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[SF 2309](#) – Unpasteurized Milk (LSB5946SV.1)  
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Fiscal Note Version – As Amended and Passed by the Senate

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### **Description**

[Senate File 2309](#) defines a “raw milk dairy” as an operation that maintains 10 or fewer dairy animals and does not pasteurize or grade milk produced from those animals. The Bill allows raw milk dairies acting in compliance with the requirements provided in the Bill to sell raw milk and products derived from raw milk to consumers. Products sold in this manner cannot be sold for resale and are not subject to regulation by the Iowa Department of Agriculture and Land Stewardship (IDALS) or the Iowa Department of Inspections and Appeals (DIA). A person who violates any provision of this Bill commits a simple misdemeanor.

### **Background**

Raw milk is milk that has not been pasteurized or graded. The sale of raw milk is not currently permitted in Iowa. Under Iowa Code section [192.103](#), only Grade “A” pasteurized milk and milk products can be sold to the final consumer.

A simple misdemeanor is punishable by confinement for up to 30 days, a fine of between \$105 and \$855, or both.

### **Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.

### **Correctional Impact**

Senate File 2309 establishes new offenses. As a result, the correctional impact cannot be estimated due to a lack of existing data. A conviction for a simple misdemeanor does not result in a prison sentence, but does carry the possibility of confinement for up to 30 days. Marginal county jail costs are estimated to be \$50 per day, but there is insufficient information to determine any costs related to length of stay. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 18, 2022, for information related to the correctional system.

### **Minority Impact**

Senate File 2309 has an unknown minority impact due to lack of conviction data. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 18, 2022, for information related to minorities in the criminal justice system.

**Fiscal Impact**

The fiscal impact related to the creation of a simple misdemeanor cannot be estimated due to a lack of existing data. The estimated cost for one simple misdemeanor conviction ranges from \$40 to \$370. The estimated fine revenue from one simple misdemeanor conviction ranges from \$105 to \$855.

**Source**

Legislative Services Agency

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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