~
19 ~~published standards of the agricultural ammonia institute for~~
20 ~~the design, installation and construction of containers and~~
21 ~~pertinent equipment for the storage and handling of anhydrous~~
22 ~~ammonia, shall be deemed to be in substantial conformity with~~
23 ~~the generally accepted standards of safety.~~

24 ~~2.~~ c. Anhydrous ammonia Fertilizer and soil conditioner
25 equipment shall be installed and maintained in a safe operating
26 condition and in conformity with rules adopted by the secretary
27 department.

28 ~~3.~~ 2. The secretary shall enforce ~~this chapter~~ and, after
29 ~~due publicity and due public hearing,~~ department may adopt such
30 reasonable rules as may be necessary in order to carry into
31 effect the purpose, ~~and intent~~ and to secure the efficient
32 administration, of ~~this chapter.~~

33 ~~4.~~ 3. ~~This chapter~~ does not prohibit the use of storage
34 tanks smaller than transporting tanks nor the transfer of all
35 kinds of ~~fertilizer including anhydrous ammonia fertilizers~~

1 or soil conditioners directly from transporting tanks to
2 implements of husbandry, if proper safety precautions are
3 observed.

4 DIVISION IV
5 WEIGHTS AND MEASURES
6 PART A
7 GENERAL

8 Sec. 12. Section 214.1, Code 2021, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 6. "*Weighmaster*" means a person who keeps
11 and regularly uses a commercial weighing and measuring device
12 to accurately weigh objects for others as part of the person's
13 business operated on a profit, cooperative, or nonprofit basis.

14 Sec. 13. Section 214.3, subsection 1, Code 2021, is amended
15 to read as follows:

16 1. ~~The A license issued by the department for the inspection~~
17 ~~of a commercial weighing and measuring device shall expire on~~
18 ~~December 31 of each year, and for a motor fuel pump on June 30~~
19 ~~of each year. The amount of the fee due for each license shall~~
20 ~~be as provided in subsection 3, except that the fee for a motor~~
21 ~~fuel pump shall be four dollars and fifty cents if paid within~~
22 ~~one month from the date the license is due.~~

23 Sec. 14. Section 214.3, subsection 3, paragraph e,
24 subparagraph (2), Code 2021, is amended to read as follows:

25 (2) Retail motor fuel pump, nine four dollars and fifty
26 cents.

27 Sec. 15. Section 214.4, subsection 1, unnumbered paragraph
28 1, Code 2021, is amended to read as follows:

29 If the department does not receive payment of the license
30 fee required pursuant to section 214.3 within one month from
31 the due date, the department shall ~~send~~ deliver a notice to
32 the owner or operator of the device. ~~The notice shall be~~
33 ~~delivered by certified mail.~~ The notice shall state all of the
34 following:

35 Sec. 16. Section 214.6, Code 2021, is amended to read as

1 follows:

2 **214.6 Oath Duties of weighmasters weighmaster.**

3 ~~All persons keeping a commercial weighing and measuring~~
4 ~~device, before entering upon their duties as weighmasters, A~~
5 ~~weighmaster shall be sworn before some person having authority~~
6 ~~to administer oaths, to keep their ensure that a commercial~~
7 ~~weighing and measuring device is correctly balanced, to make~~
8 ~~true weights, and to shall render a correct account to the~~
9 ~~person having weighing done.~~

10 Sec. 17. Section 214.11, Code 2021, is amended to read as
11 follows:

12 **214.11 Inspections — recalibrations — penalty.**

13 1. The department shall provide for annual inspections
14 of all motor fuel pumps, including but not limited to motor
15 fuel blender pumps, licensed under [this chapter](#). Inspections
16 shall be for the purpose of determining the accuracy ~~of the~~
17 ~~pumps' measuring mechanisms, and for such and correctness of~~
18 ~~motor fuel pumps. For that purpose the department's inspectors~~
19 ~~may enter upon the premises of any wholesale dealer or retail~~
20 ~~dealer, as they are defined in [section 214A.1](#), of motor fuel~~
21 ~~or fuel oil within this state.~~

22 2. Upon completion of an inspection, the inspector shall
23 affix the department's seal to the measuring mechanism of the
24 motor fuel pump. The seal shall be appropriately marked,
25 dated, and recorded by the inspector. If the owner of an
26 inspected and sealed motor fuel pump is registered with the
27 department as a servicer in accordance with [section 215.23](#),
28 or employs a person so registered as a servicer, the owner
29 or other servicer may open the motor fuel pump, break the
30 department's seal, recalibrate the measuring mechanism if
31 necessary, and reseal the motor fuel pump as long as the
32 department is notified of the recalibration within forty-eight
33 hours, ~~on a form~~ in a manner provided by the department.

34 ~~2-~~ 3. A person violating a provision of [this section](#) is,
35 upon conviction, guilty of a simple misdemeanor.

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PART B
MOTOR FUEL

Sec. 18. Section 214A.2A, subsection 1, Code 2021, is amended to read as follows:

1. Fuel which is sold or is kept, offered, or exposed for sale as kerosene shall be labeled as kerosene. The label shall include the word "kerosene" ~~and a or the~~ designation as either "K1" or "K2" "K1 kerosene", and shall indicate that the kerosene is in compliance with the standard specification adopted by A.S.T.M. international specification D3699 (1982).

Sec. 19. REPEAL. Section 214A.15, Code 2021, is repealed.

PART C
INSPECTIONS

Sec. 20. Section 215.4, Code 2021, is amended to read as follows:

215.4 Tag for inaccurate or incorrect device — reinspection — license fee.

A commercial weighing and measuring device found to be inaccurate or incorrect upon inspection by the department shall be rejected or tagged "condemned until repaired" and the ~~"licensed for commercial use"~~ inspection sticker shall be removed. If notice is received by the department that the device has been repaired and upon reinspection the device is found to be accurate or correct, ~~the~~ a license fee ~~shall not~~ may be charged for the reinspection. However, a second license fee shall be charged if upon reinspection the device is found to be inaccurate. The device shall be tagged "condemned" and removed from service if a third reinspection fails.

Sec. 21. Section 215.7, Code 2021, is amended to read as follows:

215.7 Transactions by false weights or measures.

1. A person shall be deemed to have violated the provisions of this chapter ~~and shall be punished as provided in chapter 189,~~ if the person does any of the following apply:

1. a. ~~The person sells~~ Sells, trades, delivers, charges

1 for, or claims to have delivered to a purchaser an amount
2 of any commodity which is less in weight or measure than
3 that which is asked for, agreed upon, claimed to have been
4 delivered, or noted on the delivery ticket.

5 ~~2. b. The person makes~~ Makes a settlement for or enters
6 a credit, based upon any false weight or measurement, for any
7 commodity purchased.

8 ~~3. c. The person makes~~ Makes a settlement for or enters
9 a credit, based upon any false weight or measurement, for any
10 labor where the price of producing or mining is determined by
11 weight or measure.

12 ~~4. d. The person records~~ Records a false weight or
13 measurement upon the weight ticket or book.

14 2. The department may adopt rules pursuant to chapter 17A
15 that allow for reasonable variations and exceptions for small
16 packages.

17 3. A person who violates this section is guilty of a simple
18 misdemeanor.

19 Sec. 22. Section 215.23, Code 2021, is amended to read as
20 follows:

21 **215.23 Servicer's license.**

22 ~~1. A servicer shall not install, service, or repair a~~
23 ~~commercial weighing and measuring device until the servicer~~
24 ~~has demonstrated that the servicer has available adequate~~
25 ~~testing equipment, and that the servicer possesses a working~~
26 ~~knowledge of all devices the servicer intends to install or~~
27 ~~repair and of all appropriate weights, measures, statutes, and~~
28 ~~rules, as evidenced by passing a qualifying examination to~~
29 ~~be conducted by the department and obtaining a license. The~~
30 ~~secretary of agriculture shall establish by rule pursuant to~~
31 ~~chapter 17A, requirements for and contents of the examination.~~
32 The department may adopt rules pursuant to chapter 17A setting
33 forth qualification requirements for persons applying for a
34 servicer's license, including an examination.

35 2. In determining these a servicer's qualifications, the

1 ~~secretary shall~~ department may consider the specifications
2 of the United States national institute of standards and
3 technology, handbook 44, "Specifications, Tolerances, and
4 Technical Requirements for Weighing and Measuring Devices",
5 or the current successor or equivalent specifications adopted
6 by the United States national institute of standards and
7 technology.

8 3. The ~~secretary shall~~ department may require an ~~annual~~ the
9 payment of a license fee of not more than five dollars for an
10 amount established by rule for each license issued under this
11 section.

12 4. Each A license shall expire ~~one year~~ two years from its
13 date of issuance.

14 Sec. 23. REPEAL. Sections 215.3 and 215.8, Code 2021, are
15 repealed.

16 DIVISION V

17 FARM FOOD STUDY

18 Sec. 24. FARM-TO-TABLE TASK FORCE.

19 1. The Iowa cooperative extension service in agriculture
20 and home economics of Iowa state university of science and
21 technology, in cooperation with the department of agriculture
22 and land stewardship, shall establish a farm-to-table task
23 force.

24 2. The purpose of the task force is to recommend how
25 institutional purchasers, including schools, may be provided
26 with long-term practical options to routinely acquire fresh
27 food derived from locally or regionally produced and processed
28 farm commodities, including meat, poultry, fish, and dairy
29 products; eggs; vegetables; fruits; nuts; and honey.

30 3. The task force shall consider methods to do all of the
31 following:

32 a. Improve direct farmer to consumer transactions.

33 b. Better integrate existing public and private procurement
34 and nutritional programs, including but not limited to the
35 farm-to-school program as provided in chapter 190A; the from

1 farm to food donation tax credit as provided in chapter 190B,
2 subchapter I; the Iowa emergency food purchase program as
3 provided in chapter 190B, subchapter II; and the local food and
4 farm program as provided in chapter 267A.

5 4. a. The task force shall be jointly chaired by the vice
6 president for extension and outreach of Iowa state university
7 of science and technology, or a designee; and the secretary of
8 agriculture, or a designee. The chairpersons of the task force
9 shall appoint remaining voting members to serve on the task
10 force.

11 b. The Iowa cooperative extension service in agriculture
12 and home economics shall provide meeting rooms, materials, and
13 staffing services for the task force.

14 5. The task force shall prepare and submit a report to
15 the governor and general assembly not later than December 10,
16 2021. The report shall include findings and recommendations,
17 including any proposed legislation, and a suggested timeline
18 for implementation of the task force's recommendations.

19 6. This section is repealed December 11, 2021.>

MAXWELL of Poweshiek