

February 28, 1969  
Place on Calendar

*Reprinted 4/24*  
HOUSE FILE 417

By COMMITTEE ON AGRICULTURE

Passed House, Date *4-19-69* Passed Senate, Date.....

Vote: Ayes *111* Nays *1* Vote: Ayes ..... Nays .....

Approved .....

## A BILL FOR

- 1 An Act relating to the inspection of meat and poultry, to
- 2 clarify and otherwise amend chapter one hundred eighty-
- 3 nine A (189A) of the Code to provide for cooperation with
- 4 appropriate federal agencies with respect to meat and
- 5 poultry products inspection programs, and for other
- 6 purposes.
- 7 *Be It Enacted by the General Assembly of the State of Iowa:*
- 8 Section 1. Section one hundred eighty-nine A point two
- 9 (189A.2), Code 1966, is hereby amended as follows:
- 10 1. By striking from subsection five (5), line two (2),
- 11 the words "and goats" and inserting in lieu thereof the words
- 12 "goats, horses, mules, and other equine".
- 13 2. By inserting in subsection nine (9), line two (2),
- 14 after the word "clean," the words "not adulterated nor mis-
- 15 branded".
- 16 3. By striking from subsection ten (10), line one (1),
- 17 the word "Unwholesome" and inserting in lieu thereof the
- 18 word "Adulterated".
- 19 4. By inserting in subsection ten (10), paragraph a,
- 20 line one (1), after the word "Unsound," the word "unwhole-
- 21 some,".
- 22 5. By striking from subsection ten (10), paragraph e,
- 23 line two (2), the word "contains" and inserting in lieu
- 24 thereof the words "may contain".
- 25 6. By inserting in subsection thirteen (13), line seven

1 (7), after the word "wholesome," the words "not adulterated  
2 nor misbranded".

3 7. By inserting in subsection fifteen (15), line four (4),  
4 before the word "or" the word "adulterated,".

5 8. By adding thereto the following new subsections:

6 " 'Renderer' means any person, firm, or corporation engaged  
7 in the business of rendering carcasses, or parts or products  
8 of the carcasses, of cattle, sheep, swine, goats, horses,  
9 mules, or other equines, rabbits, and poultry, except render-  
10 ing conducted under inspection of chapter one hundred eighty-  
11 nine A (189A) of the Code.

12 'Animal food manufacturer' means any person, firm, or  
13 corporation engaged in the business of manufacturing or  
14 processing animal food derived wholly or in part from car-  
15 casses, or parts or products of the carcasses, of cattle,  
16 sheep, swine, goats, horses, mules, or other equines, rabbits,  
17 and poultry.

18 'Misbranded' shall apply to any carcass, part thereof,  
19 meat and poultry product under one or more of the following  
20 circumstances:

21 a. If its labeling is false or misleading in any par-  
22 ticular.

23 b. If it is offered for sale under the name of another  
24 food.

25 c. If it is an imitation of another food, unless its  
26 label bears, in type of uniform size and prominence, the  
27 word 'imitation' and immediately thereafter, the name of  
28 the food imitated.

29 d. If its container is so made, formed, or filled as to  
30 be misleading.

31 e. If in a package or other container unless it bears a  
32 label showing:

33 (1) The name and place of business of the manufacturer,  
34 packer, or distributor, and

35 (2) An accurate statement of the quantity of the contents

1 in terms of weight, measure, or numerical count, provided  
2 reasonable variations may be permitted, and exemptions as  
3 to small packages may be established, by regulations pre-  
4 scribed by the secretary.

5 f. If any word, statement, or other information required  
6 by or under authority of this chapter to appear on the label  
7 or other labeling is not prominently placed thereon with such  
8 conspicuousness, as compared with other words, statements,  
9 designs, or devices, in the labeling, and in such terms as  
10 to render it likely to be read and understood by the ordinary  
11 individual under customary conditions of purchase and use.

12 g. If it purports to be or is represented as a food for  
13 which a definition and standard of identity or composition  
14 has been prescribed by regulations of the secretary under  
15 this chapter unless:

- 16 (1) It conforms to such definition and standard, and  
17 (2) Its label bears the name of the food specified in the  
18 definition and standard and, insofar as may be required by  
19 such regulations, the common names of optional ingredients,  
20 other than spices, flavoring, and coloring, present in such  
21 food.

22 h. If it purports to be or is represented as a food for  
23 which a standard or standards of fill of container have been  
24 prescribed by regulations of the secretary under this chapter,  
25 and it falls below the standard of fill of container applic-  
26 able thereto, unless its label bears, in such manner and form  
27 as such regulations specify, a statement that it falls below  
28 such standard.

29 i. If it is not subject to the provisions of paragraph g,  
30 unless its label bears:

- 31 (1) The common or usual name of the food, if any, and  
32 (2) In case it is fabricated from two or more ingredients,  
33 the common or usual name of each such ingredient; except that  
34 spices, flavorings, and colorings may, when authorized by the  
35 secretary, be designated as spices, flavorings, and colorings

1 without naming each; however, to the extent that compliance  
2 with the requirements of this subparagraph is impracticable,  
3 or results in deception or unfair competition, exemptions  
4 shall be established by regulations promulgated by the sec-  
5 retary.

6 j. If it purports to be or is represented for special  
7 dietary uses, unless its label bears such information con-  
8 cerning its vitamin, mineral, and other dietary properties  
9 as the secretary, after consultation with the secretary of  
10 agriculture of the United States, determines to be, and by  
11 regulations prescribes as, necessary in order fully to in-  
12 form purchasers as to its value for such uses.

13 k. If it bears or contains any artificial flavoring,  
14 artificial coloring, or chemical preservative, unless it  
15 bears labeling stating that fact; however, to the extent  
16 that compliance with the requirements of this paragraph is  
17 impracticable, exemptions shall be established by regulations  
18 promulgated by the secretary; or

19 l. If it fails to bear, directly thereon or on its con-  
20 tainer, as the secretary may by regulations prescribe, the  
21 inspection legend and, unrestricted by any of the foregoing,  
22 such other information as the secretary may require in such  
23 regulations to assure that it will not have false or mislead-  
24 ing labeling and that the public will be informed of the man-  
25 ner of handling required to maintain the article in a whole-  
26 some condition.

27 The term 'label' means a display of written, printed, or  
28 graphic matter upon the immediate container, not including  
29 package liners, of any article.

30 'Labeling' means all labels and other written, printed  
31 or graphic matter upon any article or any of its containers  
32 or wrappers, or accompanying such article.

33 'Federal Meat Inspection Act' means the Act so entitled  
34 approved March 4, 1907, (34 Stat. 1260), as amended by the  
35 Wholesale Meat Act (81 Stat. 584).

1 'Federal Food, Drug, and Cosmetic Act' means the Act so  
2 entitled, approved June 25, 1938 (52 Stat, 1040), and Acts  
3 amendatory thereof or Supplementary thereto.

4 'Pesticide chemical', 'food additive', 'color additive',  
5 and 'raw agricultural commodity' shall have the same meanings  
6 for purposes of this chapter of the Code as under the federal  
7 Food, Drug, and Cosmetic Act.

8 'Official mark' means the official inspection legend or  
9 any other symbol prescribed by regulations of the secretary  
10 to identify the status of any article or animal under this  
11 chapter.

12 'Official inspection legend' means any symbol prescribed  
13 by regulations of the secretary showing that an article was  
14 inspected and passed in accordance with this chapter.

15 'Official certificate' means any certificate prescribed  
16 by regulations of the secretary for issuance by an inspector  
17 or other person performing official functions under this  
18 chapter.

19 'Official device' means any device prescribed or authorized  
20 by the secretary for use in applying any official mark.

21 'Firm' means any partnership, association, or other unin-  
22 corporated business organization.

23 'Meat broker' means any person, firm, or corporation en-  
24 gaged in the business of buying or selling carcasses, parts  
25 of carcasses, meat or poultry products of cattle, sheep,  
26 poultry on commission, or otherwise negotiating purchases  
28 or sales of such articles other than for his own account or  
29 as an employee of another person, firm, or corporation.

30 'Intrastate commerce' means commerce within this state.

31 'Capable of use as human food' shall apply to any carcass,  
32 or part or product of a carcass, of any animal, unless it is  
33 denatured or otherwise identified as required by regulations  
34 prescribed by the secretary to deter its use as human food,  
35 or it is naturally inedible by humans.

1 'Prepared' means slaughtered, canned, salted, rendered,  
2 boned, cut up, or otherwise manufactured or processed."

3 Sec. 2. Section one hundred eighty-nine A point three  
4 (189A.3), Code 1966, is hereby amended as follows:

5 1. By striking from line five (5) the word "establish-  
6 ments" and inserting in lieu thereof the words "each estab-  
7 lishment".

8 2. By striking lines six (6) through thirteen (13), in-  
9 clusive, and inserting in lieu thereof the words "The funds".

10 Sec. 3. Section one hundred eighty-nine A point four  
11 (189A.4), Code 1966, as amended by chapter one hundred  
12 seventy-nine (179), section one (1), Acts of the Sixty-second  
13 General Assembly, is hereby further amended as follows:

14 1. By striking all of subsection three (3) and inserting  
15 in lieu thereof the following:

16 "To the custom slaughter by any person of animals or  
17 poultry, delivered by the owner for slaughter, and the  
18 preparation by a slaughterer and transportation in commerce  
19 of the carcasses, parts thereof, meat and poultry food  
20 products exclusively for use, in the household of the owner,  
21 by him and members of his household and his nonpaying guests  
22 and employees; provided, that all meat and poultry derived  
23 from custom slaughter shall be identified as required by  
24 the secretary, during all phases of slaughtering, chilling,  
25 cooling, freezing, preparation, storage, and transportation;  
26 provided further, that the custom slaughterer does not en-  
27 gage in the business of buying or selling any carcasses,  
28 parts of carcasses, meat or poultry food products of any  
29 animals or poultry capable of use as human food unless the  
30 carcasses, parts of carcasses, meat or poultry food products  
31 have been inspected and passed and are identified as having  
32 been inspected and passed by the Iowa department of agri-  
33 culture or the United States department of agriculture."

34 2. By striking all of subsection four (4) and inserting  
35 in lieu thereof the following:

1 "To establishments which have been granted inspection  
2 under the federal Wholesome Meat Act of 1967 and the federal  
3 Wholesome Poultry Act of 1968."

4 Sec. 4. Section one hundred eighty-nine A point seven  
5 (189A.7), Code 1966, is hereby amended by striking from lines  
6 thirty-one (31) through thirty-three (33) the words "No owner  
7 or person shall be required to hold animals or poultry for  
8 a longer period than seventy-two hours."

9 Sec. 5. Section one hundred eighty-nine A point nine  
10 (189A.9), Code 1966, is hereby amended by adding to the end  
11 thereof the following sentence:

12 "A charge shall be made for overtime inspection in excess  
13 of eight hours per day or outside assigned work schedules and  
14 also on state legal holidays."

15 Sec. 6. Section one hundred eighty-nine A point eleven  
16 (189A.11), Code 1966, is hereby amended by striking in line  
17 eight (8) the word "must" and inserting in lieu thereof the  
18 words "will be equal to federal inspection and therefore may".

19 Sec. 7. Section one hundred eighty-nine A point twelve  
20 (189A.12), Code 1966, is hereby amended by striking in line  
21 five (5) the words "improperly labeled" and inserting in lieu  
22 thereof the words "adulterated or misbranded".

23 Sec. 8. Section one hundred eighty-nine A point thirteen  
24 (189A.13), Code 1966, is hereby amended as follows:

25 1. By striking in line two (2) the word "shall" and in-  
26 serting in lieu thereof the word "may".

27 2. By inserting in line two (2) after the word "such"  
28 the word "reasonable".

29 3. By inserting in line four (4) after the word "chapter"  
30 the words "or to comply when necessary with federal Acts that  
31 preempt this chapter".

32 Sec. 9. Section one hundred eighty-nine A point fifteen  
33 (189A.15), Code 1966, is hereby amended by inserting in line  
34 four (4) before the word "of" the words "and funding".

35 Sec. 10. Section one hundred eighty-nine A point sixteen

1 (189A.16), Code 1966, is hereby amended by adding at the end  
2 thereof the words "Nonmeat or nonpoultry products shall not  
3 be adulterated nor misbranded."

4 Sec. 11. Section one hundred eighty-nine A point seven-  
5 teen (189.17), Code 1966, is hereby amended by inserting in  
6 line seven (7) before the word "or" the words "adulterated,  
7 misbranded,".

8 Sec. 12. Chapter one hundred seventy-eight (178), section  
9 one (1), Acts of the Sixty-second General Assembly, is hereby  
10 amended by inserting in line nine (9) after the word "shock,"  
11 the words "captive bolt,".

12 Sec. 13. Chapter one hundred eighty-nine A (189A), Code  
13 1966, is hereby amended by adding thereto the following sec-  
14 tions:

15 "Funding from general fund or funds from state-federal co-  
16 operative agreements shall be provided to administer this  
17 chapter of the Code.

18 Inspection shall not be provided under this chapter at any  
19 establishment for the slaughter of cattle, sheep, swine,  
20 goats, horses, mules, or other equines, rabbits, and poultry,  
21 or the preparation of any carcasses or parts or products of  
22 such animals and poultry, which are not intended for use as  
23 human food, but such articles shall, prior to their offer for  
24 sale or transportation in intrastate commerce, unless natu-  
25 rally inedible by humans, be denatured or otherwise identi-  
26 fied as prescribed by regulations of the secretary to deter  
27 their use for human food. No person, firm, or corporation  
28 shall buy, sell, transport, or offer for sale or transporta-  
29 tion, or receive for transportation, in intrastate commerce,  
30 any carcasses, parts thereof, meat or poultry products of  
31 any such animals or poultry, which are not intended for use  
32 human food unless they are denatured or otherwise identi-  
33 fied as required by the regulations of the secretary or are  
34 naturally inedible by humans.

35 1. The following classes of persons, firms, and corpora-

1 tions shall keep such records as will fully and correctly  
2 disclose all transactions involved in their businesses; and  
3 all persons, firms, and corporations subject to such require-  
4 ments shall, at all reasonable times, upon notice by a duly  
5 authorized representative of the secretary, afford such  
6 representative and any duly authorized representative of the  
7 secretary of agriculture of the United States, accompanied by  
8 such representative of the secretary, access to their places  
9 of business and opportunity to examine the facilities, in-  
10 ventory, and records thereof, to copy all such records, and  
11 to take reasonable samples of their inventory upon payment  
12 of the fair market value therefor:

13 a. Any persons, firms, or corporations that engage, for  
14 intrastate commerce, in the business of slaughtering any  
15 cattle, sheep, swine, goats, horses, mules, or other equines,  
16 rabbits, or poultry, or preparing, freezing, packaging, or  
17 labeling any carcasses, or parts or products of carcasses,  
18 of any such animals or poultry, for use as human food or  
19 animal food.

20 b. Any persons, firms or corporations that engage in the  
21 business of buying or selling, as meat brokers, wholesalers  
22 or otherwise, or transporting, in intrastate commerce, or  
23 storing in or for such commerce, any carcasses, or parts or  
24 products of carcasses, of any such animals or poultry.

25 c. Any persons, firms, or corporations that engage in  
26 business, in or for intrastate commerce, as renderers, or  
27 engage in the business of buying, selling, or transporting,  
28 in such commerce, any dead, dying, disabled, or diseased  
29 cattle, sheep, swine, goats, horses, mules, or other equines,  
30 rabbits, or poultry, or parts of the carcasses of any such  
31 animals or poultry that died otherwise than by slaughter.

32 2. Any record required to be maintained by this section  
33 shall be maintained for such period of time as the secretary  
34 may by regulations prescribe.

35 No person, firm, or corporation shall engage in business,

1 in or for intrastate commerce, as a meat broker, renderer,  
2 or animal food manufacturer, or engage in business in such  
3 commerce as a wholesaler of any carcasses, or parts or prod-  
4 ucts of the carcasses, of any cattle, sheep, swine, goats,  
5 horses, mules, or other equines, rabbits, or poultry, whether  
6 intended for human food or other purposes, or engage in  
7 business as a public warehouseman storing any such articles  
8 in or for such commerce, or engage in the business or buying,  
9 selling, or transporting in such commerce, any dead, dying,  
10 disabled, or diseased animals or poultry of the specified  
11 kinds, or parts of the carcasses of any such animals or  
12 poultry that died otherwise than by slaughter, unless, when  
13 required by regulations of the secretary he has registered  
14 with the secretary his name, and the address of each place  
15 of business at which, and all trade names under which, he  
16 conducts such business.

17 No person, firm, or corporation engaged in the business  
18 of buying, selling, or transporting in intrastate commerce  
19 dead, dying, disabled, or diseased animals, or any parts of  
20 the carcasses of any animals that died otherwise than by  
21 slaughter, shall buy, sell, transport, offer for sale or  
22 transportation, or receive for transportation in such com-  
23 merce any dead, dying, disabled, or diseased cattle, sheep,  
24 swine, goats, horses, mules, or other equines, rabbits, or  
25 poultry, or parts of the carcasses of any such animals or  
26 poultry that died otherwise than by slaughter, unless such  
27 transaction or transportation is made in accordance with  
28 such regulations as the secretary may prescribe to assure  
29 that such animals or poultry, or the unwholesome parts or  
30 products thereof, will be prevented from being used for  
31 human food purposes.

32 The secretary shall cause to be made by experts in sanita-  
33 tion, or by other competent inspectors, such inspection of  
34 all slaughtering, meat-canning, salting, packing, rendering,  
35 or similar establishments in which cattle, sheep, swine,

1 goats, horses, mules, and other equines, rabbits, and poultry  
2 are slaughtered and the meat and poultry products thereof  
3 are prepared solely for intrastate commerce as may be nec-  
4 essary to inform himself concerning the sanitary conditions  
5 of the same, and to prescribe the rules and regulations of  
6 sanitation under which such establishments shall be main-  
7 tained; and where the sanitary conditions of any such estab-  
8 lishment are such that the meat or poultry products are  
9 rendered adulterated, he shall refuse to allow said meat or  
10 poultry products to be labeled, marked, stamped, or tagged  
11 as 'Iowa inspected and passed'.

12 Whenever any carcass, part of a carcass, meat or poultry  
13 product of cattle, sheep, swine, goats, horses, mules, or  
14 other equines, rabbits, or poultry, or any product exempted  
15 from the definition of a meat or poultry product, or any  
16 dead, dying, disabled, or diseased cattle, sheep, swine,  
17 goat, or equine, rabbits, or poultry is found by any author-  
18 ized representative of the secretary upon any premises  
19 where it is held for purposes of distribution in intrastate  
20 commerce, or during or after distribution in intrastate com-  
21 merce, and there is reason to believe that any such article  
22 is adulterated or misbranded and is incapable of use as human  
23 food, or that it has not been inspected in violation of the  
24 provisions of this chapter, or that such article or animal  
25 has been or is intended to be distributed in violation of  
26 any such provisions, it may be detained by such representa-  
27 tive for a period not to exceed twenty days, pending action  
28 under this chapter or notification of any federal authorities  
29 having jurisdiction over such article or animal, and shall  
30 not be moved by any person, firm, or corporation from the  
31 place at which it is located when so detained, until released  
32 by such representative. All official marks may be required  
33 by such representative to be removed from such article or  
34 animal before it is released unless it appears to the sat-  
35 isfaction of the secretary that the article or animal is

1 eligible to retain such marks."

### EXPLANATION OF HOUSE FILE 417

This bill will clarify and otherwise amend the Iowa Meat and Poultry Inspection Act; provide for cooperation with appropriate federal agencies with respect to meat and poultry products inspection programs and accomplish other purposes.

It will provide for mandatory inspection of the slaughter of cattle, sheep, swine, goats and equine, rabbits and poultry, and the preparation of the carcasses, parts thereof, meat, and poultry products of such animals and poultry solely for resale distribution in this state; provide for the regulation of related industries; and for penalties for violations, detention, seizure and other enforcement authorities. The object of chapter 189A of the Code, as amended, will be to provide wholesome, unadulterated, properly branded meat and poultry products for or to the Iowa consumer.

### MEAT AND POULTRY INSPECTION

Summary of Projected Expenses	1969-1970
Salaries .....	\$625,741.00
Travel .....	126,292.00
Office Supplies and Expense .....	20,150.00
Printing and Binding .....	3,893.00
Telephone and Telegraph .....	14,025.00
Equipment .....	16,093.50
Auto Insurance .....	1,308.00
Professional and Scientific Services .....	94,260.00
Lab Testing of Samples .....	36,000.00
Per Diem and Subsistence at Federal Schools .....	38,300.00
Rental of Office Space .....	17,500.00
	<hr/>
Total S. & M. ....	\$367,821.50
TOTAL EXPENSES .....	\$993,562.50
Program eligible for a 50 percent Federal-State Cost Share Agreement.	
State share would be .....	\$496,781.25
Present appropriation .....	\$270,000.00
Additional appropriation requirement .....	\$226,781.25
Iowa Department of Agriculture Meat and Poultry Inspection Service	

1 Amend House File 417 as follows:

2 By striking everything after the enacting clause and insert-  
3 ing in lieu thereof the following:

4 "Section 1. For the purposes of this Act, unless the context  
5 clearly requires a different meaning:

6 1. The term 'Wholesome Meat Act' means the Federal Meat  
7 Inspection Act approved March 4, 1907 (34 Stat. 1260), as  
8 amended by the Wholesome Meat Act (81 Stat. 584).

9 2. The term 'Wholesome Poultry Products Act' means the  
10 Federal Poultry Products Inspection Act approved August 28,  
11 1957 (71 Stat. 411), as amended by the Wholesome Poultry Prod-  
12 ucts Act (82 Stat. 791).

13 3. The term 'department' means the Iowa department of agri-  
14 culture.

15 4. The term 'commerce' means commerce between any state,  
16 any territory, or the District of Columbia, and any place out-  
17 side thereof.

18 5. The term 'establishment' means all premises where cattle,  
19 sheep, swine, goats, horses, mules, or other equines, or poultry  
20 are slaughtered or otherwise prepared for food purposes. 'Es-  
21 tablishment' includes, but is not limited to, meat or poultry  
22 canneries, sausage factories, smoking or curing operations,  
23 and similar places.

24 6. The term 'carcass' means all parts including viscera of  
25 slaughtered cattle, sheep, swine, goats, or poultry that are  
26 capable of being used for human food.

27 7. The term 'meat food product' shall have the same meaning  
28 for purposes of this Act as under the Wholesome Meat Act.

29 8. The term 'poultry product' shall have the same meaning  
30 for purposes of this Act as under the Wholesome Poultry Prod-  
31 ucts Act.

32 9. The term 'poultry' means any domesticated bird, whether  
33 alive or dead.

34 10. The terms 'prepared' and 'processed' mean slaughtered,  
35 canned, salted, stuffed, rendered boned, cut up, or otherwise  
36 manufactured or processed.

37 11. The terms 'hotel', 'restaurant', and 'food establish-  
38 ment' shall have the same meaning for the purposes of this Act  
39 as under chapter one hundred seventy (170), Code 1966.

40 12. The term 'state inspection' means the meat and poultry  
41 inspection service conducted by the department of agriculture  
42 of the state of Iowa.

43 Sec. 2. The governor, the secretary of agriculture, and the  
44 department shall take such action as may be necessary to insure  
45 that every establishment in the state of Iowa which slaughters  
46 cattle, sheep, goats, horses, mules, and other equines or pre-  
47 pares carcasses, parts thereof, or meat or meat food products  
48 and is not exempt from the provisions of the Wholesome Meat Act  
49 shall, after December 14, 1969, become subject to the provisions  
50 of the Wholesome Meat Act as though engaged in commerce.

51 Sec. 3. The governor, the secretary of agriculture, and the

52 department shall take such action as may be necessary to insure  
53 that every establishment in the state of Iowa which slaughters  
54 poultry or processes poultry carcasses or parts thereof and  
55 other poultry products and is not exempt from the provisions of  
56 the Wholesome Poultry Act shall, after August 17, 1970, become  
57 subject to the provisions of the Wholesome Poultry Act as though  
58 engaged in commerce.

59 Sec. 4. Effective December 15, 1969, state inspection shall  
60 not be provided for any establishment which slaughters cattle,  
61 sheep, swine, goats, horses, mules, and other equines or pre-  
62 pares the carcasses, parts thereof, meat or meat food products  
63 subject to federal inspection under the provisions of the  
64 Wholesome Meat Act. The provisions of the Wholesome Meat Act  
65 shall supersede chapter one hundred eighty-nine A (189A), Code  
66 1966.

67 Sec. 5. Effective August 18, 1970, state inspection shall  
68 not be provided for any establishment which slaughters poultry,  
69 processes poultry carcasses and parts thereof and other poultry  
70 products subject to federal inspection under the provisions of  
71 the Wholesome Poultry Products Act. The provisions of the  
72 Wholesome Poultry Products Act shall supersede chapter one hun-  
73 dred eighty-nine A (189A), Code 1966.

74 Sec. 6. Effective August 18, 1970, chapter one hundred  
75 eighty-nine A (189A), Code 1966, is hereby repealed.

Filed - Lost 4-19  
April 10, 1969

MEZVINSKY of Johnson  
BAKER of Boone

Date prepared April 17, 1969

Requested by Representative Baker.

Prepared in regard to House File 417, a bill for an act relating to the inspection of meat and poultry, to clarify and otherwise amend chapter 189A of the Code to provide for cooperation with appropriate federal agencies with respect to meat and poultry products inspection programs, and for other purposes.

Following is the fiscal effect in dollars of the legislative proposal as required by Rule 47:

Estimated cost of implementing House File 417, as amended by the Crabb amendment, April 7, 1969

	State of Iowa's Cost*
1st Year	\$775,000
2nd Year	775,000
3rd Year	775,000
4th Year	775,000
5th Year	775,000

Note: The \$775,000 listed above represents only one-half of the total cost. The remaining one-half is paid by the federal government. These funds provide for one man for every four plants and the accompanying administrative support.

Iowa presently has seven full time veterinarians and fifty-six part time veterinarians. The projected need is for eleven full-time and 144 part-time veterinarians. For meat inspection purposes, the present six full time veterinarians will have to be increased to 173.

\*Source: Dr. Payne, United States Department of Agriculture; estimate based on a fully functioning program for a complete year.

Filed  
April 17, 1969

GERRY D. RANKIN  
Legislative Fiscal Director

April 24, 1969

*Sen. Agriculture 4-25, Pass as amended 4-29*  
*appropriations 4-29*  
*Pass as amended 5-2*

*Reprint*

*Reprinted 5/12*  
HOUSE FILE 417

By COMMITTEE ON AGRICULTURE  
AS AMENDED AND PASSED BY THE HOUSE)

Passed House, Date *4-19-69* Passed Senate, Date *5-9-69*

Vote: Ayes *111* Nays *2* Vote: Ayes *57* Nays *2*

Approved .....

*Motion to reconsider tabled 5-9*

## A BILL FOR

1 An Act relating to the inspection of meat and poultry, to  
 2 clarify and otherwise amend chapter one hundred eighty-  
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7 *Be It Enacted by the General Assembly of the State of Iowa:*

8 Section 1. Section one hundred eighty-nine A point two  
 9 (189A.2), Code 1966, is hereby repealed and the following  
 10 enacted in lieu thereof:

11 As used in this chapter except as otherwise specified:

12 1. "Secretary" means the Iowa secretary of agriculture  
 13 or his delegate.

14 2. "Person" includes any individual, partnership,  
 15 corporation, association, or other business unit, and any  
 16 officer, agent, or employee thereof.

17 3. "Broker" means any person engaged in the business of  
 18 buying or selling livestock products or poultry products  
 19 on commission, or otherwise negotiating purchases or sales of  
 20 such articles other than for his own account or as an  
 21 employee of another person.

22 4. "Renderer" means any person engaged in the business  
 23 of rendering livestock or poultry carcasses, or parts or  
 24 products of such carcasses, except rendering conducted under  
 25 inspection or exemption under this chapter.

1 5. "Animal food manufacturer" means any person engaged  
2 in the business of preparing animal food, including poultry,  
3 derived wholly or in part from livestock or poultry carcasses  
4 or parts or products of such carcasses.

5 6. "Intrastate commerce" means commerce within this state.

6 7. "Livestock" means any cattle, sheep, swine, goats,  
7 horses, mules or other equines, whether live or dead.

8 8. "Livestock product" means any carcass, part thereof,  
9 meat, or meat food product of any livestock.

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

25 10. "Poultry" means any domesticated bird, whether live  
26 or dead.

27 11. "Poultry product" means any poultry carcass or part  
28 thereof, or any product which is made wholly or in part from  
29 any poultry carcass or part thereof, excepting products  
30 which contain poultry ingredients only in a relatively small  
31 proportion or historically have not been considered by con-  
32 sumers as products of the poultry food industry, and which  
33 are exempted by the secretary from definition as a poultry  
34 product under such conditions as he may prescribe to assure  
35 that the poultry ingredients in such products are not

1 adulterated and that such products are not represented as  
2 poultry products.

3 12. "Capable of use as human food" shall apply to any  
4 livestock or poultry carcass, or part or product of any such  
5 carcass, unless it is denatured or otherwise identified as  
6 required by regulations prescribed by the secretary to deter  
7 its use as human food, or it is naturally inedible by humans.

8 13. "Prepared" means slaughtered, canned, salted, stuffed,  
9 rendered, boned, cut up, or otherwise manufactured or pro-  
10 cessed.

11 14. "Adulterated" shall apply to any livestock product  
12 or poultry product under any one or more of the following  
13 circumstances:

14 a. If it bears or contains any poisonous or deleterious  
15 substance which may render it injurious to health; but in  
16 case the substance is not an added substance such article  
17 shall not be considered adulterated under this clause if  
18 the quantity of such substance in or on such article does  
19 not ordinarily render it injurious to health.

20 b. (1) If it bears or contains, by reason of administra-  
21 tion of any substance to the livestock or poultry or other-  
22 wise, any added poisonous or deleterious substance (other  
23 than one which is a pesticide chemical in or on a raw  
24 agricultural commodity; a food additive; or a color additive)  
25 which may, in the judgment of the secretary, make such arti-  
26 cle unfit for human food.

27 (2) If it is, in whole or in part, a raw agricultural  
28 commodity and such commodity bears or contains a pesticide  
29 chemical which is unsafe within the meaning of section four  
30 hundred eight (408) of the Federal Food, Drug, and Cosmetic  
31 Act.

32 (3) If it bears or contains any food additive which is  
33 unsafe within the meaning of section four hundred nine (409)  
34 of the Federal Food, Drug, and Cosmetic Act.

35 (4) If it bears or contains any color additive which is

1 unsafe within the meaning of section seven hundred six (706)  
2 of the Federal Food, Drug, and Cosmetic Act; however, an  
3 article which is not otherwise deemed adulterated under sub-  
4 paragraphs two (2), three (3), or four (4) of this paragraph  
5 shall nevertheless be deemed adulterated if use of the  
6 pesticide chemical, food additive, or color additive in or  
7 on such article is prohibited by regulations of the secretary  
8 in official establishments.

9 c. If it consists in whole or in part of any filthy,  
10 putrid, or decomposed substance or is for any other reason  
11 unsound, unhealthful, unwholesome, or otherwise unfit for  
12 human food.

13 d. If it has been prepared, packed, or held under in-  
14 sanitary conditions whereby it may have become contaminated  
15 with filth, or whereby it may have been rendered injurious  
16 to health.

17 e. If it is, in whole or in part, the product of an  
18 animal, including poultry, which has died otherwise than  
19 by slaughter.

20 f. If its container is composed, in whole or in part,  
21 of any poisonous or deleterious substance which may render  
22 the contents injurious to health.

23 g. If it has been intentionally subjected to radiation,  
24 unless the use of the radiation was in conformity with a  
25 regulation or exemption in effect pursuant to section four  
26 hundred nine (409) of the Federal Food, Drug, and Cosmetic  
27 Act.

28 h. If any valuable constituent has been in whole or in  
29 part omitted or abstracted therefrom; or if any substance  
30 has been substituted, wholly or in part therefor; or if  
31 damage or inferiority has been concealed in any manner; or if  
32 any substance has been added thereto or mixed or packed there-  
33 with so as to increase its bulk or weight, or reduce its  
34 quality or strength, or make it appear better or of greater  
35 value than it is.

1 i. If it is margarine containing animal fat and any of  
2 the raw material used therein consisted in whole or in part  
3 of any filthy, putrid, or decomposed substance.

4 15. "Misbranded" shall apply to any livestock product  
5 or poultry product under any one or more of the following  
6 circumstances:

7 a. If its labeling is false or misleading in any  
8 particular.

9 b. If it is offered for sale under the name of another  
10 food.

11 c. If it is an imitation of another food, unless its  
12 label bears, in type of uniform size and prominence, the  
13 word "imitation", and immediately thereafter the name of  
14 the food imitated.

15 d. If its container is so made, formed, or filled as  
16 to be misleading.

17 e. Unless it bears a label showing both:

18 (1) The name and place of business of the manufacturer,  
19 packer, or distributor.

20 (2) An accurate statement of the quantity of the product  
21 in terms of weight, measure, or numerical count; however,  
22 under this paragraph, exemptions as to livestock products  
23 not in containers may be established by regulations pre-  
24 scribed by the secretary, and under this subparagraph  
25 reasonable variations may be permitted, and exemptions as  
26 to small packages may be established for livestock products  
27 or poultry products by regulations prescribed by the secretary.

28 f. If any word, statement, or other information required  
29 by or under authority of this chapter to appear on the label  
30 or other labeling is not prominently placed thereon with  
31 such conspicuousness (as compared with other words, state-  
32 ments, designs, or devices in the labeling) and in such  
33 terms as to render it likely to be read and understood by  
34 the ordinary individual under customary conditions of purchase  
35 and use.

1 g. If it purports to be or is represented as a food for  
2 which a definition and standard of identity or composition  
3 has been prescribed by the regulations of the secretary under  
4 section one hundred eighty-nine A point seven (189A.7) of  
5 the Code, unless it conforms to such definition and  
6 standard and its label bears the name of the food  
7 specified in the definition and standard and, insofar as  
8 may be required by such regulations, the common names of  
9 optional ingredients, other than spices, flavoring, and  
10 coloring, present in such food.

11 h. If it purports to be or is represented as a food for  
12 which a standard or standards of fill of container have been  
13 prescribed by regulations of the secretary under section  
14 one hundred eighty-nine A point seven (189A.7) of the Code,  
15 and it falls below the standard of fill of container  
16 applicable thereto, unless its label bears, in such manner  
17 and form as such regulations specify, a statement that it  
18 falls below such standard.

19 i. If it is not subject to the provisions of paragraph g  
20 of this subsection, unless its label bears both:

- 21 (1) The common or usual name of the food, if any.
- 22 (2) In case it is fabricated from two or more ingredients,  
23 the common or usual name of each such ingredient; except  
24 that spices, flavorings, and colorings may, when authorized  
25 by the secretary, be designated as spices, flavorings, and  
26 colorings without naming each; however, to the extent that  
27 compliance with the requirements of this subparagraph is  
28 impracticable, or results in deception or unfair competition,  
29 exemptions shall be established by regulations promulgated  
30 by the secretary.

31 j. If it purports to be or is represented for special  
32 dietary uses, unless its label bears such information con-  
33 cerning its vitamin, mineral, and other dietary properties  
34 as the secretary, after consultation with the secretary of  
35 agriculture of the United States, determines to be and by

1 regulations prescribes as necessary in order to fully in-  
2 form purchasers as to its value for such uses.

3 k. If it bears or contains any artificial flavoring,  
4 artificial coloring, or chemical preservative, unless it  
5 bears labeling stating that fact; however, to the extent that  
6 compliance with the requirements of this paragraph is im-  
7 practicable, exemptions shall be established by regulations  
8 promulgated by the secretary.

9 l. If it fails to bear, directly thereon and on its con-  
10 tainers, as the secretary may by regulations prescribe, the  
11 official inspection legend and establishment number of the  
12 establishment where the product was prepared and, unrestricted  
13 by any of the foregoing, such other information as the  
14 secretary may require in such regulations to assure that it  
15 will not have false or misleading labeling and that the public  
16 will be informed of the manner of handling required to maintain  
17 the article in a wholesome condition.

18 16. "Label" means a display of written, printed, or  
19 graphic matter upon any article or the immediate container,  
20 not including package liners, of any article.

21 17. "Labeling" means all labels and other written,  
22 printed, or graphic matter either upon any article or any of  
23 its containers or wrappers, or accompanying such article.

24 18. "Container" or "package" means any box, can, tin,  
25 cloth, plastic or other receptacle, wrapper, or cover.

26 19. "Shipping container" means any container used or in-  
27 tended for use in packaging the product packed in an immedi-  
28 ate container.

29 20. "immediate container" means any consumer package; or  
30 any other container in which livestock products or poultry  
31 products, not consumer packaged, are packed.

32 21. "Federal Meat Inspection Act" means the Act so en-  
33 titled approved March 4, 1907 (34 Stat. 1260), as amended by  
34 the Wholesome Meat Act (81 Stat. 584); "Federal Poultry  
35 Products Inspection Act" means the Act so entitled approved

1 August 28, 1957 (71 Stat. 441), as amended by the Wholesome  
2 Poultry Products Act (82 Stat. 791): and "federal acts" means  
3 these two federal laws.

4 22. "Federal Food, Drug, and Cosmetic Act" means the Act  
5 so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts  
6 amendatory thereof or supplementary thereto.

7 23. "Pesticide chemical", "food additive", "color addi-  
8 tive", and "raw agricultural commodity" shall have the same  
9 meanings for purposes of this chapter as under the Federal  
10 Food, Drug, and Cosmetic Act.

11 24. "Official mark" means the official inspection legend  
12 or any other symbol prescribed by regulations of the secretary  
13 to identify the status of any article or livestock or poultry  
14 under this chapter.

15 25. "Official inspection legend" means any symbol pre-  
16 scribed by regulations of the secretary showing that an  
17 article was inspected and passed in accordance with this  
18 chapter.

19 26. "Official certificate" means any certificate pre-  
20 scribed by regulations of the secretary for issuance by an  
21 inspector or other person performing official functions under  
22 this chapter.

23 27. "Official device" means any device prescribed or  
24 authorized by the secretary for use in applying any official  
25 mark.

26 28. "Official establishment" means any establishment as  
27 determined by the secretary at which inspection of the  
28 slaughter of livestock or poultry or the preparation of live-  
29 stock products or poultry products is maintained under the  
30 authority of this chapter.

31 29. "Inspector" means an employee or official of the Iowa  
32 department of agriculture authorized by the secretary or any  
33 employee or official of the government of any county or other  
34 governmental subdivision of this state, authorized by the  
35 secretary to perform any inspection functions under this

1 chapter under an agreement between the secretary and such  
2 governmental subdivision.

3 30. "Veterinary inspector" means a graduate veterinarian  
4 with appropriate training to perform the inspection functions  
5 under the provisions of this chapter.

6 31. "Establishment" means all premises where animals or  
7 poultry are slaughtered or otherwise prepared, either for  
8 custom or resale, for food purposes, meat or poultry canneries,  
9 sausage factories, smoking or curing operations, and similar  
10 places.

11 32. "Reinspection" includes inspection of the preparation  
12 of livestock products and poultry products, as well as  
13 reexamination of articles previously inspected.

14 Sec. 2. Section one hundred eighty-nine A point three  
15 (189A.3), Code 1966, is hereby repealed and the following  
16 enacted in lieu thereof:

17 No person shall operate an establishment without first  
18 securing a license from the department. The license fee  
19 shall be twenty-five dollars for each establishment per year  
20 or for any part of a year. The funds shall be deposited with  
21 the department of agriculture. The license year shall be  
22 from July first to June thirtieth. Applications for licenses  
23 shall be in writing on forms prescribed by the department.

24 It is the objective of this chapter to provide for meat  
25 and poultry products inspection programs that will impose and  
26 enforce requirements with respect to intrastate operations  
27 and commerce that are at least equal to those imposed and  
28 enforced under the Federal Meat Inspection Act and the  
29 Federal Poultry Products Inspection Act with respect to opera-  
30 tions and transactions in interstate commerce; and the sec-  
31 retary is directed to administer this chapter so as to ac-  
32 complish this purpose. The director of the meat and poultry  
33 inspection service of the Iowa department of agriculture is  
34 designated as the appropriate state agency to cooperate with  
35 the secretary of agriculture of the United States in admin-

1 istration of this chapter.

2 Sec. 3. Section one hundred eighty-nine A point four  
3 (189A.4), Code 1966, as amended by chapter one hundred  
4 seventy-nine (179), section one (1), and chapter one hundred  
5 eighty (180), section one (1), Acts of the Sixty-second  
6 General Assembly, is hereby repealed and the following enacted  
7 in lieu thereof:

8 In order to accomplish the objectives of this chapter,  
9 the secretary may exempt the following types of operations  
10 from inspection:

11 1. Slaughtering and preparation by any person of live-  
12 stock and poultry of his own raising exclusively for use by  
13 him and members of his household, and his nonpaying guests  
14 and employees.

15 2. Any other operations which the secretary may determine  
16 would best be exempted to further the purposes of this chapter,  
17 to the extent such exemptions conform to the Federal Meat  
18 inspection Act and the Federal Poultry Products Inspection  
19 Act and the regulations thereunder.

20 Sec. 4. Section one hundred eighty-nine A point five  
21 (189A.5), Code 1966, is hereby amended by adding thereto the  
22 following:

23 In order to accomplish the objective stated in section  
24 one hundred eighty-nine A point three (189A.3) of the Code,  
25 the secretary shall:

26 1. By regulations require antemortem and postmortem  
27 inspections, quarantine, segregation, and reinspections with  
28 respect to the slaughter of livestock and poultry and the  
29 preparation of livestock products and poultry products at  
30 all establishments in this state, except those exempted by  
31 section one hundred eighty-nine A point four (189A.4) of the  
32 Code, at which livestock or poultry are slaughtered or live-  
33 stock or poultry products are prepared for human food solely  
34 for distribution in intrastate commerce.

35 2. By regulations require the identification of livestock

1 and poultry for inspection purposes and the marking and label-  
2 ing of livestock products or poultry products or their con-  
3 tainers, or both, as "Iowa Inspected and Passed" if the  
4 products are found upon inspection to be not adulterated,  
5 and as "Iowa Inspected and Condemned" if they are found  
6 upon inspection to be adulterated; and the destruction for  
7 food purposes of all such condemned products under the  
8 supervision of an inspector.

9 3. Prohibit the entry into official establishments of  
10 livestock products and poultry products not prepared under  
11 federal inspection or inspection pursuant to this chapter  
12 and further limit the entry of such articles and other  
13 materials into such establishments under such conditions as  
14 he deems necessary to effectuate the purposes of this chapter.

15 4. By regulations require that when livestock products  
16 and poultry products leave official establishments they shall  
17 bear directly thereon or on their containers, or both, all  
18 information required by section one hundred eighty-nine A  
19 point two (189A.2), subsection fifteen (15) of the Code; and  
20 require approval of all labeling and containers to be used  
21 for such products when sold or transported in intrastate  
22 commerce to assure that they comply with the requirements of  
23 this chapter.

24 5. Investigate the sanitary conditions of each establish-  
25 ment within subsection one (1) of this section and withdraw  
26 or otherwise refuse to provide inspection service at any such  
27 establishment where the sanitary conditions are such as to  
28 render adulterated any livestock products or poultry products  
29 prepared or handled thereat.

30 6. Prescribe regulations relating to sanitation for all  
31 establishments required to have inspection under subsection  
32 one (1) of this section.

33 7. By regulations require that both of the following  
34 classes of persons shall keep such records and for such  
35 periods as are specified in the regulations to fully and

1 correctly disclose all transactions involved in their  
2 business, and to afford the secretary and his representatives,  
3 including representatives of other governmental agencies  
4 designated by him, access to such places of business, and  
5 opportunity at all reasonable times to examine the facilities,  
6 inventory, and records thereof, to copy the records, and to  
7 take reasonable samples of the inventory upon payment of  
8 the fair market value therefor:

9 a. Any person that engages in or for intrastate commerce  
10 in the business of slaughtering any livestock or poultry,  
11 or preparing, freezing, packaging or labeling, buying or  
12 selling (as a broker, wholesaler, or otherwise), transport-  
13 ing, or storing any livestock products or poultry products  
14 for human or animal food.

15 b. Any person that engages in or for intrastate commerce  
16 in business as a renderer or in the business of buying,  
17 selling, or transporting any dead, dying, disabled, or  
18 diseased livestock or poultry or parts of the carcasses of  
19 any such animals, including poultry, that died otherwise  
20 than by slaughter.

21 Sec. 5. Section one hundred eighty-nine A point seven  
22 (189A.7), Code 1966, is hereby repealed and the following  
23 enacted in lieu thereof:

24 In order to accomplish the objective stated in section  
25 one hundred eighty-nine A point three (189A.3) of the Code,  
26 the secretary may:

27 1. Remove inspectors from any establishment that fails  
28 to destroy condemned products as required under section one  
29 hundred eighty-nine A point five (189A.5), subsection two  
30 (2) of the Code.

31 2. Refuse to provide inspection service under this  
32 chapter with respect to any establishment for causes  
33 specified in section four hundred one (401) of the Federal  
34 Meat Inspection Act or section eighteen (18) of the  
35 Federal Poultry Products Inspection Act.

1     3. Order labeling and containers to be withheld from  
2 use if he determines that the labeling is false or  
3 misleading or the containers are of a misleading size or  
4 form.

5     4. By regulations prescribe the sizes and styles of  
6 type to be used for labeling information required under  
7 this chapter, and definitions and standards of identity or  
8 composition or standards of fill of container, consistent  
9 with federal standards, when he deems such action appropriate  
10 for the protection of the public and after consultation  
11 with the secretary of agriculture of the United States.

12     5. By regulations prescribe conditions of storage and  
13 handling of livestock products and poultry products by  
14 persons engaged in the business of buying, selling, freezing,  
15 storing, or transporting such articles in or for intrastate  
16 commerce to assure that such articles will not be  
17 adulterated or misbranded when delivered to the consumer.

18     6. Require that equines be slaughtered and prepared in  
19 establishments separate from establishments where other  
20 livestock are slaughtered or their products are prepared.

21     7. By regulations require that every person engaged in  
22 business in or for intrastate commerce as a broker, renderer,  
23 animal food manufacturer, or wholesaler or public warehouse-  
24 man of livestock or poultry products, or engaged in the  
25 business of buying, selling, or transporting in intrastate  
26 commerce any dead, dying, disabled, or diseased livestock or  
27 poultry or parts of the carcasses of any such animals, in-  
28 cluding poultry, that died otherwise than by slaughter  
29 shall register with the secretary his name and the address  
30 of each place of business at which and all trade names  
31 under which he conducts such business.

32     8. Adopt by reference or otherwise such provisions  
33 of the rules and regulations under the federal acts, with  
34 such changes therein as he deems appropriate to make them  
35 applicable to operations and transactions subject to this

1 chapter, which shall have the same force and effect as if  
2 promulgated under this chapter, and promulgate such other  
3 rules and regulations as he deems necessary for the  
4 efficient execution of the provisions of this chapter,  
5 including rules of practice providing opportunity for hearing  
6 in connection with issuance of orders under section one  
7 hundred eighty-nine A point five (189A.5), subsection five  
8 (5), or section one hundred eighty-nine A point seven  
9 (189A.7), subsections one (1), two (2), or three (3) of the  
10 Code and prescribing procedures for proceedings in such  
11 cases; however, this shall not preclude a requirement  
12 that a label or container be withheld from use, or a re-  
13 fusal of inspection pursuant to the sections cited herein  
14 pending issuance of a final order in any such proceeding.

15 9. Appoint and prescribe the duties of such inspectors  
16 and other personnel as he deems necessary for the  
17 efficient execution of the provisions of this chapter.

18 10. Cooperate with the secretary of agriculture of  
19 the United States in administration of this chapter to  
20 effectuate the purposes stated in section one hundred  
21 eighty-nine A point three (189A.3) of the Code; accept  
22 federal assistance for that purpose and spend public  
23 funds of this state appropriated for administration of  
24 this chapter to pay the state's proportionate share  
25 of the estimated total cost of the cooperative program.

26 11. Recommend to the secretary of agriculture of the  
27 United States for appointment to the advisory committees  
28 provided for in the federal acts, such officials or  
29 employees of the Iowa meat and poultry inspection service  
30 as the secretary shall designate.

31 12. Serve as a representative of the governor for con-  
32 sultation with said secretary under paragraph c of section  
33 three hundred one (301) of the Federal Meat Inspection Act  
34 and paragraph c of section five (5) of the Federal Poultry  
35 Products Inspection Act unless the governor selects

1 another representative.

2 Sec. 6. Section one hundred eighty-nine A point eight  
3 (189A.8), Code 1966, is hereby repealed and the following  
4 enacted in lieu thereof:

5 1. No person shall sell, transport, offer for sale or  
6 transportation, or receive for transportation in intrastate  
7 commerce, any carcasses of horses, mules, or other equines  
8 or parts of such carcasses, or the meat or meat food products  
9 thereof, unless they are plainly and conspicuously marked  
10 or labeled or otherwise identified as required by regulations  
11 prescribed by the secretary to show the kinds of animals  
12 from which they were derived.

13 2. No person shall buy, sell, transport, or offer for  
14 sale or transportation, or receive for transportation, in  
15 intrastate commerce, any livestock products or poultry  
16 products which are not intended for use as human food unless  
17 they are denatured or otherwise identified as required by  
18 the regulations of the secretary or are naturally inedible  
19 by humans.

20 3. No person engaged in the business of buying, selling,  
21 or transporting in intrastate commerce, dead, dying, disabled,  
22 or diseased animals, or any parts of the carcasses of any  
23 animals that died otherwise than by slaughter, shall buy,  
24 sell, transport, offer for sale or transportation, or receive  
25 for transportation in such commerce, any dead, dying, dis-  
26 abled, or diseased livestock or poultry or the products of  
27 any such animals that died otherwise than by slaughter,  
28 unless such transaction or transportation is made in  
29 accordance with such regulations as the secretary may  
30 prescribe to assure that such animals, or the unwholesome  
31 parts or products thereof, will be prevented from being  
32 used for human food purposes.

33 Sec. 7. Section one hundred eighty-nine A point nine  
34 (189A.9), Code 1966, is hereby amended by adding to the end  
35 thereof the following sentence:

1 A charge shall be made for overtime inspection in excess  
2 of eight hours per day or outside assigned work schedules  
3 and also on state legal holidays.

4 Sec. 8. Section one hundred eighty-nine A point ten  
5 (189A.10), Code 1966, is hereby repealed and the following  
6 enacted in lieu thereof:

7 1. No person shall, with respect to any livestock or  
8 poultry or any livestock products or poultry products, do  
9 any of the following:

10 a. Slaughter any such animals or prepare any such  
11 articles which are capable of use as human food, at any  
12 establishment preparing such articles solely for intrastate  
13 commerce, except in compliance with the requirements of  
14 this chapter.

15 b. Sell, transport, offer for sale or transportation, or  
16 receive for transportation in intrastate commerce, any such  
17 articles which are both:

18 (1) Capable of use as human food.

19 (2) Adulterated or misbranded at the time of such sale,  
20 transportation, offer for sale or transportation, or receipt  
21 for transportation; or any articles required to be inspected  
22 under this chapter unless they have been so inspected and  
23 passed.

24 c. With respect to any such articles which are capable  
25 of use as human food, any act while they are being trans-  
26 ported in intrastate commerce or held for sale after such  
27 transportation, which is intended to cause or has the  
28 effect of causing such articles to be adulterated or  
29 misbranded.

30 2. No person shall sell, transport, offer for sale or  
31 transportation, or receive for transportation in intrastate  
32 commerce, or from an official establishment, any slaughtered  
33 poultry from which the blood, feathers, feet, head, or  
34 viscera have not been removed in accordance with regulations  
35 promulgated by the secretary except as may be authorized by

1 such regulations.

2 3. No person shall violate any provision of the regula-  
3 tions or orders of the secretary under section one hundred  
4 eighty-nine A point five (189A.5), subsection seven (7), or  
5 section one hundred eighty-nine A point seven (189A.7).

6 Sec. 9. Section one hundred eighty-nine A point eleven  
7 (189A.11), Code 1966, is hereby amended as follows:

8 1. By striking from line eight (8) the word "must" and  
9 inserting in lieu thereof the words "will be equal to federal  
10 inspection and therefore may".

11 2. By adding thereto the following:

12 1. No inspection of products placed in any container at  
13 any official establishment shall be deemed to be complete  
14 until the products are sealed or enclosed therein under the  
15 supervision of an inspector.

16 2. For purposes of any inspection of products required  
17 by this chapter, inspectors authorized by the secretary shall  
18 have access at all times by day or night to every part of  
19 every establishment required to have inspection under this  
20 chapter, whether the establishment is operated or not.

21 Sec. 10. Section one hundred eighty-nine A point twelve  
22 (189A.12), Code 1966, is hereby repealed and the following  
23 enacted in lieu thereof:

24 Whenever any livestock or poultry product or any product  
25 exempted from the definition of a livestock or poultry product,  
26 or any dead, dying, disabled, or diseased livestock or  
27 poultry is found by any authorized representative of the  
28 secretary upon any premises where it is held for purposes of,  
29 or during or after distribution in, intrastate commerce or  
30 is otherwise subject to this chapter, and there is reason  
31 to believe that any such article is adulterated or misbranded  
32 and is capable of use as human food, or that it has not been  
33 inspected in violation of the provisions of this chapter, the  
34 Federal Meat Inspection Act, the Federal Poultry Products  
35 Inspection Act, or the Federal Food, Drug, and Cosmetic Act,

1 or that such article or animal has been or is intended to be  
2 distributed in violation of any such provisions, it may be  
3 detained by such representative for a period not to exceed  
4 twenty days, pending action under this section or notification  
5 of any federal authorities having jurisdiction over such  
6 article or animal, and shall not be moved by any person from  
7 the place at which it is located when so detained until re-  
8 leased by such representative. All official marks may be  
9 required by such representative to be removed from such  
10 article or animal before it is released unless it appears  
11 to the satisfaction of the secretary that the article or  
12 animal is eligible to retain such marks.

13 1. Any livestock or poultry product, or any dead, dying,  
14 disabled, or diseased livestock or poultry which is being  
15 transported in intrastate commerce, or is otherwise subject  
16 to this chapter, or is held for sale in this state after  
17 such transportation, and which is or has been prepared, sold,  
18 transported, or otherwise distributed or offered or received  
19 for distribution in violation of this chapter; or is capable  
20 of use as human food and is adulterated or misbranded; or is  
21 in any other way in violation of this chapter shall be liable  
22 to be proceeded against and seized and condemned at any time  
23 on a complaint filed in the district court of the particular  
24 county within the jurisdiction of which such article or  
25 animal is found. If such article or animal is condemned it  
26 shall, after entry of the decree, be disposed of by  
27 destruction or sale as the court may direct and any proceeds,  
28 less the court costs and fees, storage fees, and other proper  
29 expenses, shall be paid into the treasury of this state, but  
30 the article or animal shall not be sold contrary to the  
31 provisions of this chapter, the Federal Meat Inspection Act,  
32 the Federal Poultry Products Inspection Act, or the Federal  
33 Food, Drug, and Cosmetic Act; however, upon the execution  
34 and delivery of a good and sufficient bond conditioned that  
35 the article or animal shall not be sold or otherwise disposed

1 of contrary to the provisions of this chapter or the laws  
2 of the United States, the court may direct that such article  
3 or animal be delivered to the owner thereof subject to such  
4 supervision by authorized representatives of the secretary  
5 as is necessary to insure compliance with the applicable  
6 laws. When a decree of condemnation is entered against the  
7 article or animals and it is released under bond or destroyed,  
8 court costs and fees, storage fees, and other proper expenses  
9 shall be awarded against any person intervening as claimant  
10 of the article or animal. ~~The proceedings in such cases~~  
11 shall be held without a jury, except that either party  
12 may demand trial by jury of any issue of fact joined in  
13 any case, and all such proceedings shall be at the suit  
14 of and in the name of this state.

15 2. The provisions of this section shall in no way  
16 derogate from authority for condemnation or seizure  
17 conferred by other provisions of this chapter or other  
18 applicable laws.

19 Sec. 11. Section one hundred eighty-nine A point  
20 fourteen (189A.14), Code 1966, is hereby repealed and the  
21 following enacted in lieu thereof:

22 1. Any order issued under section one hundred eighty-  
23 nine A point five (189A.5), subsection three (3), or  
24 section one hundred eighty-nine A point seven (189A.7),  
25 subsections one (1), two (2), or three (3) of the Code  
26 shall be final unless appealed to the district court within  
27 thirty days after service. Review of any such order and  
28 the determinations upon which it is based shall be upon the  
29 record in the proceedings in which the order was issued.

30 2. The district court is hereby vested with jurisdiction  
31 to enforce this chapter, to prevent and restrain violations  
32 herein, and shall have jurisdiction in all other kinds of  
33 cases arising hereunder. The Rules of Civil Procedure shall  
34 apply to all such actions unless otherwise specifically  
35 provided.

1     **Sec. 12. Section one hundred eighty-nine A point sixteen**  
2     **(189A.16), Code 1966, is hereby repealed and the following**  
3     **enacted in lieu thereof:**

4     **1. No brand manufacturer, printer, or other person**  
5     **shall cast, print, lithograph, or otherwise make any device**  
6     **containing any official mark or simulation thereof, or any**  
7     **label bearing any such mark or simulation, or any form of**  
8     **official certificate or simulation thereof, except as**  
9     **authorized by the secretary.**

10    **2. No person shall do any of the following:**

11    **a. Forge any official device, mark, or certificate.**

12    **b. Without authorization from the secretary, use any**  
13    **official device, mark, or certificate, or simulation thereof,**  
14    **or alter, detach, deface, or destroy any official device,**  
15    **mark, or certificate.**

16    **c. Contrary to the regulations prescribed by the secretary,**  
17    **fail to use, or to detach, deface, or destroy any official**  
18    **device, mark, or certificate.**

19    **d. Knowingly possess, without promptly notifying the**  
20    **secretary or his representative, any official device or any**  
21    **counterfeit, simulated, forged, or improperly altered official**  
22    **certificate or any device or label or any carcass of any**  
23    **animal, including poultry, or part or product thereof, bearing**  
24    **any counterfeit, simulated, forged, or improperly altered**  
25    **official mark.**

26    **e. Knowingly make any false statement in any shipper's**  
27    **certificate or other nonofficial or official certificate**  
28    **provided for in the regulations prescribed by the**  
29    **secretary.**

30    **f. Knowingly represent that any article has been in-**  
31    **spected and passed, or exempted, under this chapter when**  
32    **it has not been so inspected and passed, or exempted.**

33    **Sec. 13. Section one hundred eighty-nine A point seven-**  
34    **teen (189A.17), Code 1966, is hereby repealed and the**  
35    **following enacted in lieu thereof:**

1 1. Any person who violates any provisions of this chapter  
2 for which no other criminal penalty is provided shall upon  
3 conviction be subject to imprisonment in the county jail for  
4 not more than one year, or a fine of not more than one  
5 thousand dollars, or both such imprisonment and fine; but  
6 if such violation involves intent to defraud, or any  
7 distribution or attempted distribution of an article that  
8 is adulterated, except as defined in paragraph h of  
9 subsection fourteen (14) of section one (1) of this Act, such  
10 person shall be subject to imprisonment in the penitentiary  
11 or men's or women's reformatory for not more than three  
12 years or a fine of not more than ten thousand dollars or  
13 both.

14 2. Nothing in this chapter shall be construed as  
15 requiring the secretary to report, for the institution of  
16 legal proceedings, minor violations of this chapter whenever  
17 he believes that the public interest will be adequately  
18 served by a suitable written notice of warning.

19 3. The secretary shall also have power:

20 a. To gather and compile information concerning, and to  
21 investigate from time to time the organization, business,  
22 conduct, practices, and management of any person engaged in  
23 intrastate commerce, and the relation thereof to other persons.

24 b. To require persons engaged in intrastate commerce to  
25 file with the secretary in such form as the secretary may  
26 prescribe, annual or special reports or answers in writing  
27 to specific questions, furnishing to the secretary such  
28 information as he may require as to the organization, business,  
29 conduct, practices, management, and relation to other persons  
30 of the person filing such reports or answers. Such reports  
31 and answers shall be made under oath, or otherwise as the  
32 secretary may prescribe, and shall be filed with the  
33 secretary within such reasonable period as the secretary may  
34 prescribe, unless additional time be granted in any case by  
35 the secretary.

1 4. a. For purpose of this chapter the secretary  
2 may, at all reasonable times, examine and copy any  
3 documentary evidence of any person being investigated or  
4 proceeded against, and may require by subpoena the attendance  
5 and testimony of witnesses and the production of all  
6 documentary evidence of any person relating to any matter  
7 under investigation. The secretary may sign subpoenas and  
8 administer oaths and affirmations, examine witnesses, and  
9 receive evidence.

10 b. Such attendance of witnesses, and the production of  
11 such documentary evidence may be required at any designated  
12 place of hearing. In case of disobedience to a subpoena the  
13 secretary may invoke the aid of the district court having  
14 jurisdiction over the matter in requiring the attendance  
15 and testimony of witnesses and the production of documentary  
16 evidence.

17 c. The district court may, in case of failure or refusal  
18 to obey a subpoena issued herein to any person, enter an  
19 order requiring such person to appear before the secretary  
20 or to produce documentary evidence if so ordered, or to  
21 give evidence concerning the matter in question; and any  
22 failure to obey such order of the court may be punished by  
23 such court as contempt.

24 d. Upon the application of the attorney general of this  
25 state at the request of the secretary, the court shall  
26 have jurisdiction to issue writs of mandamus commanding  
27 any person to comply with the provisions of this chapter or  
28 any order of the secretary pursuant thereto.

29 e. The secretary may order testimony to be taken by  
30 deposition in any proceeding or investigation pending under  
31 this chapter at any stage of such proceeding or investigation.  
32 Such depositions may be taken before any person designated  
33 by the secretary and having power to administer oaths. Such  
34 testimony shall be reduced to writing by the person taking  
35 the deposition, or under his direction and shall then be

1 subscribed by the deponent. Any person may be compelled  
2 to appear and depose and to produce documentary evidence in  
3 the same manner as witnesses may be compelled to appear and  
4 testify and produce documentary evidence before the secretary  
5 as herein provided.

6 f. Witnesses summoned before the secretary shall be paid  
7 the same fees and mileage that are paid witnesses in the  
8 district court, and witnesses whose depositions are taken  
9 and the persons taking the same shall severally be entitled  
10 to the same fees as are paid for like services in such  
11 district court.

12 g. No person shall be excused from attending and  
13 testifying or from producing books, papers, schedules of  
14 charges, contracts, agreements, or other documentary  
15 evidence before the secretary or in obedience to the subpoena  
16 of the secretary, whether such subpoena be signed or  
17 issued by him or his delegate, or in any cause or  
18 proceeding, criminal or otherwise, based upon or growing  
19 out of any alleged violation of this chapter for the reason  
20 that the testimony or evidence, documentary or otherwise,  
21 required of him may tend to incriminate him or subject  
22 him to a penalty or forfeiture; but no person shall be  
23 prosecuted or subjected to a penalty or forfeiture for or  
24 on account of any transaction, matter, or thing concerning  
25 which he is compelled, after having claimed his privilege  
26 against self-incrimination, to testify or produce evidence,  
27 documentary or otherwise, except that any individual so  
28 testifying shall not be exempt from prosecution and  
29 punishment for perjury committed in so testifying.

30 5. a. Any person who neglects or refuses to attend and  
31 testify or to answer any lawful inquiry, or to produce docu-  
32 mentary evidence, if it is in his power to do so, in  
33 obedience to the subpoena or lawful requirement of the  
34 secretary shall be guilty of an offense and upon conviction  
35 thereof by a court of competent jurisdiction shall be

1 punished by a fine of not less than one thousand dollars nor  
2 more than five thousand dollars, or by imprisonment in the  
3 county jail for not more than one year, or by both such fine  
4 and imprisonment.

5 b. Any person who willfully makes, or causes to be made,  
6 any false entry or statement of fact in any report required  
7 to be made under this chapter, or who willfully makes, or  
8 causes to be made, any false entry in any account, record,  
9 or memorandum kept by any person subject to this chapter,  
10 or who willfully neglects or fails to make or cause to  
11 be made, full, true, and correct entries in such accounts,  
12 records, or memoranda, of all facts and transactions  
13 pertaining to the business of such person, or who willfully  
14 removes himself from the jurisdiction of this state, or  
15 willfully mutilates, alters, or by any other means falsifies  
16 any documentary evidence of any person subject to this chapter  
17 or who willfully refuses to submit to the secretary or to  
18 any of his authorized agents, for the purpose of inspection  
19 and taking copies, any documentary evidence of any person  
20 subject to this chapter in his possession or within his  
21 control, shall be deemed guilty of an offense and shall be  
22 subject, upon conviction in any court of competent jurisdiction,  
23 to a fine of not less than one thousand dollars nor more  
24 than five thousand dollars, or to imprisonment in the  
25 county jail or the penitentiary or men's or women's  
26 reformatory for a term of not more than three years, or  
27 to both such fine and imprisonment.

28 c. If any person required by this chapter to file any  
29 annual or special report shall fail so to do within the  
30 time fixed by the secretary for filing the same, and such  
31 failure shall continue for thirty days after notice of such  
32 default, such person shall forfeit to this state the sum of  
33 one hundred dollars for each and every day of the continuance  
34 of such failure, which forfeiture shall be payable into the  
35 treasury of this state, and shall be recoverable in a civil

1 suit in the name of the state brought in the district court  
2 of the county where the person has his principal office or  
3 in the district court of any county in which he does business.

4 It shall be the duty of the various county attorneys of this  
5 state to prosecute for the recovery of such forfeitures.

6 The costs and expenses of such prosecution shall be paid  
7 out of the court expense fund of the county.

8 d. Any officer or employee of this state who makes public  
9 any information obtained by the secretary, without his  
10 authority, unless directed by a court, or uses any such  
11 information to his advantage, shall be deemed guilty of a  
12 misdemeanor, and upon conviction thereof shall be punished  
13 by a fine not exceeding five thousand dollars, or by im-  
14 prisonment in the county jail not exceeding one year, or  
15 by both such fine and imprisonment.

16 The requirements of this chapter shall apply to persons,  
17 establishments, animals, and articles regulated under the  
18 Federal Meat Inspection Act or the Federal Poultry Products  
19 Inspection Act to the extent provided for in said federal  
20 acts and also to the extent provided in this chapter and  
21 in regulations the secretary may prescribe to promulgate  
22 this chapter.

23 Sec. 14. Chapter one hundred seventy-eight (178), section  
24 one (1), Acts of the Sixty-second General Assembly, is hereby  
25 amended by inserting in line nine (9) after the word "shock,"  
26 the words "captive bolt,".

27 Sec. 15. Chapter one hundred eighty-nine A (189A), Code  
28 1966, is hereby amended by adding thereto the following  
29 sections:

30 1. Any person who gives, pays, or offers, directly or  
31 indirectly, to any officer or employee of this state  
32 authorized to perform any of the duties prescribed by this  
33 chapter or by the regulations of the secretary, any money or  
34 other thing of value, with intent to influence said officer  
35 or employee in the discharge of any such duty, shall be

1 deemed guilty of a felony and, upon conviction thereof,  
2 shall be punished by a fine of not less than five thousand  
3 dollars nor more than ten thousand dollars and by imprison-  
4 ment in the penitentiary or men's or women's reformatory  
5 not less than one year nor more than three years; and any  
6 officer or employee of this state authorized to perform any  
7 of the duties prescribed by this chapter who accepts any  
8 money, gift, or other thing of value from any person, given  
9 with intent to influence his official action, or who receives  
10 or accepts from any person engaged in intrastate commerce  
11 any gift, money, or other thing of value given with any  
12 purpose or intent whatsoever, shall be deemed guilty of a  
13 felony and shall, upon conviction thereof, be summarily  
14 discharged from office and shall be punished by a fine not  
15 less than one thousand dollars nor more than ten thousand  
16 dollars and by imprisonment in the penitentiary or men's  
17 or women's reformatory not less than one year nor more than  
18 three years.

19 2. Any person who forcibly assaults, resists, opposes,  
20 impedes, intimidates, or interferes with any person while  
21 engaged in or on account of the performance of his official  
22 duties under this chapter shall be fined not more than five  
23 thousand dollars or imprisoned in the penitentiary or men's  
24 or women's reformatory not more than three years, or both.  
25 Whoever, in the commission of any such acts, uses a deadly  
26 or dangerous weapon, shall be fined not more than ten  
27 thousand dollars or imprisoned in the penitentiary or men's  
28 or women's reformatory not more than ten years, or both.  
29 Whoever kills any person while engaged in or on account of  
30 the performance of his official duties under this chapter  
31 shall be punished as provided under chapter six hundred  
32 ninety (690) of the Code.

33 Inspection shall not be provided under this chapter at  
34 any establishment for the slaughter of livestock or poultry  
35 or the preparation of any livestock products or poultry

- 1 products which are not intended for use as human food, but
- 2 such articles shall, prior to their offer for sale or
- 3 transportation in intrastate commerce, unless naturally
- 4 inedible by humans, be denatured or otherwise identified as
- 5 prescribed by regulations of the secretary to deter their use
- 6 for human food.

#### EXPLANATION OF HOUSE FILE 417

This bill establishes a comprehensive program of meat and poultry inspection to be administered by the Iowa Department of Agriculture. The bill closely follows the proposed Model State Meat and Poultry Products Inspection Act recommended by the federal government.

1 Amend House File 417 as reprinted April 24, 1969, as follows:

2 1. By inserting after page 1, line 11, a new subsection  
3 and by renumbering the subsequent subsections: 1. "Department"

means

4 the Iowa department of agriculture.

5 2. By striking from page 3, lines 22 and 24, the paren-  
6 thesis and inserting commas in lieu thereof.

7 3. By striking from page 5, lines 31 and 32, the paren-  
8 theses and inserting commas in lieu thereof.

9 4. By striking from page 6, lines 4 and 5, and inserting  
10 in lieu thereof the following: "section five (5) of this Act, unless  
11 it conforms to such definition and".

12 5. By striking from page 6, line 14, and inserting in  
13 lieu thereof the following: "five (5) of this Act,".

14 6. By striking from page 9, lines 32 and 33, the words  
15 "The director of the meat and poultry inspection service of the Iowa  
16 department of agriculture" and inserting in lieu thereof the words  
17 "The secretary".

18 7. By striking from page 9, line 34, the words "state  
19 agency" and inserting in lieu thereof the word "officer".

20 8. By striking from page 10, line 11, the word "person"  
21 and inserting in lieu thereof the word "individual".

22 9. By striking from page 10, line 24, and inserting in  
23 lieu thereof the following: "two (2) of this Act".

24 10. By striking from page 10, lines 31 and 32, and in-  
25 serting in lieu thereof the following: "section three (3) of this  
26 Act, at which livestock or poultry are slaughtered or live-".

27 11. By striking from page 11, lines 18 and 19, and inserting  
28 in lieu thereof the following: "information required by subsection  
29 fifteen (15) of section one (1) of this Act; and".

30 12. By striking from page 11, line 25, the words and figure  
31 "subsection one (1) of this section" and inserting in lieu thereof the  
32 following: "section two (2) of this Act".

33 13. By striking from page 11, lines 31 and 32, the words and  
34 figure "subsection one (1) of this section" and inserting in lieu there-  
35 of the following: "section two (2) of this Act".

36 14. By striking from page 12, line 12, the parentheses and  
37 inserting a comma after the word "selling".

38 15. By striking from page 12, all of line 25, and inserting  
39 in lieu thereof the following: "two (2) of this Act".

40 16. By striking from page 12, lines 28 through 30, inclusive,  
41 and inserting in lieu thereof the following: "to destroy condemned pro-  
42 ducts as required under subsection two (2) of section four (4) of this  
43 Act."

44 17. By striking from page 14, lines 6 through 10, inclusive,  
45 and inserting in lieu thereof the following: "in connection with issu-  
46 ance of orders under subsection five (5) of section four (4) and sub-  
47 sections one (1), two (2), or three (3) of this section and prescribing  
48 procedures for proceedings in such".

49 18. By striking from page 14, lines 20 and 21, and inserting  
50 in lieu thereof the following: "effectuate the purposes stated in  
51 section two (2) of this Act; accept".

52 19. By striking from page 14, line 29, the words "Iowa meat  
53 and poultry inspection service" and inserting in lieu thereof the word  
54 "department".

- 55 20. By striking from page 17, line 3, the words "one hundred"  
56 and inserting in lieu thereof the words and figures "four (4), subsection  
57 seven (7), or section five (5) of this Act."  
58 21. By striking from page 17, lines 4 and 5.  
59 22. By striking from page 19, the sentence beginning in line  
60 22 and ending in line 27, and inserting in lieu thereof the following  
61 sentence: "Any order issued under subsection three (3) of section four  
62 (4) or subsections one (1), two (2), or three (3) of section five (5) of  
63 this Act shall be final unless appealed to the district court within  
64 thirty days after service."  
65 23. By striking from page 19, the sentence beginning in line  
66 33 and ending in line 35.  
67 24. By striking from page 21, line 11, the words "or men's  
68 or women's reformatory".  
69 25. By striking from page 24, lines 25 and 26, the words "or  
70 men's or women's reformatory".  
71 26. By striking from page 26, line 4, the words "or men's  
72 or women's reformatory".  
73 27. By striking from page 26, lines 16 and 17, the words  
74 "or men's or women's reformatory".  
75 28. By striking from page 26, lines 23 and 24, the words  
76 "or men's or women's reformatories".  
77 29. By striking from page 26, lines 27 and 28, the words  
78 "or men's or women's reformatory".  
79 30. By striking from page 26, lines 29 through 32, inclusive.

Filed

April 29, 1969

By COMMITTEE ON AGRICULTURE

- 1 Amend the committee on agriculture Amendment to  
2 House File 417, filed April 29, 1969, as follows:  
3 1. By striking lines 14 through 21, inclusive,  
4 and inserting in lieu thereof the following new  
5 division:  
6 "By striking the sentence beginning in page  
7 9, line 32, and ending in page 10, line 1, and insert-  
8 **ing in lieu thereof the following:**  
9 'A director of the meat and poultry inspection  
10 service shall be designated as his delegate to be the  
11 appropriate state official to cooperate with the secre-  
12 tary of agriculture of the United States in administration  
13 of this Act.'"  
14 2. By striking lines 30 through 35, inclusive.  
15 3. By striking lines 52 through 54, inclusive.

*Adopted  
5-9*

*Adopted 5-9*

Filed - *Adopted 5-9*  
May 1, 1969

By STEPHENS

1 Amend House File 417, as reprinted April 24, 1969,  
2 by inserting after page 27, line 6, the following  
3 new section: "There is hereby authorized to be  
4 appropriated such sums as may be necessary to  
5 carry out the provisions of this act."

Filed  
April 30, 1969

By STEPHENS

1 Amend the committee amendment to House File  
2 417, filed April 29, 1969, by striking from  
3 line 76 the word "reformatories" and inserting  
4 in lieu thereof the word "reformatory".

Filed - *Withdrawn 5-9*  
April 30, 1969

By STEPHENS

1 Amend the committee on appropriations amendment to House File  
2 417, dated May 2, 1969, as follows:  
3 1. By striking from line fifteen (15) the words "restaurants,  
4 grocery stores".  
5 2. By adding the following new section:  
6 "No person shall operate a restaurant or grocery store without  
7 first obtaining a license from the department. The license fee  
8 for each restaurant or grocery store per year or for any part  
9 of a year shall be:  
10 1. For all meat and poultry processed or otherwise prepared  
11 not exceeding sixty thousand pounds: five dollars.  
12 2. For all meat and poultry processed or otherwise prepared  
13 not in excess of sixty thousand pounds and not exceeding one  
14 hundred eighty thousand pounds: ten dollars.  
15 3. For all meat and poultry processed or otherwise prepared  
16 in excess of one hundred eighty thousand pounds and not exceeding  
17 three hundred sixty thousand pounds: fifteen dollars.  
18 4. For all meat and poultry processed or otherwise prepared  
19 in excess of three hundred sixty thousand pounds: twenty dollars.  
20 The funds shall be deposited with the department of Agriculture.  
21 The license year shall be from July first to June thirtieth.  
22 Applications for licenses shall be in writing on forms prescribed  
23 by the department.

Filed - *Withdrawn 5-9*  
May 6, 1969

By SHIRLEY

1 Amend House File 417, as passed by the House, by adding  
2 after the comma in line twelve (12), page twenty-six (26),  
3 the following:  
4 "or who, during his working hours or during the  
5 performance of his duties or when using state equipment  
6 or at any time on state property, shall take part in seeking  
7 any contribution for any political party or political  
8 candidate or engage in political activity of any sort,"

Filed and lost *Motion to reconsider lost 5-9*  
May 9, 1969

By SCHABEN

*Withdrawn*  
*5-9*

1 Amend the committee on agriculture amendment to House File 417,  
2 filed April 29, 1969, by striking from line 76 the word  
3 "reformatories" and inserting in lieu thereof the words "reformatory".  
4 2. Amend House File 417, as reprinted April 24, 1969, by inserting  
5 after line 6 at page 27, the following new section:  
6 "Sec. 15. There is hereby authorized to be appropriated such sums  
as may

7 be necessary to carry out the provisions of this act." *adopted*  
*5-9*

8 3. Amend House File 417, as passed by the House, as follows:

9 1. Page nine (9), by striking lines six (6) through ten  
10 (10), inclusive, and inserting in lieu thereof the following:

11 "31. 'Establishment' means all premises where animals or  
12 poultry are slaughtered or otherwise prepared, either for cus-  
13 tom, resale, or retail, for food purposes, meat or poultry  
14 canneries, sausage factories, smoking or curing operations,  
15 restaurants, grocery stores, brokerages, cold storage plants,  
16 and similar places."

*adopted*  
*5-9*

17 2. Page nine (9), by striking lines seventeen (17) through  
18 twenty-three (23), inclusive, and inserting in lieu thereof the  
19 following:

20 "No person shall operate an establishment without first  
21 obtaining a license from the department. The license fee for  
22 each establishment per year or for any part of a year shall be:

23 1. For all meat and poultry slaughtered or otherwise pre-  
24 pared not exceeding sixty thousand pounds: twenty-five dollars.

25 2. For all meat and poultry slaughtered or otherwise pre-  
26 pared in excess of sixty thousand pounds and not exceeding one  
27 hundred eighty thousand pounds: fifty dollars.

28 3. For all meat and poultry slaughtered or otherwise pre-  
29 pared in excess of one hundred eighty thousand pounds and not  
30 exceeding three hundred sixty thousand pounds: seventy-five  
31 dollars.

32 4. For all meat and poultry slaughtered or otherwise pre-  
33 pared in excess of three hundred sixty thousand pounds: one  
34 hundred dollars.

35 The funds shall be deposited with the department of agricul-  
36 ture. The license year shall be from July first to June thir-  
37 tieth. Applications for licenses shall be in writing on forms  
38 prescribed by the department."

39 3. By adding the following new sections:

40 "Sec. 16. There is hereby appropriated from the general fund  
41 of the state to the department of agriculture the sum of four  
42 hundred thousand (400,000) dollars for each year of the biennium  
43 beginning July 1, 1969 and ending June 30, 1971 for an inspection  
44 program of meat and poultry products in accordance with chapter  
45 one hundred eighty-nine A (189A) of the Code. Any unencumbered  
46 balances remaining as of June 30, 1971 from the funds so appro-  
47 priated shall revert to the general fund.

48 Sec. 17. All federal grants to and the federal receipts of  
49 this department are hereby appropriated for the purpose set  
50 forth in such federal grants or receipts.

*adopted*  
*5-9*

51 Sec. 18. Where any of the laws of this state are in conflict  
52 with this Act, the provisions of this Act shall govern for the  
53 biennium."

54 4. Page one (1), by inserting in line six (6) of the title  
55 after the word "purposes" the words "and make an appropriation  
56 therefor".

Filed  
May 2, 1969

By COMMITTEE ON APPROPRIATIONS

Page 1

Gou linear amendment

1 Amend House File 417 as amended and passed by the Senate as  
2 follows:

3 By striking everything after the enacting clause and insert-  
4 ing in lieu thereof the following:

5 "Section 1. For the purposes of this Act, unless the context  
6 clearly requires a different meaning:

7 1. The term 'Wholesome Meat Act' means the federal Meat  
8 Inspection Act approved March 4, 1907 (34 Stat. 1260), as amended  
9 by the Wholesome Meat Act (81 Stat. 584).

10 2. The term 'Wholesome Poultry Products Act' means the  
11 Federal Poultry Products Inspection Act approved August 28, 1957  
12 (71 Stat. 411), as amended by the Wholesome Poultry Products Act  
13 (82 Stat. 791).

14 3. The term 'department' means the Iowa department of Agri-  
15 culture.

16 4. The term 'commerce' means commerce between any state,  
17 any territory, or the District of Columbia, and any place out-  
18 side thereof.

19 5. The term 'establishment' means all premises where cattle,  
20 sheep, swine, goats, horses, mules, or other equines, or poultry  
21 are slaughtered or otherwise prepared for food purposes. 'Es-  
22 tablishment' includes, but is not limited to, meat or poultry  
23 canneries, sausage factories, smoking or curing operations, and  
24 similar places.

25 6. The term 'carcass' means all parts including viscera of  
26 slaughtered cattle, sheep, swine, goats, or poultry that are cap-  
27 able of being used for human food.

28 7. The term 'meat food product' shall have the same meaning  
29 for purposes of this Act as under the Wholesome Meat Act.

30 8. The term 'poultry product' shall have the same meaning  
31 for purposes of this Act as under the Wholesome Poultry Products  
32 Act.

33 9. The term 'poultry' means any domesticated bird, whether  
34 alive or dead.

35 10. The terms 'prepared' and 'processed' mean slaughtered,  
36 canned, salted, stuffed, rendered boned, cut up, or otherwise  
37 manufactured or processed.

38 11. The term 'hotel,' 'restaurant,' and 'food establish-  
39 ment' shall have the same meaning for the purposes of this Act  
40 as under chapter one hundred seventy (170), Code 1966.

41 12. The term 'state inspection' means the meat and poultry  
42 inspection service conducted by the department of Agriculture  
43 of the state of Iowa.

44 Sec. 2. The governor, the secretary of Agriculture, and the  
45 department shall take such action as may be necessary to insure  
46 that every establishment in the state of Iowa which slaughters  
47 cattle, sheep, goats, horses, mules, and other equines or pre-  
48 pares carcasses, parts thereof, or meat or meat food products  
49 and is not exempt from the provisions of the Wholesome Meat Act  
50 shall, after December 14, 1969, become subject to the provisions

51 of the Wholesome Meat Act as though engaged in commerce.  
52 Sec. 3. The governor, the secretary of Agriculture, and the  
53 department shall take such action as may be necessary to insure  
54 that every establishment in the state of Iowa which slaughters  
55 poultry or processes poultry carcasses or parts thereof and  
56 other poultry products and is not exempt from the provisions of  
57 the Wholesome Poultry Act shall, after August 17, 1970, become  
58 subject to the provisions of the Wholesome Poultry Act as though  
59 engaged in commerce.

60 Sec. 4. Effective December 15, 1969, state inspection shall  
61 not be provided for any establishment which slaughters cattle, sheep,  
62 swine, goats, horses, mules, and other equines or prepares the car-  
63 casses, parts thereof, meat or meat food products subject to federal  
64 inspection under the provisions of the Wholesome Meat Act. The pro-  
65 visions of the Wholesome Meat Act shall supersede chapter one hun-  
66 dred eighty-nine A (189A), Code 1966.

67 Sec. 5. Effective August 18, 1970, state inspection shall not  
68 be provided for any establishment which slaughters poultry, processes  
69 poultry carcasses and parts thereof and other poultry products sub-  
70 ject to federal inspection under the provisions of the Wholesome  
71 Poultry Products Act. The provisions of the Wholesome Poultry Pro-  
72 ducts Act shall supersede chapter one hundred eighty-nine A (189A),  
73 Code 1966.

74 Sec. 6. Effective August 18, 1970, chapter one hundred  
75 eighty-nine A (189A), Code 1966, is hereby repealed.

Filed - *Last 5-9*

May 7, 1969

By GAUDINEER

1 Amend the committee on appropriations amendment to House  
2 File 417 as amended and passed by the House, filed May 2, 1969,  
3 by striking lines twenty (20) through thirty-four (34) and  
4 inserting in lieu thereof the following:

5 "No person shall operate an establishment without first  
6 obtaining a license from the department. The license fee for  
7 each establishment, excluding restaurants and grocery stores,  
8 per year or any part of a year shall be:

9 1. For all meat and poultry slaughtered or otherwise pre-  
10 pared not exceeding twenty thousand pounds per year for sale,  
11 resale, or custom, twenty-five dollars.

12 2. For all meat and poultry slaughtered or otherwise pre-  
13 pared in excess of twenty thousand pounds per year for sale or  
14 resale, fifty dollars.

15 The license fee for each restaurant and grocery store per  
16 year or any part of a year shall be five dollars."

Filed - *adopted 5-9*

May 8, 1969

By CURRAN

1 Amend the Gaudineer amendment, filed May 7, 1969, to House  
File 417,  
2 line 1, by striking the word "Senate" and inserting in lieu thereof  
3 the word "House".

Filed and adopted

May 9, 1969

By FROMMELT

HOUSE FILE 417

- 1 Amend House File 417 by striking all after the enacting  
2 clause and inserting in lieu thereof the following:  
3 Section 1. Section one hundred eighty-nine A point two  
4 (189A.2), Code 1966, is hereby repealed and the following  
5 enacted in lieu thereof:  
6 "As used in this chapter except as otherwise specified:  
7 1. 'Secretary' means the Iowa secretary of agriculture  
8 or his delegate.  
9 2. 'Person' includes any individual, partnership, cor-  
10 poration, association, or other business unit, and any of-  
11 ficer, agent, or employee thereof.  
12 3. 'Broker' means any person engaged in the business of  
13 buying or selling livestock products or poultry products on  
14 commission, or otherwise negotiating purchases or sales of  
15 such articles other than for his own account or as an employee  
16 of another person.  
17 4. 'Renderer' means any person engaged in the business  
18 of rendering livestock or poultry carcasses, or parts or  
19 products of such carcasses, except rendering conducted under  
20 inspection or exemption under this chapter.  
21 5. 'Animal food manufacturer' means any person engaged  
22 in the business of preparing animal food, including poultry,  
23 derived wholly or in part from livestock or poultry carcasses  
24 or parts or products of such carcasses.  
25 6. 'Intrastate commerce' means commerce within this state.  
26 7. 'Livestock' means any cattle, sheep, swine, goats,  
27 horses, mules or other equines, whether live or dead.  
28 8. 'Livestock product' means any carcass, part thereof,  
29 meat, or meat food product of any livestock.  
30 9. 'Meat food product' means any product capable of use  
31 as human food which is made wholly or in part from any meat or  
32 other portion of the carcass of any cattle, sheep, swine, or  
33 goats, excepting products which contain meat or other portions  
34 of such carcasses only in a relatively small proportion or  
35 historically have not been considered by consumers as prod-  
36 ucts of the meat food industry, and which are exempted from  
37 definition as a meat food product by the secretary under  
38 such conditions as he may prescribe to assure that the meat  
39 or other portions of such carcass contained in such product  
40 are not adulterated and that such products are not represented  
41 as meat food products. This term as applied to food products  
42 of equines shall have a meaning comparable to that provided  
43 in this paragraph with respect to cattle, sheep, swine, and  
44 goats.  
45 10. 'Poultry' means any domesticated bird, whether live  
46 or dead.  
47 11. 'Poultry product' means any poultry carcass or part  
48 thereof, or any product which is made wholly or in part from  
49 any poultry carcass or part thereof, excepting products  
50 which contain poultry ingredients only in a relatively small  
51 proportion or historically have not been considered by con-

52 sumers as products of the poultry food industry, and which  
53 are exempted by the secretary from definition as a poultry  
54 product under such conditions as he may prescribe to assure  
55 that the poultry ingredients in such products are not adul-  
56 terated and that such products are not represented as poultry  
57 products.

58 12. 'Capable of use as human food' shall apply to any  
59 livestock or poultry carcass, or part or product of any such  
60 carcass, unless it is denatured or otherwise identified as  
61 required by regulations prescribed by the secretary to deter  
62 its use as human food, or it is naturally inedible by humans.

63 13. 'Prepared' means slaughtered, canned, salted, stuffed,  
64 rendered, boned, cut up, or otherwise manufactured or pro-  
65 cessed.

66 14. 'Adulterated' shall apply to any livestock product  
67 or poultry product under any one or more of the following  
68 circumstances:

69 a. If it bears or contains any poisonous or deleterious  
70 substance which may render it injurious to health; but in  
71 case the substance is not an added substance such article  
72 shall not be considered adulterated under this clause if  
73 the quantity of such substance in or on such article does  
74 not ordinarily render it injurious to health.

75 b. (1) If it bears or contains, by reason of administra-  
76 tion of any substance to the livestock or poultry or other-  
77 wise, any added poisonous or deleterious substance (other  
78 than one which is a pesticide chemical in or on a raw agri-  
79 cultural commodity; a food additive; or a color additive)  
80 which may, in the judgment of the secretary, make such arti-  
81 cle unfit for human food.

82 (2) If it is, in whole or in part, a raw agricultural  
83 commodity and such commodity bears or contains a pesticide  
84 chemical which is unsafe within the meaning of section four  
85 hundred eight (408) of the Federal Food, Drug, and Cosmetic  
86 Act.

87 (3) If it bears or contains any food additive which is  
88 unsafe within the meaning of section four hundred nine (409)  
89 of the Federal Food, Drug, and Cosmetic Act.

90 (4) If it bears or contains any color additive which is  
91 unsafe within the meaning of section seven hundred six (706)  
92 of the Federal Food, Drug, and Cosmetic Act; however, an  
93 article which is not otherwise deemed adulterated under sub-  
94 paragraphs two (2), three (3), or four (4) of this paragraph  
95 shall nevertheless be deemed adulterated if use of the  
96 pesticide chemical, food additive, or color additive in or  
97 on such article is prohibited by regulations of the secretary  
98 in official establishments.

99 c. If it consists in whole or in part of any filthy,  
100 putrid, or decomposed substance or is for any other reason  
101 unsound, unhealthful, unwholesome, or otherwise unfit for  
102 human food.

103 d. If it has been prepared, packed, or held under in-

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104 sanitary conditions whereby it may have become contaminated  
105 with filth, or whereby it may have been rendered injurious  
106 to health.

107 e. If it is, in whole or in part, the product of an  
108 animal, including poultry, which has died otherwise than  
109 by slaughter.

110 f. If its container is composed, in whole or in part,  
111 of any poisonous or deleterious substance which may render  
112 the contents injurious to health.

113 g. If it has been intentionally subjected to radiation,  
114 unless the use of the radiation was in conformity with a  
115 regulation or exemption in effect pursuant to section four  
116 hundred nine (409) of the Federal Food, Drug, and Cosmetic  
117 Act.

118 h. If any valuable constituent has been in whole or in  
119 part omitted or abstracted therefrom; or if any substance  
120 has been substituted, wholly or in part therefor; or if dam-  
121 age or inferiority has been concealed in any manner; or if  
122 any substance has been added thereto or mixed or packed there-  
123 with so as to increase its bulk or weight, or reduce its  
124 quality or strength, or make it appear better or of greater  
125 value than it is.

126 i. If it is margarine containing animal fat and any of  
127 the raw material used therein consisted in whole or in part  
128 of any filthy, putrid, or decomposed substance.

129 15. 'Misbranded' shall apply to any livestock product or  
130 poultry product under any one or more of the following cir-  
131 cumstances:

132 a. If its labeling is false or misleading in any partic-  
133 ular.

134 b. If it is offered for sale under the name of another  
135 food.

136 c. If it is an imitation of another food, unless its  
137 label bears, in type of uniform size and prominence, the  
138 word 'imitation', and immediately thereafter the name of  
139 the food imitated.

140 d. If its container is so made, formed, or filled as  
141 to be misleading.

142 e. Unless it bears a label showing both:

143 (1) The name and place of business of the manufacturer,  
144 packer, or distributor.

145 (2) An accurate statement of the quantity of the product  
146 in terms of weight, measure, or numerical count; however,  
147 under this paragraph, exemptions as to livestock products  
148 not in containers may be established by regulations pre-  
149 scribed by the secretary, and under this subparagraph reason-  
150 able variations may be permitted, and exemptions as to  
151 small packages may be established for livestock products or  
152 poultry products by regulations prescribed by the secretary.

153 f. If any word, statement, or other information required  
154 by or under authority of this chapter to appear on the label  
155 or other labeling is not prominently placed thereon with

156 such conspicuousness (as compared with other words, state-  
157 ments, designs, or devices in the labeling) and in such  
158 terms as to render it likely to be read and understood by  
159 the ordinary individual under customary conditions of pur-  
160 chase and use.

161 g. If it purports to be or is represented as a food for  
162 which a definition and standard of identity or composition  
163 has been prescribed by the regulations of the secretary under  
164 paragraph e of this subsection, unless it conforms to such  
165 definition and standard and its label bears the name of the  
166 food specified in the definition and standard and, insofar  
167 as may be required by such regulations, the common names of  
168 optional ingredients (other than spices, flavoring, and color-  
169 ing) present in such food.

170 h. If it purports to be or is represented as a food for  
171 which a standard or standards of fill of container have been  
172 prescribed by regulations of the secretary under paragraph e  
173 of this subsection, and it falls below the standard of fill  
174 of container applicable thereto, unless its label bears, in  
175 such manner and form as such regulations specify, a state-  
176 ment that it falls below such standard.

177 i. If it is not subject to the provisions of paragraph g  
178 of this subsection, unless its label bears both:

- 179 (1) The common or usual name of the food, if any.  
180 (2) In case it is fabricated from two or more ingredients,  
181 the common or usual name of each such ingredient; except  
182 that spices, flavoring, and colorings may, when authorized  
183 by the secretary, be designated as spices, flavorings, and  
184 colorings without naming each; however, to the extent that  
185 compliance with the requirements of this subparagraph is  
186 impracticable, or results in deception or unfair competition,  
187 exemptions shall be established by regulations promulgated by  
188 the secretary.

189 j. If it purports to be or is represented for special  
190 dietary uses, unless its label bears such information con-  
191 cerning its vitamin, mineral, and other dietary properties  
192 as the secretary, after consultation with the secretary of  
193 agriculture of the United States, determines to be and by  
194 regulations prescribes as necessary in order to fully in-  
195 form purchasers as to its values for such uses.

196 k. If it bears or contains any artificial flavoring,  
197 artificial coloring, or chemical preservative, unless it  
198 bears labeling stating that fact; however, to the extent that  
199 compliance with the requirements of this paragraph is im-  
200 practicable, exemptions shall be established by regulations  
201 promulgated by the secretary.

202 l. If it fails to bear, directly thereon and on its con-  
203 tainers, as the secretary may by regulations prescribe, the  
204 official inspection legend and establishment number of the  
205 establishment where the product was prepared and, unrestricted  
206 by any of the foregoing, such other information as the sec-  
207 retary may require in such regulations to assure that it will

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208 not have false or misleading labeling and that the public will  
209 be informed of the manner of handling required to maintain the  
210 article in a wholesome condition.

211 16. 'Label' means a display of written, printed, or  
212 graphic matter upon any article or the immediate container,  
213 not including package liners, of any article.

214 17. 'Labeling' means all labels and other written,  
215 printed, or graphic matter either upon any article or any of  
216 its containers or wrappers, or accompanying such article.

217 18. 'Container' or 'package' means any box, can, tin,  
218 cloth, plastic or other receptacle, wrapper, or cover.

219 19. 'Shipping container' means any container used or in-  
220 tended for use in packaging the product packed in an immedi-  
221 ate container.

222 20. 'Immediate container' means any consumer package; or  
223 any other container in which livestock products or poultry  
224 products, not consumer packaged, are packed.

225 21. 'Federal Meat Inspection Act' means the Act so en-  
226 titled approved March 4, 1907 (34 Stat. 1260), as amended by  
227 the Wholesome Meat Act (81 Stat. 584); 'Federal Poultry Prod-  
228 ucts Inspection Act' means the Act so entitled approved  
229 August 28, 1957 (71 Stat. 441), as amended by the Wholesome  
230 Poultry Products Act (82 Stat. 791); and 'federal acts' means  
231 these two federal laws.

232 22. 'Federal Food, Drug, and Cosmetic Act' means the Act  
233 so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts  
234 amendatory thereof or supplementary thereto.

235 23. 'Pesticide chemical', 'food additive', 'color addi-  
236 tive', and 'raw agricultural commodity' shall have the same  
237 meanings for purposes of this chapter as under the Federal  
238 Food, Drug, and Cosmetic Act.

239 24. 'Official mark' means the official inspection legend  
240 or any other symbol prescribed by regulations of the secretary  
241 to identify the status of any article or livestock or poultry  
242 under this chapter.

243 25. 'Official inspection legend' means any symbol pre-  
244 scribed by regulations of the secretary showing that an  
245 article was inspected and passed in accordance with this  
246 chapter.

247 26. 'Official certificate' means any certificate pre-  
248 scribed by regulations of the secretary for issuance by an  
249 inspector or other person performing official functions under  
250 this chapter.

251 27. 'Official device' means any device prescribed or  
252 authorized by the secretary for use in applying any official  
253 mark.

254 28. 'Official establishment' means any establishment as  
255 determined by the secretary at which inspection of the  
256 slaughter of livestock or poultry or the preparation of live-  
257 stock products or poultry products is maintained under the  
258 authority of this chapter.

259 29. 'Inspector' means an employee or official of the Iowa

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260 department of agriculture authorized by the secretary or any  
261 employee or official of the government of any county or other  
262 governmental subdivision of this state, authorized by the  
263 secretary to perform any inspection functions under this  
264 chapter under an agreement between the secretary and such  
265 governmental subdivision.

266 30. 'Veterinary inspector' means a graduate veterinarian  
267 with appropriate training to perform the inspection functions  
268 under the provisions of this chapter.

269 31. 'Establishment' means all premises where animals or  
270 poultry are slaughtered or otherwise prepared, either for  
271 custom or resale, for food purposes, meat or poultry can-  
272 neries, sausage factories, smoking or curing operations, and  
273 similar places."

274 Sec. 2. Section one hundred eighty-nine A point three  
275 (189A.3), Code 1966, is hereby repealed and the following  
276 enacted in lieu thereof:

277 "No person shall operate an establishment without first  
278 securing a license from the department. The license fee  
279 shall be twenty-five dollars for each establishment per year  
280 or for any part of a year. The funds shall be deposited with  
281 the department of agriculture. The license year shall be  
282 from July first to June thirtieth. Applications for licenses  
283 shall be in writing on forms prescribed by the department.

284 It is the objective of this chapter to provide for meat  
285 and poultry products inspection programs that will impose and  
286 enforce requirements with respect to intrastate operations  
287 and commerce that are at least equal to those imposed and  
288 enforced under the Federal Meat Inspection Act and the Fed-  
289 eral Poultry Products Inspection Act with respect to opera-  
290 tions and transactions in intrastate commerce; and the sec-  
291 retary is directed to administer this chapter so as to ac-  
292 complish this purpose. The director of the meat and poultry  
293 inspection service of the Iowa department of agriculture is  
294 designated as the appropriate state agency to cooperate with  
295 the secretary of agriculture of the United States in admin-  
296 istration of this chapter."

297 Sec. 3. Section one hundred eighty-nine A point four  
298 (198A.4), Code 1966, as amended by chapter one hundred  
299 seventy-nine (179), section one (1), and chapter one hundred  
300 eighty (180), section one (1), Acts of the Sixty-second Gen-  
301 eral Assembly, is hereby repealed and the following enacted  
302 in lieu thereof:

303 "In order to accomplish the objectives of this chapter  
304 the secretary may exempt the following types of operations  
305 from inspection:

306 1. Slaughtering and preparation by any person of live-  
307 stock and poultry of his own raising exclusively for use by  
308 him and members of his household, and his nonpaying guests  
309 and employees.

310 2. Any other operations which the secretary may determine  
311 would best be exempted to further the purposes of this chap-

312 ter, to the extent such exemptions conform to the Federal  
313 Meat Inspection Act and the Federal Poultry Products Inspec-  
314 tion Act and the regulations thereunder.”

315 Sec. 4. Section one hundred eighty-nine A point five  
316 (189A.5), Code 1966, is hereby amended by adding thereto the  
317 following:

318 “In order to accomplish the objective stated in section  
319 one hundred eighty-nine A point three (189A.3) of the Code,  
320 the secretary shall:

321 1. By regulations require ante mortem and post mortem  
322 inspections, quarantine, segregation, and reinspections with  
323 respect to the slaughter of livestock and poultry and the  
324 preparation of livestock products and poultry products at  
325 all establishments in this state, except those exempted by  
326 section one hundred eighty-nine A point four (189A.4) of the  
327 Code, at which livestock or poultry are slaughtered or live-  
328 stock or poultry products are prepared for human food solely  
329 for distribution in intrastate commerce.

330 2. By regulations require the identification of livestock  
331 and poultry for inspection purposes and the marking and label-  
332 ing of livestock products or poultry products or their con-  
333 tainers, or both, as ‘Iowa Inspected and Passed’ if the prod-  
334 ucts are found upon inspection to be not adulterated, and as  
335 ‘Iowa Inspected and Condemned’ if they are found upon inspec-  
336 tion to be adulterated; and the destruction for food purposes  
337 of all such condemned products under the supervision of an  
338 inspector.

339 3. Prohibit the entry into official establishments of  
340 livestock products and poultry products not prepared under  
341 federal inspection or inspection pursuant to this chapter  
342 and further limit the entry of such articles and other ma-  
343 terials into such establishments under such conditions as  
344 he deems necessary to effecuate the purposes of this chapter.

345 4. By regulations require that when livestock products  
346 and poultry products leave official establishments they shall  
347 bear directly thereon or on their containers, or both, all  
348 information required by section one hundred eighty-nine A  
349 point seven (189A.7), subsection two (2) of the Code; and  
350 require approval of all labeling and containers to be used  
351 for such products when sold or transported in intrastate com-  
352 merce to assure that they comply with requirements of  
353 this chapter.

354 5. Investigate the sanitary conditions of each establish-  
355 ment within subsection one (1) of this section and withdraw  
356 or otherwise refuse to provide inspection service at any such  
357 establishment where the sanitary conditions are such as to  
358 render adulterated any livestock products or poultry products  
359 prepared or handled thereat.

360 6. Prescribe regulations relating to sanitation for all  
361 establishments required to have inspection under subsection  
362 one (1) of this section.

363 7. By regulations require that both of the following

364 classes of persons shall keep such records and for such  
365 periods as are specified in the regulations to fully and  
366 correctly disclose all transactions involved in their busi-  
367 ness, and to afford the secretary and his representatives  
368 access to such places of business, and opportunity at all  
369 reasonable times to examine the facilities, inventory, and  
370 records thereof, to copy the records, and to take reasonable  
371 samples of the inventory upon payment of the fair market  
372 value therefor:

373 a. Any person that engages in or for intrastate commerce  
374 in the business of slaughtering any livestock or poultry,  
375 or preparing, freezing, packaging or labeling, buying or  
376 selling (as a broker, wholesaler, or otherwise), transport-  
377 ing, or storing any livestock products or poultry products  
378 for human or animal food.

379 b. Any person that engages in or for intrastate commerce  
380 in business as a renderer or in the business of buying, sell-  
381 ing, or transporting any dead, dying, disabled, or diseased  
382 livestock or poultry or parts of the carcasses of any such  
383 animals that died otherwise than by slaughter."

384 Sec. 5. Section one hundred eighty-nine A point seven  
385 (189A.7), Code 1966, is hereby repealed and the following  
386 enacted in lieu thereof:

387 "In order to accomplish the objective stated in section  
388 one hundred eighty-nine A point three (189A.3) of the Code,  
389 the secretary may:

390 1. Remove inspectors from any establishment that fails  
391 to destroy condemned products as required under section one  
392 hundred eighty-nine A point five (189A.5), subsection two  
393 (2) of the Code.

394 2. Refuse to provide inspection service under this chap-  
395 ter with respect to any establishment for causes specified  
396 in section four hundred one (401) of the Federal Meat Inspec-  
397 tion Act or section eighteen (18) of the Federal Poultry  
398 Products Inspection Act.

399 3. Order labeling and containers to be withheld from use  
400 if he determines that the labeling is false or misleading or  
401 the containers are of a misleading size or form.

402 4. By regulations prescribe the sizes and style of type  
403 to be used for labeling information required under this chap-  
404 ter, and definitions and standards of identity or composition  
405 or standards of fill of container, consistent with federal  
406 standards, when he deems such action appropriate for the pro-  
407 tection of the public and after consultation with the sec-  
408 retary of agriculture of the United States.

409 5. By regulations prescribe conditions of storage and  
410 handling of livestock products and poultry products by per-  
411 sons engaged in the business of buying, selling, freezing,  
412 storing, or transporting such articles in or for intrastate  
413 commerce to assure that such articles will not be adulterated  
414 or misbranded when delivered to the consumer.

415 6. Require that equines be slaughtered and prepared in

416 establishments separate from establishments where other live-  
417 stock are slaughtered or their products are prepared.

418 7. By regulations require that every person engaged in  
419 business in or for intrastate commerce as a broker, renderer,  
420 animal food manufacturer, or wholesaler or public warehouse-  
421 man of livestock or poultry products, or engaged in the busi-  
422 ness of buying, selling, or transporting in intrastate com-  
423 merce any dead, dying, disabled, or diseased livestock or  
424 poultry or parts of the carcasses of any such animals that  
425 died otherwise than by slaughter shall register with the sec-  
426 retary his name and the address of each place of business at  
427 which and all trade names under which he conducts such busi-  
428 ness.

429 8. Adopt by reference or otherwise such provisions of the  
430 rules and regulations under the federal acts, with such  
431 changes therein as he deems appropriate to make them appli-  
432 cable to operations and transactions subject to this chapter,  
433 which shall have the same force and effect as if promulgated  
434 under this chapter, and promulgate such other rules and reg-  
435 ulations as he deems necessary for the efficient execution  
436 of the provisions of this chapter, including rules of prac-  
437 tice providing opportunity for hearing in connection with  
438 issuance of orders under section one hundred eighty-nine A  
439 point five (189A.5), subsection five (5), or section one hun-  
440 dred eighty-nine A point seven (189A.7), subsections one (1),  
441 two (2), or three (3) of the Code and prescribing procedures  
442 for proceedings in such cases; however, this shall not pre-  
443 clude a requirement that a label or container be withheld  
444 from use, or a refusal of inspection pursuant to the sections  
445 cited herein pending issuance of a final order in any such  
446 proceeding.

447 9. Appoint and prescribe the duties of such inspectors  
448 and other personnel as he deems necessary for the efficient  
449 execution of the provisions of this chapter.

450 10. Cooperate with the secretary of agriculture of the  
451 United States in administration of this chapter to effectuate  
452 the purposes stated in section one hundred eighty-nine A  
453 point three (189A.3) of the Code; accept federal assistance  
454 for that purpose and spend public funds of this state ap-  
455 propriated for administration of this chapter to pay fifty  
456 percent of the estimated total cost of the cooperative pro-  
457 gram.

458 11. Recommend to the secretary of agriculture of the  
459 United States for appointment to the advisory committees pro-  
460 vided for in the federal acts, such officials or employees of  
461 the Iowa meat and poultry inspection service as the secretary  
462 shall designate.

463 12. Serve as a representative of the governor for con-  
464 sultation with said secretary under paragraph c of section  
465 three hundred one (301) of the Federal Meat Inspection Act  
466 and paragraph c of section five (5) of the Federal Poultry

467 Products Inspection Act unless the governor selects another  
468 representative.

469 Sec. 6. Section one hundred eighty-nine A point eight  
470 (189A.8), Code 1966, is hereby repealed and the following  
471 enacted in lieu thereof:

472 "1. No person shall sell, transport, offer for sale or  
473 transportation, or receive for transportation in intrastate  
474 commerce, any carcasses of horses, mules, or other equines  
475 or parts of such carcasses, or the meat or meat food products  
476 thereof, unless they are plainly and conspicuously marked or  
477 labeled or otherwise identified as required by regulations  
478 prescribed by the secretary to show the kinds of animals from  
479 which they were derived.

480 2. No person shall buy, sell, transport, or offer for  
481 sale or transportation, or receive for transportation, in  
482 intrastate commerce, any livestock products or poultry prod-  
483 ucts which are not intended for use as human food unless they  
484 are denatured or otherwise identified as required by the reg-  
485 ulations of the secretary or are naturally inedible by humans.

486 3. No person engaged in the business of buying, selling,  
487 or transporting in intrastate commerce, dead, dying, disabled,  
488 or diseased animals, or any parts of the carcasses of any  
489 animals that died otherwise than by slaughter, shall buy,  
490 sell, transport, offer for sale or transportation, or receive  
491 for transportation in such commerce, any dead, dying, dis-  
492 abled, or diseased livestock or poultry or the products of  
493 any such animals that died otherwise than by slaughter, unless  
494 such transaction or transportation is made in accordance with  
495 such regulations as the secretary may prescribe to assure  
496 that such animals, or the unwholesome parts or products  
497 thereof, will be prevented from being used for human food  
498 purposes."

499 Sec. 7. Section one hundred eighty-nine A point nine  
500 (189A.9), Code 1966, is hereby amended by adding to the end  
501 thereof the following sentence:

502 "A charge shall be made for overtime inspection in excess  
503 of eight hours per day or outside assigned work schedules  
504 and also on state legal holidays."

505 Sec. 8. Section one hundred eighty-nine A point ten  
506 (189A.10), Code 1966, is hereby repealed and the following  
507 enacted in lieu thereof:

508 "1. No person shall, with respect to any livestock or  
509 poultry or any livestock products or poultry products, do any  
510 of the following:

511 a. Slaughter any such animals or prepare any such arti-  
512 cles which are capable of use as human food, at any establish-  
513 ment preparing such articles solely for intrastate commerce,  
514 except in compliance with the requirements of this chapter.

515 b. Sell, transport, offer for sale or transportation, or  
516 receive for transportation in intrastate commerce, any such  
517 articles which are both:

518 (1) Capable of use as human food.

519 (2) Adulterated or misbranded at the time of such sale,  
520 transportation, offer for sale or transportation, or receipt  
521 for transportation; or any articles required to be inspected  
522 under this chapter unless they have been so inspected and  
523 passed.

524 c. With respect to any such articles which are capable  
525 of use as human food, any act while they are being trans-  
526 ported in intrastate commerce or held for sale after such  
527 transportation, which is intended to cause or has the effect  
528 of causing such articles to be adulterated or misbranded.

529 2. No person shall sell, transport, offer for sale or  
530 transportation, or receive for transportation in intrastate  
531 commerce, or from an official establishment, any slaughtered  
532 poultry from which the blood, feathers, feet, head, or viscera  
533 have not been removed in accordance with regulations promul-  
534 gated by the secretary except as may be authorized by such  
535 regulations.

536 3. No person shall violate any provision of the regula-  
537 tions or orders of the secretary under section one hundred  
538 eighty-nine A point five (189A.5), subsection seven (7), or  
539 section one hundred eighty-nine A point seven (189A.7), sub-  
540 sections three (3), five (5), or seven (7)."

541 Sec. 9. Section one hundred eighty-nine A point eleven  
542 (189A.11), Code 1966, is hereby amended as follows:

543 1. By striking from line eight (8) the word "must" and  
544 inserting in lieu thereof the words "will be equal to federal  
545 inspection and therefore may".

546 2. By adding thereto the following:

547 "1. No inspection of products placed in any container at  
548 any official establishment shall be deemed to be complete  
549 until the products are sealed or enclosed therein under the  
550 supervision of an inspector.

551 2. For purposes of any inspection of products required by  
552 this chapter, inspectors authorized by the secretary shall  
553 have access at all times by day or night to every part of  
554 every establishment required to have inspection under this  
555 chapter, whether the establishment is operated or not."

556 Sec. 10. Section one hundred eighty-nine A point twelve  
557 (189A.12), Code 1966, is hereby repealed and the following  
558 enacted in lieu thereof:

559 "Whenever any livestock or poultry product or any product  
560 exempted from the definition of a livestock or poultry prod-  
561 uct, or any dead, dying, disabled, or diseased livestock or  
562 poultry is found by any authorized representative of the sec-  
563 retary upon any premises where it is held for purposes of,  
564 or during or after distribution in, intrastate commerce or  
565 is otherwise subject to this chapter, and there is reason  
566 to believe that any such article is adulterated or misbranded  
567 and is capable of use as human food, or that it has not been  
568 inspected in violation of the provisions of this chapter, the  
569 Federal Meat Inspection Act, the Federal Poultry Products In-

570 spection Act, or the Federal Food, Drug, and Cosmetic Act, or  
571 that such article or animal has been or is intended to be  
572 distributed in violation of any such provisions, it may be  
573 detained by such representative for a period not to exceed  
574 twenty days, pending action under this section or notifica-  
575 tion of any federal authorities having jurisdiction over such  
576 article or animal, and shall not be moved by any person from  
577 the place at which it is located when so detained until re-  
578 leased by such representative. All official marks may be  
579 required by such representative to be removed from such arti-  
580 cle or animal before it is released unless it appears to the  
581 satisfaction of the secretary that the article or animal is  
582 eligible to retain such marks.

583 1. Any livestock or poultry product, or and dead, dying,  
584 disabled, or diseased livestock or poultry which is being  
585 transported in intrastate commerce, or is otherwise subject  
586 to this chapter, or is held for sale in this state after such  
587 transportation, and which is or has been prepared, sold,  
588 transported, or otherwise distributed or offered or received  
589 for distribution in violation of this chapter; or is capable  
590 of use as human food and is adulterated or misbranded; or is  
591 in any other way in violation of this chapter shall be liable  
592 to be proceeded against and seized and condemned at any time  
593 on a complaint filed in the district court of the particular  
594 county within the jurisdiction of which such article or  
595 animal is found. If such article or animal is condemned it  
596 shall, after entry of the decree, be disposed of by destruc-  
597 tion or sale as the court may direct and any proceeds, less  
598 the court costs and fees, storage fees, and other proper ex-  
599 penses, shall be paid into the treasury of this state, but  
600 the article or animal shall not be sold contrary to the pro-  
601 visions of this chapter, the Federal Meat Inspection Act, the  
602 Federal Poultry Products Inspection Act, or the Federal Food,  
603 Drug, and Cosmetic Act; however, upon the execution and de-  
604 livery of a good and sufficient bond conditioned that the  
605 article or animal shall not be sold or otherwise disposed  
606 of contrary to the provisions of this chapter or the laws  
607 of the United States, the court may direct that such article  
608 or animal be delivered to the owner thereof subject to such  
609 supervision by authorized representatives of the secretary  
610 as is necessary to insure compliance with the applicable laws.  
611 When a decree of condemnation is entered against the article  
612 or animal and it is released under bond or destroyed, court  
613 costs and fees, storage fees, and other proper expenses shall  
614 be awarded against any person intervening as claimant of the  
615 article or animal. The proceedings in such cases shall be  
616 held without a jury, except that either party may demand  
617 trial by jury of any issue of fact joined in any case, and  
618 all such proceedings shall be at the suit of and in the name  
619 of this state.

620 2. The provisions of this section shall in no way dero-  
621 gate from authority for condemnation or seizure conferred by

622 other provisions of this chapter or other applicable laws.”

623 Sec. 11. Section one hundred eighty-nine A point fourteen  
624 (189A.14), Code 1966, is hereby repealed and the following  
625 enacted in lieu thereof:

626 “1. Any order issued under section one hundred eighty-  
627 nine A point five (189A.5), subsection three (3), or section  
628 one hundred eighty-nine A point seven (189A.7), subsections  
629 one (1), two (2), or three (3) of the Code shall be final un-  
630 less appealed to the district court within thirty days after  
631 service. Review of any such order and the determinations  
632 upon which it is based shall be upon the record in the pro-  
633 ceedings in which the order was issued.

634 2. The district court is hereby vested with jurisdiction  
635 to enforce this chapter, to prevent and restrain violations  
636 herein, and shall have jurisdiction in all other kinds of  
637 cases arising hereunder. The Rules of Civil Procedure shall  
638 apply to all such actions unless otherwise specifically pro-  
639 vided.”

640 Sec. 12. Section one hundred eighty-nine A point sixteen  
641 (189A.16), Code 1966, is hereby repealed and the following  
642 enacted in lieu thereof:

643 “1. No brand manufacturer, printer, or other person  
644 shall cast, print, lithograph, or otherwise make any device  
645 containing any official mark or simulation thereof, or any  
646 label bearing any such mark or simulation, or any form of  
647 official certificate or simulation thereof, except as autho-  
648 rized by the secretary.

649 2. No person shall do any of the following:

650 a. Forge any official device, mark, or certificate.

651 b. Without authorization from the secretary, use any of-  
652 ficial device, mark, or certificate, or simulation thereof,  
653 or alter, detach, deface, or destroy any official device,  
654 mark or certificate.

655 c. Contrary to the regulations prescribed by the sec-  
656 retary, fail to use, or detach, deface, or destroy any  
657 official device, mark, or certificate.

658 d. Knowingly possess, without promptly notifying the sec-  
659 retary or his representative, any official device or any  
660 counterfeit, simulated, forged, or improperly altered of-  
661 ficial certificate or any device or label or any carcass of  
662 any animal, including poultry, or part or product thereof,  
663 bearing any counterfeit, simulated, forged, or improperly  
664 altered official mark.

665 e. Knowingly make any false statement in any shipper's  
666 certificate or other nonofficial or official certificate  
667 provided for in the regulations prescribed by the secretary.

668 f. Knowingly represent that any article has been in-  
669 spected and passed, or exempted, under this chapter when  
670 it has been so inspected and passed, or exempted.”

671 Sec. 13. Section one hundred eighty-nine A point seven-  
672 teen (189A.17), Code 1966, is hereby repealed and the follow-  
673 ing enacted in lieu thereof:

674 "1. Any person who violates any provisions of this chap-  
675 ter for which no other criminal penalty is provided shall  
676 upon conviction be subject to imprisonment in the county  
677 jail for not more than one year, or a fine of not more than  
678 one thousand dollars, or both such imprisonment and fine;  
679 but if such violation involves intent to defraud, or any  
680 distribution or attempted distribution of an article that  
681 is adulterated, except as defined in paragraph h of subsec-  
682 tion fourteen (14) of section two (2) of this chapter, such  
683 person shall be subject to imprisonment in the penitentiary  
684 or men's or women's reformatory for not more than three  
685 years or a fine of not more than ten thousand dollars or  
686 both.

687 2. Nothing in this chapter shall be construed as requir-  
688 ing the secretary to report, for the institution of legal  
689 proceedings, minor violations of this chapter whenever he  
690 believes that the public interest will be adequately served  
691 by a suitable written notice of warning.

692 3. The secretary shall also have power:

693 a. To gather and compile information concerning, and to  
694 investigate from time to time the organization, business,  
695 conduct, practices, and management of any person engaged in  
696 intrastate commerce, and the relation thereof to other per-  
697 sons.

698 b. To require persons engaged in intrastate commerce to  
699 file with the secretary in such form as the secretary may  
700 prescribe, annual or special reports or answers in writing  
701 to specific questions, furnishing to the secretary such in-  
702 formation as he may require as to the organization, business,  
703 conduct, practices, management, and relation to other per-  
704 sons of the person filing such reports or answers. Such  
705 reports and answers shall be made under oath, or otherwise  
706 as the secretary may prescribe, and shall be filed with the  
707 secretary within such reasonable period as the secretary may  
708 prescribe, unless additional time be granted in any case by  
709 the secretary.

710 4. a. For the purpose of this chapter the secretary  
711 may, at all reasonable times, examine and copy any documen-  
712 tary evidence of any person being investigated or proceeded  
713 against, and may require by subpoena the attendance and  
714 testimony of witnesses and the production of all documentary  
715 evidence of any person relating to any matter under investiga-  
716 tion. The secretary may sign subpoenas and administer oaths  
717 and affirmations, examine witnesses, and receive evidence.

718 b. Such attendance of witnesses, and the production of  
719 such documentary evidence may be required at any designated  
720 place of hearing. In case of disobedience to a subpoena the  
721 secretary may invoke the aid of the district court having  
722 jurisdiction over the matter in requiring the attendance  
723 and testimony of witnesses and the production of documentary  
724 evidence.

725 c. The district court may, in case of failure or refusal

726 to obey a subpoena issued herein to any person, enter an  
727 order requiring such person to appear before the secretary  
728 or to produce documentary evidence if so ordered, or to give  
729 evidence concerning the matter in question; and any failure  
730 to obey such order of the court may be punished by such  
731 court as contempt.

732 d. Upon the application of the attorney general of this  
733 state at the request of the secretary, that court shall  
734 have jurisdiction to issue writs of mandamus commanding any  
735 person to comply with the provisions of this chapter or any  
736 order of the secretary pursuant thereto.

737 e. The secretary may order testimony to be taken by  
738 deposition in any proceeding or investigation pending under  
739 this chapter at any stage of such proceeding or investiga-  
740 tion. Such depositions may be taken before any person  
741 designated by the secretary and having power to administer  
742 oaths. Such testimony shall be reduced to writing by the  
743 person taking the deposition, or under his direction and  
744 shall then be subscribed by the deponent. Any person may  
745 be compelled to appear and depose and to produce documentary  
746 evidence in the same manner as witnesses may be compelled to  
747 appear and testify and produce documentary evidence before  
748 the secretary as herein provided.

749 f. Witnesses summoned before the secretary shall be paid  
750 the same fees and mileage that are paid witnesses in the  
751 district court, and witnesses whose depositions are taken  
752 and the persons taking the same shall severally be entitled  
753 to the same fees as are paid for like services in such dis-  
754 trict court.

755 g. No person shall be excused from attending and testify-  
756 ing or from producing books, papers, schedules of charges,  
757 contracts, agreements, or other documentary evidence before  
758 the secretary or in obedience to the subpoena of the sec-  
759 retary, whether such subpoena be signed or issued by him or  
760 his delegate, or in any cause or proceeding, criminal or  
761 otherwise, based upon or growing out of any alleged viola-  
762 tion of this chapter for the reason that the testimony or  
763 evidence, documentary or otherwise, required of him may tend  
764 to incriminate him or subject him to a penalty or forfeiture;  
765 but no person shall be prosecuted or subjected to a penalty  
766 or forfeiture for or on account of any transaction, matter,  
767 or thing concerning which he is compelled, after having  
768 claimed his privilege against self-incrimination, to testify  
769 or produce evidence, documentary or otherwise, except that  
770 any individual so testifying shall not be exempt from  
771 prosecution and punishment for perjury committed in so  
772 testifying.

773 5. a. Any person who neglects or refuses to attend and  
774 testify or to answer any lawful inquiry, or to produce docu-  
775 mentary evidence, if it is in his power to do so, in obedi-  
776 ence to the subpoena or lawful requirement of the secretary  
777 shall be guilty of an offense and upon conviction thereof by

778 a court of competent jurisdiction shall be punished by a  
779 fine of not less than one thousand dollars nor more than five  
780 thousand dollars, or by imprisonment in the county jail for  
781 not more than one year, or by both such fine and imprison-  
782 ment.

783 b. Any person who willfully makes, or causes to be made,  
784 any false entry or statement of fact in any report required  
785 to be made under this chapter, or who willfully makes, or  
786 causes to be made, any false entry in any account, record,  
787 or memorandum kept by any person subject to this chapter,  
788 or who willfully neglects or fails to make or to cause to  
789 be made, full, true, and correct entries in such accounts,  
790 records, or memoranda, of all facts and transactions pertain-  
791 ing to the business of such person, or who willfully removes  
792 himself from the jurisdiction of this state, or willfully  
793 mutilates, alters, or by any other means falsifies any docu-  
794 mentary evidence of any person subject to this chapter or  
795 who willfully refuses to submit to the secretary or to any  
796 of his authorized agents, for the purpose of inspection and  
797 taking copies, any documentary evidence of any person sub-  
798 ject to this chapter in his possession or within his control,  
799 shall be deemed guilty of an offense and shall be subject,  
800 upon conviction in any court of competent jurisdiction, to a  
801 fine of not less than one thousand dollars nor more than five  
802 thousand dollars, or to imprisonment in the county jail or  
803 the penitentiary or men's or women's reformatory for a term  
804 of not more than three years, or to both such fine and im-  
805 prisonment.

806 c. If any person required by this chapter to file any  
807 annual or special report shall fail so to do within the  
808 time fixed by the secretary for filing the same, and such  
809 failure shall continue for thirty days after notice of such  
810 default, such person shall forfeit to this state the sum of  
811 one hundred dollars for each and every day of the continuance  
812 of such failure, which forfeiture shall be payable into the  
813 treasury of this state, and shall be recoverable in a civil  
814 suit in the name of the state brought in the district court  
815 of the county where the person has his principal office or  
816 in the district court of any county in which he does busi-  
817 ness. It shall be the duty of the various county attorneys  
818 of this state to prosecute for the recovery of such for-  
819 feitures. The costs and expenses of such prosecution shall  
820 be paid out of the court expense fund of the county.

821 d. Any officer or employee of this state who makes public  
822 any information obtained by the secretary, without his  
823 authority, unless directed by a court, shall be deemed  
824 guilty of a misdemeanor, and upon conviction thereof shall  
825 be punished by a fine not exceeding five thousand dollars,  
826 or by imprisonment in the county jail not exceeding one  
827 year, or by both such fine and imprisonment.

828 The requirements of this chapter shall apply to persons,  
829 establishments, animals, and articles regulated under the

830 Federal Meat Inspection Act or the Federal Poultry Products  
831 Inspection Act to the extent provided for in said federal  
832 acts and also to the extent provided in this chapter and in  
833 regulations the secretary may prescribe to promulgate this  
834 chapter."

835 Sec. 14. Chapter one hundred seventy-eight (178), section  
836 one (1), Acts of the Sixty-second General Assembly, is hereby  
837 amended by inserting in line nine (9) after the word "shock,"  
838 the words "captive bolt,".

839 Sec. 15. Chapter one hundred eighty-nine A (189A), Code  
840 1966, is hereby amended by adding thereto the following sec-  
841 tions:

842 "1. Any person who gives, pays, or offers, directly or  
843 indirectly, to any officer or employee of this state autho-  
844 rized to perform any of the duties prescribed by this chap-  
845 ter or by the regulations of the secretary, any money or  
846 other thing of value, with intent to influence said officer  
847 or employee in the discharge of any such duty, shall be  
848 deemed guilty of a felony and, upon conviction thereof,  
849 shall be punished by a fine not less than five thousand  
850 dollars nor more than ten thousand dollars and by imprison-  
851 ment in the penitentiary or men's or women's reformatory not  
852 less than one year nor more than three years; and any officer  
853 or employee of this state authorized to perform any of the  
854 duties prescribed by this chapter who accepts any money,  
855 gift, or other thing of value from any person, given with  
856 intent to influence his official action, or who receives or  
857 accepts from any person engaged in intrastate commerce any  
858 gift, money, or other thing of value given with any purpose  
859 or intent whatsoever, shall be deemed guilty of a felony  
860 and shall, upon conviction thereof, be summarily discharged  
861 from office and shall be punished by a fine not less than  
862 one thousand dollars nor more than ten thousand dollars and  
863 by imprisonment in the penitentiary or men's or women's re-  
864 formatory not less than one year nor more than three years.

865 2. Any person who forcibly assaults, resists, opposes,  
866 impedes, intimidates, or interferes with any person while  
867 engaged in or on account of the performance of his official  
868 duties under this chapter shall be fined not more than five  
869 thousand dollars or imprisoned in the penitentiary or men's  
870 or women's reformatory not more than three years, or both.  
871 Whoever, in the commission of any such acts, uses a deadly  
872 or dangerous weapon, shall be fined not more than ten  
873 thousand dollars or imprisoned in the penitentiary or men's  
874 or women's reformatory not more than ten years, or both.  
875 Whoever kills any person while engaged in or on account of  
876 the performance of his official duties under this chapter  
877 shall be punished as provided under chapter six hundred  
878 ninety (690) of the Code."

879 "Inspection shall not be provided under this chapter at  
880 any establishment for the slaughter of livestock or poultry  
881 or the preparation of any livestock products or poultry

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882 products which are not intended for use as human food, but  
883 such articles shall, prior to their offer for sale or trans-  
884 portation in intrastate commerce, unless naturally inedible  
885 by humans, be denatured or otherwise identified as prescribed  
886 by regulations of the secretary to deter their use for human  
887 food."

888 Sec. 16. There is hereby authorized to be appropriated  
889 such sums as may be necessary to carry out the provisions of  
890 this Act.

891

#### EXPLANATION

892 This bill establishes a comprehensive program of meat  
893 and poultry inspection to be administered by the Iowa De-  
894 partment of Agriculture. The bill closely follows the  
895 Proposed Model State Meat and Poultry Products Inspection  
896 Act recommended by the federal government.

Filed - *Adopted as amended 4-7*  
April 7, 1969

CRABB of Crawford

1 Amend the Crabb amendment to House File 417, found on  
2 pages eight hundred sixty-two (862) through eight hundred  
3 seventy-eight (878) of the April 7, 1969, Journal of the  
4 House, as follows:

5 1. By inserting after the quotation marks in line eight  
6 hundred eighty-seven (887) found on page eight hundred  
7 seventy-eight (878) of the April 7, 1969, House Journal the  
8 following new sections:

9 "Sec. 16. Effective December 15, 1969, section one hundred  
10 seventy point forty-six (170.46), Code 1966, is hereby repealed  
11 and the following enacted in lieu thereof:

12 'The department shall cause to be inspected without prior  
13 notice to the owner thereof and at least once each calendar  
14 month, every hotel, restaurant, and food establishment in the  
15 state not currently being inspected under the provisions  
16 of the Federal Poultry Products Inspection Act or the Wholesome  
17 Meat Act, where cattle, sheep, swine, goats, or poultry,  
18 or their carcasses, parts or products thereof, capable of  
19 use, are available for sale to the public or prepared for  
20 use as human food and any inspector of said department may enter  
21 such place at any reasonable hour to make such inspection.  
22 The department shall cause to be inspected at least once each  
23 calendar year all other hotels, restaurants, and food establish-  
24 ments within the state. The management of any hotel, restaurant,  
25 or food establishment subject to the provisions of this section  
26 shall afford free access to every part of the premises and  
27 render all aid and assistance necessary to enable the inspector  
28 to make a thorough and complete examination.'

29 Sec. 17. Effective December 15, 1969, section one hundred  
30 seventy point forty-nine (170.49), Code 1966, is amended by  
31 striking from line three (3) the word 'one' and inserting in  
32 lieu thereof the word 'five'."

33 2. By striking from line eight hundred eighty-eight (888),  
34 found on page eight hundred seventy-eight (878) of the April  
35 7, 1969, Journal of the House, the number "16" and inserting in  
36 lieu thereof the number "18".

Filed - *Last 4-19*  
April 10, 1969

MEZVINSKY of Johnson  
BAKER of Boone

1 Amend the Crabb amendment to House File 417 by  
2 striking all of lines eight hundred eighty-eight (888),  
3 eight hundred eighty-nine (889) and eight hundred  
4 ninety (890).

Filed - *Adopted 4-19*  
April 18, 1969

CRABB of Crawford

1 Amend the Crabb amendment to House File 417, filed April  
2 7, 1969, by striking lines eight hundred eighty-eight (888),  
3 eight hundred eighty-nine (889) and eight hundred ninety  
4 (890) and inserting in lieu thereof the following:

5 "Sec. 16. It shall be unlawful to operate an official  
6 establishment in intrastate commerce unless the establishment  
7 has a permit issued by the department of agriculture as  
8 follows:

9 1. The permit shall be issued for a period of one year,  
10 but payment shall be made upon a monthly basis.

11 2. The fee for such permit shall be one dollar for each  
12 head of sheep, swine or cattle processed during the year, and  
13 **one-half cent per bird for poultry processed during the year.**

14 3. Every applicant for a permit shall deposit with the  
15 state treasurer such a sum as the department of agriculture  
16 may require to insure payment of the full annual permit fee.  
17 Such deposit shall be credited to the account of the permit  
18 holder and shall be used to make the monthly payments provided  
19 herein.

20 4. Within forty-five days after a permit is issued, the  
21 permit holder shall file a verified report with the department  
22 of agriculture showing the amount due upon the permit for the  
23 initial monthly period covered by the report. Such amount  
24 shall be determined by the number of livestock and poultry  
25 processed during the monthly period. Additional monthly reports  
26 shall be filed every thirty days thereafter. A duplicate  
27 of each report shall be filed with the state treasurer who  
28 shall debit the account of the permit holder for the amount  
29 shown due upon the permit for each report, plus any penalty.

30 5. If the department determines the balance on deposit  
31 is too large or too small, it may order the state treasurer  
32 to refund a portion of the deposit or it may order the permit  
33 holder, by ordinary mail, to make an additional deposit.

34 6. In lieu of a deposit, the applicant for a permit may  
35 file a bond, with sureties to be approved by the state  
36 treasurer, conditioned upon payment of the annual permit fee.  
37 The department of agriculture may waive the deposit or bond  
38 required by this Act when it determines the applicant is fi-  
39 nancially responsible. When the permit holder files bond, or  
40 when the deposit has been waived, the permit holder shall remit  
41 the monthly sum due to the state treasurer with his report.

42 7. If a report or payment is not made when due, the permit  
43 holder shall incur a monthly penalty of five percent of the  
44 monthly payment due."

Filed - *Withdrawn 4-19*  
April 17, 1969

CAMP of Clinton  
SHAW of Scott

1 Amend the Crabb amendment to House File 417, filed  
2 April 7, 1969, as follows:

3 By striking from line six hundred eighty-two (682)  
4 the words "two (2) of this chapter" and inserting in  
5 lieu thereof the words "one (1) of this Act".

Filed - *Adopted 4-19*  
April 14, 1969

CRABB of Crawford

1 Amend the Crabb amendment to House File 417, filed  
2 April 7, 1969, as follows:

3 1. By striking from line one hundred sixty-four (164)  
4 "paragraph e of this subsection," and inserting in lieu  
5 thereof the words "section one hundred eighty-nine A  
6 point seven (189A.7) of the Code,"

7 2. By striking from line one hundred eighty-two (182)  
8 the word "flavoring" and inserting in lieu thereof the  
9 word "flavorings".

10 3. By inserting at the end of section 1 the following,  
11 "32. 'Reinspection' includes inspection of the preparation  
12 of livestock products and poultry products, as well as  
13 reexamination of articles previously inspected."

14 4. By striking from line three hundred forty-nine (349)  
15 "point seven (189A.7), subsection two (2)" and inserting  
16 in lieu thereof "point two (189.2), subsection fifteen (15)",

17 5. By inserting in line three hundred sixty-seven (367)  
18 after the word "representatives" the following "including  
19 representatives of other governmental agencies designated  
20 by him,".

21 6. By inserting in line three hundred eighty-three (383)  
22 after the word "animals" the following "including poultry,".

23 7. By inserting in line four hundred twenty-four (424)  
24 after the word "animals" the following "including poultry,".

25 8. By striking from line four hundred fifty-five (455)  
26 the word "fifty" and by striking from line four hundred  
27 fifty-six (456) the word "percent" and inserting in lieu  
28 thereof "the state's proportionate share".

29 9. By striking from line five hundred thirty-nine (539)  
30 "sub-" and inserting in lieu thereof a period, and by  
31 striking line five hundred forty (540).

32 10. By inserting in line eight hundred twenty-three  
33 after the word "court," the following "or uses any such  
34 information to his advantage,".

Filed - adopted 4-19  
April 10, 1969

CRABB of Crawford

1 Amend the Crabb amendment to House File 417, filed April  
2 7, 1969, by striking lines eight hundred eighty-eight (888),  
3 eight hundred eighty-nine (889), and eight hundred ninety  
4 (890) and inserting in lieu thereof the following:  
5 "Sec. 16. There is hereby appropriated from the general  
6 fund of the state for each year of the biennium beginning  
7 July 1, 1969, and ending June 30, 1971, the sum of seven hundred  
8 seventy-five thousand (775,000.00) dollars, or so much thereof  
9 as may be necessary, to pay fifty percent, as matching funds, of  
10 the total estimated cost of the cooperative meat and poultry  
11 inspection program authorized by section five (5), subsection  
12 ten (10), of this Act."

Filed - Ruled Out of Order 4-19  
April 17, 1969

MEZVINSKY of Johnson  
BAKER of Boone

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1 Amend the Crabb amendment to House File 417, filed  
2 April 7, 1969, as follows:  
3 By striking from line one hundred seventy-two (172) the  
4 following, "paragraph e" and from line one hundred seventy-  
5 three (173) the words "of this subsection," and inserting  
6 in lieu thereof "section one hundred eighty-nine A point  
7 seven (189A.7) of the Code,".

Filed - *Adopted 4-19*  
April 14, 1969

CRABB of Crawford

May 12, 1969

HOUSE FILE 417

2nd  
Reprint

By COMMITTEE ON AGRICULTURE  
(AS AMENDED AND PASSED BY THE HOUSE,  
FURTHER AMENDED AND PASSED BY THE SENATE.)

Passed House, Date 5-14-69 Passed Senate, Date 5-16-69  
Vote: Ayes 107 Nays 3 Vote: Ayes 49 Nays 0  
Approved .....

## A BILL FOR

- 1 An Act relating to the inspection of meat and poultry, to
- 2 clarify and otherwise amend chapter one hundred eighty-
- 3 nine A (189A) of the Code to provide for cooperation with
- 4 appropriate federal agencies with respect to meat and
- 5 poultry products inspection programs, and for other
- 6 purposes *and make an appropriation therefor.*
- 7 *Be It Enacted by the General Assembly of the State of Iowa:*
- 8 Section 1. Section one hundred eighty-nine A point two
- 9 (189A.2), Code 1966, is hereby repealed and the following
- 10 enacted in lieu thereof:
- 11 As used in this chapter except as otherwise specified:
- 12 1. "Department" means the Iowa department of agriculture.
- 13 2. "Secretary" means the Iowa secretary of agriculture
- 14 or his delegate.
- 15 3. "Person" includes any individual, partnership,
- 16 corporation, association, or other business unit, any any
- 17 officer, agent, or employee thereof.
- 18 4. "Broker" means any person engaged in the business of
- 19 buying or selling livestock products or poultry products
- 20 on commission, or otherwise negotiating purchases or sales of
- 21 such articles other than for his own account or as an
- 22 employee of another person.
- 23 5. "Renderer" means any person engaged in the business
- 24 of rendering livestock or poultry carcasses, or parts or
- 25 products of such carcasses, except rendering conducted under
- 26 inspection or exemption under this chapter.

1 6. "Animal food manufacturer" means any person engaged  
2 in the business of preparing animal food, including poultry,  
3 derived wholly or in part from livestock or poultry carcasses  
4 or parts or products of such carcasses.

5 7. "Intrastate commerce" means commerce within this state.

6 8. "Livestock" means any cattle, sheep, swine, goats,  
7 horses, mules or other equines, whether live or dead.

8 9. "Livestock product" means any carcass, part thereof,  
9 meat, or meat food product of any livestock.

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

25 11. "Poultry" means any domesticated bird, whether live  
26 or dead.

27 12. "Poultry product" means any poultry carcass or part  
28 thereof, or any product which is made wholly or in part from  
29 any poultry carcass or part thereof, excepting products  
30 which contain poultry ingredients only in a relatively small  
31 proportion or historically have not been considered by con-  
32 sumers as products of the poultry food industry, and which  
33 are exempted by the secretary from definition as a poultry  
34 product under such conditions as he may prescribe to assure  
35 that the poultry ingredients in such products are not

1 adulterated and that such products are not represented as  
2 poultry products.

3 13. "Capable of use as human food" shall apply to any  
4 livestock or poultry carcass, or part or product of any such  
5 carcass, unless it is denatured or otherwise identified as  
6 required by regulations prescribed by the secretary to deter  
7 its use as human food, or it is naturally inedible by humans.

8 14. "Prepared" means slaughtered, canned, salted, stuffed,  
9 rendered, boned, cut up, or otherwise manufactured or pro-  
10 cessed.

11 15. "Adulterated" shall apply to any livestock product  
12 or poultry product under any one or more of the following  
13 circumstances:

14 a. If it bears or contains any poisonous or deleterious  
15 substance which may render it injurious to health; but in  
16 case the substance is not an added substance such article  
17 shall not be considered adulterated under this clause if  
18 the quantity of such substance in or on such article does  
19 not ordinarily render it injurious to health.

20 b. (1) If it bears or contains, by reason of administra-  
21 tion of any substance to the livestock or poultry or other-  
22 wise, any added poisonous or deleterious substance, other  
23 than one which is a pesticide chemical in or on a raw  
24 agricultural commodity; a food additive; or a color additive,  
25 which may, in the judgment of the secretary, make such arti-  
26 cle unfit for human food.

27 (2) If it is, in whole or in part, a raw agricultural  
28 commodity and such commodity bears or contains a pesticide  
29 chemical which is unsafe within the meaning of section four  
30 hundred eight (408) of the Federal Food, Drug, and Cosmetic  
31 Act.

32 (3) If it bears or contains any food additive which is  
33 unsafe within the meaning of section four hundred nine (409)  
34 of the Federal Food, Drug, and Cosmetic Act.

35 (4) If it bears or contains any color additive which is

1 unsafe within the meaning of section seven hundred six (706)  
2 of the Federal Food, Drug, and Cosmetic Act; however, an  
3 article which is not otherwise deemed adulterated under sub-  
4 paragraphs two (2), three (3), or four (4) of this paragraph  
5 shall nevertheless be deemed adulterated if use of the  
6 pesticide chemical, food additive, or color additive in or  
7 on such article is prohibited by regulations of the secretary  
8 in official establishments.

9 c. If it consists in whole or in part of any filthy,  
10 putrid, or decomposed substance or is for any other reason  
11 unsound, unhealthful, unwholesome, or otherwise unfit for  
12 human food.

13 d. If it has been prepared, packed, or held under in-  
14 sanitary conditions whereby it may have become contaminated  
15 with filth, or whereby it may have been rendered injurious  
16 to health.

17 e. If it is, in whole or in part, the product of an  
18 animal, including poultry, which has died otherwise than  
19 by slaughter.

20 f. If its container is composed, in whole or in part,  
21 of any poisonous or deleterious substance which may render  
22 the contents injurious to health.

23 g. If it has been intentionally subjected to radiation,  
24 unless the use of the radiation was in conformity with a  
25 regulation or exemption in effect pursuant to section four  
26 hundred nine (409) of the Federal Food, Drug, and Cosmetic  
27 Act.

28 h. If any valuable constituent has been in whole or in  
29 part omitted or abstracted therefrom; or if any substance  
30 has been substituted, wholly or in part therefor; or if  
31 damage or inferiority has been concealed in any manner; or if  
32 any substance has been added thereto or mixed or packed there-  
33 with so as to increase its bulk or weight, or reduce its  
34 quality or strength, or make it appear better or of greater  
35 value than it is.

- 1 i. If it is margarine containing animal fat and any of
- 2 the raw material used therein consisted in whole or in part
- 3 of any filthy, putrid, or decomposed substance.
- 4 16. "Misbranded" shall apply to any livestock product
- 5 or poultry product under any one or more of the following
- 6 circumstances:
- 7 a. If its labeling is false or misleading in any
- 8 particular.
- 9 b. If it is offered for sale under the name of another
- 10 food.
- 11 c. If it is an imitation of another food, unless its
- 12 label bears, in type of uniform size and prominence, the
- 13 word "imitation", and immediately thereafter the name of
- 14 the food imitated.
- 15 d. If its container is so made, formed, or filled as
- 16 to be misleading.
- 17 e. Unless it bears a label showing both:
- 18 (1) The name and place of business of the manufacturer,
- 19 packer, or distributor.
- 20 (2) An accurate statement of the quantity of the product
- 21 in terms of weight, measure, or numerical count; however,
- 22 under this paragraph, exemptions as to livestock products
- 23 not in containers may be established by regulations pre-
- 24 scribed by the secretary, and under this subparagraph
- 25 reasonable variations may be permitted, and exemptions as
- 26 to small packages may be established for livestock products
- 27 or poultry products by regulations prescribed by the secretary.
- 28 f. If any word, statement, or other information required
- 29 by or under authority of this chapter to appear on the label
- 30 or other labeling is not prominently placed thereon with
- 31 such conspicuousness, as compared with other words, state-
- 32 ments, designs, or devices in the labeling, and in such
- 33 terms as to render it likely to be read and understood by
- 34 the ordinary individual under customary conditions of purchase
- 35 and use.

1 g. If it purports to be or is represented as a food for  
2 which a definition and standard of identity or composition  
3 has been prescribed by the regulations of the secretary under  
4 *section five (5) of this Act, unless it conforms to such*  
5 *definitions and*  
6 standard and its label bears the name of the food  
7 specified in the definition and standard and, insofar as  
8 may be required by such regulations, the common names of  
9 optional ingredients, other than spices, flavoring, and  
10 coloring, present in such food.

11 h. If it purports to be or is represented as a food for  
12 which a standard or standards of fill of container have been  
13 prescribed by regulations of the secretary under section  
14 *five (5) of this Act,*  
15 and it falls below the standard of fill of container  
16 applicable thereto, unless its label bears, in such manner  
17 and form as such regulations specify, a statement that it  
18 falls below such standard.

19 i. If it is not subject to the provisions of paragraph g  
20 of this subsection, unless its label bears both:

- 21 (1) The common or usual name of the food, if any.
- 22 (2) In case it is fabricated from two or more ingredients,  
23 the common or usual name of each such ingredient; except  
24 that spices, flavorings, and colorings may, when authorized  
25 by the secretary, be designated as spices, flavorings, and  
26 colorings without naming each; however, to the extent that  
27 compliance with the requirements of this subparagraph is  
28 impracticable, or results in deception or unfair competition,  
29 exemptions shall be established by regulations promulgated  
30 by the secretary.

31 j. If it purports to be or is represented for special  
32 dietary uses, unless its label bears such information con-  
33 cerning its vitamin, mineral, and other dietary properties  
34 as the secretary, after consultation with the secretary of  
35 agriculture of the United States, determines to be and by

1 regulations prescribes as necessary in order to fully in-  
2 form purchasers as to its value for such uses.  
3 k. If it bears or contains any artificial flavoring,  
4 artificial coloring, or chemical preservative, unless it  
5 bears labeling stating that fact; however, to the extent that  
6 compliance with the requirements of this paragraph is im-  
7 practicable, exemptions shall be established by regulations  
8 promulgated by the secretary.

9 l. If it fails to bear, directly thereon and on its con-  
10 tainers, as the secretary may by regulations prescribe, the  
11 official inspection legend and establishment number of the  
12 establishment where the product was prepared and, unrestricted  
13 by any of the foregoing, such other information as the  
14 secretary may require in such regulations to assure that it  
15 will not have false or misleading labeling and that the public  
16 will be informed of the manner of handling required to maintain  
17 the article in a wholesome condition.

18 17. "Label" means a display of written printed, or  
19 graphic matter upon any article or the immediate container,  
20 not including package liners, of any article.

21 18. "Labeling" means all labels and other written,  
22 printed, or graphic matter either upon any article or any of  
23 its containers or wrappers, or accompanying such article.

24 19. "Container" or "package" means any box, can, tin,  
25 cloth, plastic or other receptacle, wrapper, or cover.

26 20. "Shipping container" means any container used or in-  
27 tended for use in packaging the product packed in an immedi-  
28 ate container.

29 21. "immediate container" means any consumer package; or  
30 any other container in which livestock products or poultry  
31 products, not consumer packaged, are packed.

32 22. "Federal Meat Inspection Act" means the Act so en-  
33 titled approved March 4, 1907 (34 Stat. 1260), as amended by  
34 the Wholesome Meat Act (81 Stat. 584); "Federal Poultry  
35 Products Inspection Act" means the Act so entitled approved

1 August 28, 1957 (71 Stat. 441), as amended by the Wholesome  
2 Poultry Products Act (82 Stat. 791): and "federal acts" means  
3 these two federal laws.

4 23. "Federal Food, Drug, and Cosmetic Act" means the Act  
5 so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts  
6 amendatory thereof or supplementary thereto.

7 24. "Pesticide chemical", "food additive", color addi-  
8 tive", and "raw agricultural commodity" shall have the same  
9 meanings for purposes of this chapter as under the Federal  
10 Food, Drug, and Cosmetic Act.

11 25. "Official mark" means the official inspection legend  
12 or any other symbol prescribed by regulations of the secretary  
13 to identify the status of any article or livestock or poultry  
14 under this chapter.

15 26. "Official inspection legend" means any symbol pre-  
16 scribed by regulations of the secretary showing that an  
17 article was inspected and passed in accordance with this  
18 chapter.

19 27. "Official certificate" means any certificate pre-  
20 scribed by regulations of the secretary for issuance by an  
21 inspector or other person performing official functions under  
22 this chapter.

23 28. "Official device" means any device prescribed or  
24 authorized by the secretary for use in applying any official  
25 mark.

26 29. "Official establishment" means any establishment as  
27 determined by the secretary at which inspection of the  
28 slaughter of livestock or poultry or the preparation of live-  
29 stock products or poultry products is maintained under the  
30 authority of this chapter.

31 30. "Inspector" means an employee or official of the Iowa  
32 department of agriculture authorized by the secretary or any  
33 employee or official of the government of any county or other  
34 governmental subdivision of this state, authorized by the  
35 secretary to perform any inspection functions under this

1 chapter under an agreement between the secretary and such  
2 governmental subdivision.

3 31. "Veterinary inspector" means a graduate veterinarian  
4 with appropriate training to perform the inspection functions  
5 under the provisions of this chapter.

6 32. "Establishment" means all premises where animals or  
7 poultry are slaughtered or otherwise prepared, either for  
8 custom, resale, or retail, for food purposes, meat or poultry  
9 canneries, sausage factories, smoking or curing operations,  
10 restaurants, grocery stores, brokerages, cold storage plants,  
11 and similar places.

12 33. "Reinspection" includes inspection of the preparation  
13 of livestock products and poultry products, as well as  
14 reexamination of articles previously inspected.

15 Sec. 2. Section one hundred eighty-nine A point three  
16 (189A.3), Code 1966, is hereby repealed and the following  
17 enacted in lieu thereof:

18 *No person shall operate an establishment without first*  
19 *obtaining a license from the department. The license fee for*  
20 *each establishment, excluding restaurants and grocery stores,*  
21 *per year or any part of a year shall be:*

22 1. *For all meat and poultry slaughtered or otherwise*  
23 *prepared not exceeding twenty thousand pounds per year for sale,*  
24 *resale, or custom, twenty-five dollars.*

25 2. *For all meat and poultry slaughtered or otherwise*  
26 *prepared in excess of twenty thousand pounds year year for sale*  
27 *or resale, fifty dollars.*

28 *The license fee for each restaurant and grocery store per*  
29 *year or any part of a year shall be five dollars.*

30 *The funds shall be deposited with the department of agriculture.*

31 *The license year shall be from July first to June thirtieth.*

32 *Applications for licenses shall be in writing on forms*  
33 *prescribed by the department.*

34 **It is the objective of this chapter to provide for meat**  
35 **and poultry products inspection programs that will impose and**

1 enforce requirements with respect to intrastate operations  
2 and commerce that are at least equal to those imposed and  
3 enforced under the Federal Meat Inspection Act and the  
4 Federal Poultry Products Inspection Act with respect to opera-  
5 tions and transactions in interstate commerce; and the sec-  
6 retary is directed to administer this chapter so as to ac-  
7 complish this purpose.

8 *A director of the meat and poultry inspection service*  
9 *shall be designated as his delegate to be the appropriate*  
10 *state official to cooperate with the secretary of agriculture*  
11 *of the United States in administration of this Act.*

12 **Sec. 3. Section one hundred eighty-nine A point four**  
13 **(189A.4), Code 1966, as amended by chapter one hundred**  
14 **seventy-nine (179), section one (1), and chapter one hundred**  
15 **eighty (180), section one (1), Acts of the Sixty-second**  
16 **General Assembly, is hereby repealed and the following enacted**  
17 **in lieu thereof:**

18 **In order to accomplish the objectives of this chapter,**  
19 **the secretary may exempt the following types of operations**  
20 **from inspection:**

21 1. Slaughtering and preparation by any person of live-  
22 stock and poultry of his own raising exclusively for use by  
23 him and members of his household, and his nonpaying guests  
24 and employees.

25 2. Any other operations which the secretary may determine  
26 would best be exempted to further the purposes of this chapter,  
27 to the extent such exemptions conform to the Federal Meat  
28 inspection Act and the Federal Poultry Products Inspection  
29 Act and the regulations thereunder.

30 **Sec. 4. Section one hundred eighty-nine A point five**  
31 **(189A.5), Code 1966, is hereby amended by adding thereto the**  
32 **following:**

33 **In order to accomplish the objective stated in section**  
34 **two (2) of this Act.**  
35 **the secretary shall:**

36 1. By regulations require antemortem and postmortem

1 **inspections, quarantine, segregation, and reinspections with**  
2 **respect to the slaughter of livestock and poultry and the**  
3 **preparation of livestock products and poultry products at**  
4 **all establishments in this state, except those exempted by**  
5 *section three (3) of this Act, at which livestock or*  
6 *poultry are slaughtered or live-*  
7 **stock or poultry products are prepared for human food solely**  
8 **for distribution in intrastate commerce.**

9     2. By regulations require the identification of livestock  
10 and poultry for inspection purposes and the marking and label-  
11 ing of livestock products or poultry products or their con-  
12 tainers, or both, as "Iowa Inspected and Passed" if the  
13 products are found upon inspection to be not adulterated,  
14 and as "Iowa Inspected and Condemned" if they are found  
15 upon inspection to be adulterated; and the destruction for  
16 food purposes of all such condemned products under the  
17 supervision of an inspector.

18     3. Prohibit the entry into official establishments of  
19 Livestock products and poultry products not prepared under  
20 federal inspection or inspection pursuant to this chapter  
21 and further limit the entry of such articles and other  
22 materials into such establishments under such conditions as  
23 he deems necessary to effectuate the purposes of this chapter.

24     4. By regulations require that when livestock products  
25 and poultry products leave official establishments they shall  
26 bear directly thereon or on their containers, or both, all  
27 *information required by subsection fifteen (15) of section*  
28 *one (1) of this Act; and*  
29 **require approval of all labeling and containers to be used**  
30 **for such products when sold or transported in intrastate**  
31 **commerce to assure that they comply with the requirements of**  
32 **this chapter.**

33     5. Investigate the sanitary conditions of each establish-  
34 ment within subsection one (1) of this section and withdraw  
35 or otherwise refuse to provide inspection service at any such  
36 establishment where the sanitary conditions are such as to

1 render adulterated any livestock products or poultry products  
2 prepared or handled thereat.

3 6. Prescribe regulations relating to sanitation for all  
4 establishments required to have inspection under subsection  
5 one (1) of this section.

6 7. By regulations require that both of the following  
7 classes of persons shall keep such records and for such  
8 periods as are specified in the regulations to fully and  
9 correctly disclose all transactions involved in their  
10 business, and to afford the secretary and his representatives,  
11 including representatives of other governmental agencies  
12 designated by him, access to such places of business, and  
13 opportunity at all reasonable times to examine the facilities,  
14 inventory, and records thereof, to copy the records, and to  
15 take reasonable samples of the inventory upon payment of  
16 the fair market value therefor:

17 a. Any person that engages in or for intrastate commerce  
18 in the business of slaughtering any livestock or poultry,  
19 or preparing, freezing, packaging or labeling, buying or  
20 selling, as a broker, wholesaler, or otherwise), transport-  
21 ing, or storing any livestock products or poultry products  
22 for human or animal food.

23 b. Any person that engages in or for intrastate commerce  
24 in business as a renderer or in the business of buying,  
25 selling, or transporting any dead, dying, disabled, or  
26 diseased livestock or poultry or parts of the carcasses of  
27 any such animals, including poultry, that died otherwise  
28 than by slaughter.

29 Sec. 5. Section one hundred eighty-nine A point seven  
30 (189A.7), Code 1966, is hereby repealed and the following  
31 enacted in lieu thereof:

32 In order to accomplish the objective stated in section  
33 two (2) of this Act.  
34 the secretary may:

35 1. Remove inspectors from any establishment that fails  
36 to destroy condemned products as required under subsection

1 *two (2) of section four (4) of this Act.*

2 **2. Refuse to provide inspection service under this**  
3 **chapter with respect to any establishment for causes**  
4 **specified in section four hundred one (401) of the Federal**  
5 **Meat Inspection Act or section eighteen (18) of the**  
6 **Federal Poultry Products Inspection Act.**

7 **3. Order labeling and containers to be withheld from**  
8 **use if he determines that the labeling is false or**  
9 **misleading or the containers are of a misleading size or**  
10 **form.**

11 **4. By regulations prescribe the sizes and styles of**  
12 **type to be used for labeling information required under**  
13 **this chapter, and definitions and standards of identity or**  
14 **composition or standards of fill of container, consistent**  
15 **with federal standards, when he deems such action appropriate**  
16 **for the protection of the public and after consultation**  
17 **with the secretary of agriculture of the United States.**

18 **5. By regulations prescribe conditions of storage and**  
19 **handling of livestock products and poultry products by**  
20 **persons engaged in the business of buying, selling, freezing,**  
21 **storing, or transporting such articles in or for intrastate**  
22 **commerce to assure that such articles will not be**  
23 **adulterated or misbranded when delivered to the consumer.**

24 **6. Require that equines be slaughtered and prepared in**  
25 **establishments separate from establishments where other**  
26 **livestock are slaughtered or their products are prepared.**

27 **7. By regulations require that every person engaged in**  
28 **business in or for intrastate commerce as a broker, renderer,**  
29 **animal food manufacturer, or wholesaler or public warehouse-**  
30 **man of livestock or poultry products, or engaged in the**  
31 **business of buying, selling, or transporting in intrastate**  
32 **commerce any dead, dying, disabled, or diseased livestock or**  
33 **poultry or parts of the carcasses of any such animals, in-**  
34 **cluding poultry, that died otherwise than by slaughter**  
35 **shall register with the secretary his name and the address**

1 of each place of business at which and all trade names  
2 under which he conducts such business.

3 8. Adopt by reference or otherwise such provisions  
4 of the rules and regulations under the federal acts, with  
5 such changes therein as he deems appropriate to make them  
6 applicable to operations and transactions subject to this  
7 chapter, which shall have the same force and effect as if  
8 promulgated under this chapter, and promulgate such other  
9 rules and regulations as he deems necessary for the  
10 efficient execution of the provisions of this chapter,  
11 including rules of practice providing opportunity for hearing  
12 *in connection with issuance of orders under subsection five (5)*  
13 *of section four (4) and subsections one (1), two (2), or*  
14 *three (3) of this section and prescribing procedures for*  
15 *proceedings in such.*

16 cases; however, this shall not preclude a requirement  
17 that a label or container be withheld from use, or a re-  
18 fusual of inspection pursuant to the sections cited herein  
19 pending issuance of a final order in any such proceeding.

20 9. Appoint and prescribe the duties of such inspectors  
21 and other personnel as he deems necessary for the  
22 efficient execution of the provisions of this chapter.

23 10. Cooperate with the secretary of agriculture of  
24 the United States in administration of this chapter to  
25 *effectuate the purposes stated in section two (2) of this*  
26 *Act; except*

27 federal assistance for that purpose and spend public  
28 funds of this state appropriated for administration of  
29 this chapter to pay the state's proportionate share  
30 of the estimated total cost of the cooperative program.

31 11. Recommend to the secretary of agriculture of the  
32 United States for appointment to the advisory committees  
33 provided for in the federal acts, such officials or  
34 employees of the Iowa meat and poultry inspection service  
35 as the secretary shall designate.

1 12. Serve as a representative of the governor for con-  
2 sultation with said secretary under paragraph c of section  
3 three hundred one (301) of the Federal Meat Inspection Act  
4 and paragraph c of section five (5) of the Federal Poultry  
5 Products Inspection Act unless the governor selects  
6 another representative.

7 Sec. 6. Section one hundred eighty-nine A point eight  
8 (189A.8), Code 1966, is hereby repealed and the following  
9 enacted in lieu thereof:

10 1. No person shall sell, transport, offer for sale or  
11 transportation, or receive for transportation in intrastate  
12 commerce, any carcasses or horses, mules, or other equines  
13 or parts of such carcasses, or the meat or meat food products  
14 thereof, unless they are plainly and conspicuously market  
15 or labeled or otherwise identified as required by regulations  
16 prescribed by the secretary to show the kinds of animals  
17 from which they were derived.

18 2. No person shall buy, sell, transport, or offer for  
19 sale or transportation, or receive for transportation, in  
20 intrastate commerce, any livestock products or poultry  
21 products which are not intended for use as human food unless  
22 they are denatured or otherwise identified as required by  
23 the regulations of the secretary or are naturally inedible  
24 by humans.

25 3. No person engaged in the business of buying, selling,  
26 or transporting in intrastate commerce, dead, dying, disabled,  
27 or diseased animals, or any parts of the carcasses of any  
28 animals that died otherwise than by slaughter, shall buy,  
29 sell, transport, offer for sale or transportation, or receive  
30 for transportation in such commerce, any dead, dying, dis-  
31 abled, or diseased livestock or poultry or the products of  
32 any such animals that died otherwise than by slaughter,  
33 unless such transaction or transportation is made in  
34 accordance with such regulations as the secretary may  
35 prescribe to assure that such animals, or the unwholesome

1 parts or products thereof, will be prevented from being  
2 used for human food purposes.

3 Sec. 7. Section one hundred eighty-nine A point nine  
4 (189A.4), Code 1966, is hereby amended by adding to the end  
5 thereof the following sentence:

6 A charge shall be made for overtime inspection in excess  
7 of eight hours per day or outside assigned work schedules  
8 and also on state legal holidays.

9 Sec. 8. Section one hundred eighty-nine A point ten  
10 (189A.10), Code 1966, is hereby repealed and the following  
11 enacted in lieu thereof:

12 1. No person shall, with respect to any livestock or  
13 poultry or any livestock products or poultry products, do  
14 any of the following:

15 a. Slaughter any such animals or prepare any such  
16 articles which are capable of use as human food, at any  
17 establishment preparing such articles solely for intrastate  
18 commerce, except in compliance with the requirements of  
19 this chapter.

20 b. Sell, transport, offer for sale or transportation, or  
21 receive for transportation in intrastate commerce, any such  
22 articles which are both:

23 (1) Capable of use as human food.

24 (2) Adulterated or misbranded at the time of such sale,  
25 transportation, offer for sale or transportation, or receipt  
26 for transportation; or any articles required to be inspected  
27 under this chapter unless they have been so inspected and  
28 passed.

29 c. With respect to any such articles which are capable  
30 of use as human food, any act while they are being trans-  
31 ported in intrastate commerce or held for sale after such  
32 transportation, which is intended to cause or has the  
33 effect of causing such articles to be adulterated or  
34 misbranded.

35 2. No person shall sell, transport, offer for sale or

1 transportation, or receive for transportation in intrastate  
2 commerce, or from an official establishment, any slaughtered  
3 poultry from which the blood, feathers, feet, head or  
4 viscera have not been removed in accordance with regulations  
5 promulgated by the secretary except as may be authorized by  
6 such regulations.

7 3. No person shall violate any provision of the regula-  
8 tions or orders of the secretary under section  
9 *four (4), subsection seven (7), or section five (5) of this Act.*

10 Sec. 9. Section one hundred eighty-nine A point eleven  
11 (189A.11), Code 1966, is hereby amended as follows:

12 1. By striking from line eight (8) the word "must" and  
13 inserting in lieu thereof the words "will be equal to federal  
14 inspection and therefore may".

15 2. By adding thereto the following:

16 1. No inspection of products placed in any container at  
17 any official establishment shall be deemed to be complete  
18 until the products are sealed or enclosed therein under the  
19 supervision of an inspector.

20 2. For purposes of any inspection of products required  
21 by this chapter, inspectors authorized by the secretary shall  
22 have access at all times by day or night to every part of  
23 every establishment required to have inspection under this  
24 chapter, whether the establishment is operated or not.

25 Sec. 10. Section one hundred eighty-nine A point twelve  
26 (189A.12), Code 1966, is hereby repealed and the following  
27 enacted in lieu thereof:

28 Whenever any livestock or poultry product or any product  
29 exempted from the definition of a livestock or poultry product,  
30 or any dead, dying, disabled, or diseased livestock or  
31 poultry is found by any authorized representative of the  
32 secretary upon any premises where it is held for purposes of,  
33 or during or after distribution in, intrastate commerce or  
34 is otherwise subject to this chapter, and there is reason  
35 to believe that any such article is adulterated or misbranded

1 and is capable of use as human food, or that it has not been  
2 inspected in violation of the provisions of this chapter, the  
3 Federal Meat Inspection Act, the Federal Poultry Products  
4 Inspection Act, or the Federal Food, Drug, and Cosmetic Act,  
5 or that such article or animal has been or is intended to be  
6 distributed in violation of any such provisions, it may be  
7 detained by such representative for a period not to exceed  
8 twenty days, pending action under this section or notification  
9 of any federal authorities having jurisdiction over such  
10 article or animal, and shall not be moved by any person from  
11 the place at which it is located when so detained until re-  
12 leased by such representative. All official marks may be  
13 required by such representative to be removed from such  
14 article or animal before it is released unless it appears  
15 to the satisfaction of the secretary that the article or  
16 animal is eligible to retain such marks.

17 1. Any livestock or poultry product, or any dead, dying,  
18 disabled, or diseased livestock or poultry which is being  
19 transported in intrastate commerce, or is otherwise subject  
20 to this chapter, or is held for sale in this state after  
21 such transportation, and which is or has been prepared, sold,  
22 transported, or otherwise distributed or offered or received  
23 for distribution in violation of this chapter; or is capable  
24 of use as human food and is adulterated or misbranded; or is  
25 in any other way in violation of this chapter shall be liable  
26 to be proceeded against and seized and condemned at any time  
27 on a complaint filed in the district court of the particular  
28 county within the jurisdiction of which such article or  
29 animal is found. If such article or animal is condemned it  
30 shall, after entry of the decree, be disposed of by  
31 destruction or sale as the court may direct and any proceeds,  
32 less the court costs and fees, storage fees, and other proper  
33 expenses, shall be paid into the treasury of this state, but  
34 the article or animal shall not be sold contrary to the  
35 provisions of this chapter, the Federal Meat Inspection Act,

1 the Federal Poultry Products, Inspection Act, or the Federal  
2 Food, Drug, and Cosmetic Act; however, upon the execution  
3 and delivery of a good and sufficient bond conditioned that  
4 the article or animal shall not be sold or otherwise disposed  
5 of contrary to the provisions of this chapter or the laws  
6 of the United States, the court may direct that such article  
7 or animal be delivered to the owner thereof subject to such  
8 supervision by authorized representatives of the secretary  
9 as is necessary to insure compliance with the applicable  
10 laws. When a decree of condemnation is entered against the  
11 article or animals and it is released under bond or destroyed,  
12 court costs and fees, storage fees, and other proper expenses  
13 shall be awarded against any person intervening as claimant  
14 of the article or animal. The proceedings in such cases  
15 shall be held without a jury, except that either party  
16 may demand trial by jury of any issue of fact joined in  
17 any case, and all such proceedings shall be at the suit  
18 of and in the name of this state.

19 2. The provisions of this section shall in no way  
20 derogate from authority for condemnation or seizure  
21 conferred by other provisions of this chapter or other  
22 applicable laws.

23 Sec. 11. Section one hundred eighty-nine A point  
24 fourteen (189A.14), Code 1966, is hereby repealed and the  
25 following enacted in lieu thereof:

26 1. *Any order issued under subsection three (3) of section four (4)*  
27 *or subsections one (1), two (2), or three (3) of section five (5)*  
28 *of this Act shall be final unless appealed to the district*  
29 *court within thirty days after service.*

30 the determinations upon which it is based shall be upon the  
31 record in the proceedings in which the order was issued.

32 2. The district court is hereby vested with jurisdiction  
33 to enforce this chapter; to prevent and restrain violations  
34 herein, and shall have jurisdiction in all other kinds of  
35 cases arising hereunder.

1     **Sec. 12. Section one hundred eighty-nine A point sixteen**  
2     **(189A.16), Code 1966, is hereby repealed and the following**  
3     **enacted in lieu thereof:**

4     **1. No brand manufacturer, printer, or other person**  
5     **shall cast, print, lithograph, or otherwise make any device**  
6     **containing any official mark or simulation thereof, or any**  
7     **label bearing any such mark or simulation, or any form of**  
8     **official certificate or simulation thereof, except as**  
9     **authorized by the secretary.**

10    **2. No person shall do any of the following:**

11    **a. Forge any official device, mark, or certificate.**

12    **b. Without authorization from the secretary, use any**  
13    **official device, mark, or certificate, or simulation thereof,**  
14    **or alter, detach, deface, or destroy any official device,**  
15    **mark, or certificate.**

16    **c. Contrary to the regulations prescribed by the secretary,**  
17    **fail to use, or to detach, deface, or destroy any official**  
18    **device, mark, or certificate.**

19    **d. Knowingly possess, without promptly notifying the**  
20    **secretary or his representative, any official device or any**  
21    **counterfeit, simulated, forged, or improperly altered official**  
22    **certificate or any device or label or any carcass of any**  
23    **animal, including poultry, or part or product thereof, bearing**  
24    **any counterfeit, simulated, forged, or improperly altered**  
25    **official mark.**

26    **e. Knowingly make any false statement in any shipper's**  
27    **certificate or other nonofficial or official certificate**  
28    **provided for in the regulations prescribed by the**  
29    **secretary.**

30    **f. Knowingly represent that any article has been in-**  
31    **spected and passed, or exempted, under this chapter when**  
32    **it has not been so inspected and passed, or exempted.**

33    **Sec. 13. Section one hundred eighty-nine A point seven-**  
34    **teen (189A.17), Code 1966, is hereby repealed and the**  
35    **following enacted in lieu thereof:**

1 1. Any person who violates any provisions of this chapter  
2 for which no other criminal penalty is provided shall upon  
3 conviction be subject to imprisonment in the county jail for  
4 not more than one year, or a fine of not more than one  
5 thousand dollars, or both such imprisonment and fine; but  
6 if such violation involves intent to defraud, or any  
7 distribution or attempted distribution of an article that  
8 is adulterated, except as defined in paragraph h of  
9 subsection fourteen (14) of section one (1) of this Act, such  
10 person shall be subject to imprisonment in the penitentiary  
11 for not more than three  
12 years or a fine of not more than ten thousand dollars or  
13 both.

14 2. Nothing in this chapter shall be construed as  
15 requiring the secretary to report, for the institution of  
16 legal proceedings, minor violations of this chapter whenever  
17 he believes that the public interest will be adequately  
18 served by a suitable written notice of warning.

19 3. The secretary shall also have power:

20 a. To gather and compile information concerning, and to  
21 investigate from time to time the organization, business,  
22 conduct, practices, and management of any person engaged in  
23 intrastate commerce, and the relation thereof to other persons.

24 b. To require persons engaged in in intrastate commerce to  
25 file with the secretary in such form as the secretary may  
26 prescribe, annual or special reports or answers in writing  
27 to specific questions, furnishing to the secretary such  
28 information as he may require as to the organization, business,  
29 conduct, practices, management, and relation to other persons  
30 of the person filing such reports or answers. Such reports  
31 and answers shall be made under oath, or otherwise as the  
32 secretary may prescribe, and shall be filed with the  
33 secretary within such reasonable period as the secretary may  
34 prescribe, unless additional time be granted in any case by  
35 the secretary.

1 4. a. For purpose of this chapter the secretary  
2 may, at all reasonable times, examine and copy any  
3 documentary evidence of any person being investigated or  
4 proceeded against, and may require by subpoena the attendance  
5 and testimony of witnesses and the production of all  
6 documentary evidence of any person relating to any matter  
7 under investigation. The secretary may sign subpoenas and  
8 administer oaths and affirmations, examine witnesses, and  
9 receive evidence.

10 b. Such attendance of witnesses, and the production of  
11 such documentary evidence may be required at any designated  
12 place of hearing. In case of disobedience to a subpoena the  
13 secretary may invoke the aid of the district court having  
14 jurisdiction over the matter in requiring the attendance  
15 and testimony of witnesses and the production of documentary  
16 evidence.

17 c. The district court may, in case of failure or refusal  
18 to obey a subpoena issued herein to any person, enter an  
19 order requiring such person to appear before the secretary  
20 or to produce documentary evidence if so ordered, or to  
21 give evidence concerning the matter in question; and any  
22 failure to obey such order of the court may be punished by  
23 such court as contempt.

24 d. Upon the application of the attorney general of this  
25 state at the request of the secretary, the court shall  
26 have jurisdiction to issue writs of mandamus commanding  
27 any person to comply with the provisions of this chapter or  
28 any order of the secretary pursuant thereto.

29 e. The secretary may order testimony to be taken by  
30 deposition in any proceeding or investigation pending under  
31 this chapter at any stage of such proceeding or investigation.  
32 Such depositions may be taken before any person designated  
33 by the secretary and having power to administer oaths. Such  
34 testimony shall be reduced to writing by the person taking  
35 the deposition, or under his direction and shall then be

1 subscribed by the deponent. Any person may be compelled  
2 to appear and depose and to produce documentary evidence in  
3 the same manner as witnesses may be compelled to appear and  
4 testify and produce documentary evidence before the secretary  
5 as herein provided.

6 f. Witnesses summoned before the secretary shall be paid  
7 the same fees and mileage that are paid witnesses in the  
8 district court, and witnesses whose depositions are taken  
9 and the persons taking the same shall severally be entitled  
10 to the same fees as are paid for like services in such  
11 district court.

12 g. No person shall be excused from attending and  
13 testifying or from producing books, papers, schedules of  
14 charges, contracts, agreements, or other documentary  
15 evidence before the secretary or in obedience to the subpoena  
16 of the secretary, whether such subpoena be signed or  
17 issued by him or his delegate, or in any cause or  
18 proceeding, criminal or otherwise, based upon or growing  
19 out of any alleged violation of this chapter for the reason  
20 that the testimony or evidence, documentary or otherwise,  
21 required of him may tend to incriminate him or subject  
22 him to a penalty or forfeiture; but no person shall be  
23 prosecuted or subjected to a penalty or forfeiture for or  
24 on account of any transaction, matter, or thing concerning  
25 which he is compelled, after having claimed his privilege  
26 against self-incrimination, to testify or produce evidence,  
27 documentary or otherwise, except that any individual so  
28 testifying shall not be exempt from prosecution and  
29 punishment for perjury committed in so testifying.

30 5. a. Any person who neglects or refuses to attend and  
31 testify or to answer any lawful inquiry, or to produce docu-  
32 mentary evidence, if it is in his power to do so, in  
33 obedience to the subpoena or lawful requirement of the  
34 secretary shall be guilty of an offense and upon conviction  
35 thereof by a court of competent jurisdiction shall be

1 punished by a fine of not less than one thousand dollars nor  
2 more than five thousand dollars, or by imprisonment in the  
3 county jail for not more than one year, or by both such fine  
4 and imprisonment.

5 b. Any person who willfully makes, or causes to be made,  
6 any false entry or statement of fact in any report required  
7 to be made under this chapter, or who willfully makes, or  
8 causes to be made, any false entry in any account, record,  
9 or memorandum kept by any person subject to this chapter,  
10 or who willfully neglects or fails to make or cause to  
11 be made, full, true, and correct entries in such accounts,  
12 records, or memoranda, of all facts and transactions  
13 pertaining to the business of such person, or who willfully  
14 removes himself from the jurisdiction of this state, or  
15 willfully mutilates, alters, or by any other means falsifies  
16 any documentary evidence of any person subject to this chapter  
17 or who willfully refuses to submit to the secretary or to  
18 any of his authorized agents, for the purpose of inspection  
19 and taking copies, any documentary evidence of any person  
20 subject to this chapter in his possession or within his  
21 control, shall be deemed guilty of an offense and shall be  
22 subject, upon conviction in any court of competent jurisdiction,  
23 to a fine of not less than one thousand dollars nor more  
24 than five thousand dollars, or to imprisonment in the  
25 county jail or the penitentiary  
26 for a term of not more than three years, or  
27 to both such fine and imprisonment.

28 c. If any person required by this chapter to file any  
29 annual or special report shall fail so to do within the  
30 time fixed by the secretary for filing the same, and such  
31 failure shall continue for thirty days after notice of such  
32 default, such person shall forfeit to this state the sum of  
33 one hundred dollars for each and every day of the continuance  
34 of such failure, which forfeiture shall be payable into the  
35 treasury of this state, and shall be recoverable in a civil

1 suit in the name of the state brought in the district court  
2 of the county where the person has his principal office or  
3 in the district court of any county in which he does business.  
4 It shall be the duty of the various county attorneys of this  
5 state to prosecute for the recovery of such forfeitures.  
6 The costs and expenses of such prosecution shall be paid  
7 out of the court expense fund of the county.

8 d. Any officer or employee of this state who makes public  
9 any information obtained by the secretary, without his  
10 authority, unless directed by a court, or uses any such  
11 information to his advantage, shall be deemed guilty of a  
12 misdemeanor, and upon conviction thereof shall be punished  
13 by a fine not exceeding five thousand dollars, or by im-  
14 prisonment in the county jail not exceeding one year, or  
15 by both such fine and imprisonment.

16 The requirements of this chapter shall apply to persons,  
17 establishments, animals, and articles regulated under the  
18 Federal Meat Inspection Act or the Federal Poultry Products  
19 Inspection Act to the extent provided for in said federal  
20 acts and also to the extent provided in this chapter and  
21 in regulations the secretary may prescribe to promulgate  
22 this chapter.

23 Sec. 14. Chapter one hundred seventy-eight (178), section  
24 one (1), Acts of the Sixty-second General Assembly, is hereby  
25 amended by inserting in line nine (9) after the word "shock,"  
26 the words "captive bolt,".

27 Sec. 15. Chapter one hundred eighty-nine A (189A), Code  
28 1966, is hereby amended by adding thereto the following  
29 sections:

30 1. Any person who gives, pays, or offers, directly or  
31 indirectly, to any officer or employee of this state  
32 authorized to perform any of the duties prescribed by this  
33 chapter or by the regulations of the secretary, any money or  
34 other thing of value, with intent to influence said officer  
35 or employee in the discharge of any such duty, shall be

1 deemed guilty of a felony and, upon conviction thereof,  
2 shall be punished by a fine of not less than five thousand  
3 dollars nor more than ten thousand dollars and by imprison-  
4 ment in the penitentiary  
5 not less than one year nor more than three years; and any  
6 officer or employee of this state authorized to perform any  
7 of the duties prescribed by this chapter who accepts any  
8 money, gift, or other thing of value from any person, given  
9 with intent to influence his official action, or who receives  
10 or accepts from any person engaged in intrastate commerce  
11 any gift, money, or other thing of value given with any  
12 purpose or intent whatsoever, shall be deemed guilty of a  
13 felony and shall, upon conviction thereof, be summarily  
14 discharged from office and shall be punished by a fine not  
15 less than one thousand dollars nor more than ten thousand  
16 dollars and by imprisonment in the penitentiary  
17 not less than one year nor more than  
18 three years.

19 2. Any person who forcibly assaults, resists, opposes,  
20 impedes, intimidates, or interferes with any person while  
21 engaged in or on account of the performance of his official  
22 duties under this chapter shall be fined not more than five  
23 thousand dollars or imprisoned in the penitentiary  
24 not more than three years, or both.

25 Whoever, in the commission of any such acts, uses a deadly  
26 or dangerous weapon, shall be fined not more than ten  
27 thousand dollars or imprisoned in the penitentiary  
28 not more than ten years, or both.

29 Inspection shall not be provided under this chapter at  
30 any establishment for the slaughter of livestock or poultry  
31 or the preparation of any livestock products or poultry  
32 products which are not intended for use as human food, but  
33 such articles shall, prior to their offer for sale or  
34 transportation in intrastate commerce, unless naturally  
35 inedible by humans, be denatured or otherwise identified as

1 prescribed by regulations of the secretary to deter their use  
2 for human food.

3 *Sec. 16. There is hereby authorized to be appropriated such*  
4 *sums as may be necessary to carry out the provisions of*  
5 *this Act.*

6 *Sec. 17. There is hereby appropriated from the general*  
7 *fund of the state to the department of agriculture the sum*  
8 *of four hundred thousand (400,000) dollars for each year*  
9 *of the biennium beginning July 1, 1969 and ending June 30,*  
10 *1971 for an inspection program of meat and poultry products*  
11 *in accordance with chapter one hundred eighty-nine, A (189A)*  
12 *of the Code. Any unencumbered balances remaining as of June 30,*  
13 *1971 from the funds so appropriated shall revert to the*  
14 *general fund.*

15 *Sec. 18. All federal grants to and the federal receipts of*  
16 *this department are hereby appropriated for the purpose set*  
17 *forth in such federal grants or receipts.*

18 *Sec. 19. Where any of the laws of this state are in conflict*  
19 *with this Act, the provisions of this Act shall govern*  
20 *for the biennium.*

EXPLANATION OF HOUSE FILE 417

This bill establishes a comprehensive program of meat and poultry inspection to be administered by the Iowa Department of Agriculture. The bill closely follows the proposed Model State Meat and Poultry Products Inspection Act recommended by the federal government.

- 1 Amend the Senate amendment to House File 417 as follows:
- 2 Page 2, line one (1), by striking the word "and"
- 3 following the word "restaurant" and inserting in lieu there-
- 4 of the following: "selling twenty pounds or more of meat
- 5 or meat products annually and each".

*Senate concurred 5-16*

Filed  
May 12, 1969

*Adopted 5-14*

PERKINS of Pottawattamie

1 Amend the Senate amendment to House File 417 as follows:  
2 By striking on page four (4), lines nine (9)  
3 and ten (10), the words "for each year of the biennium beginning  
4 July 1, 1969, and ending June 30, 1971" and inserting in lieu thereof  
5 the words "for the first year of the biennium beginning July 1,  
6 1969, and ending June 30, 1970, and the sum of seven hundred seventy-  
7 five thousand (775,000) dollars for the second year of the biennium  
8 beginning July 1, 1970, and ending June 30, 1971".

Filed and lost ✓  
May 14, 1969

MEZVINSKY of Johnson

1 Amend the Senate amendment to House File 417, page 2, line 2,  
2 by striking the period and adding the following:  
3 "except there shall be no fee for any grocery store or restaurant  
4 that purchases its meat or meat products from a federally inspected  
5 meat packer."

Filed and withdrawn ✓  
May 14, 1969

RODGERS of Dallas

1 Amend the Senate amendment to House File 417 as  
2 follows:  
3 1. Page 1 by striking all of lines seven (7) through  
4 thirty-two (32) and inserting in lieu thereof the following:  
5 "1. \$25.00 for all meat and poultry slaughtered or  
6 otherwise prepared not exceeding twenty thousand pounds per  
7 year for sale, resale, or custom.  
8 2. \$50.00 for all meat and poultry slaughtered or  
9 otherwise prepared in excess of twenty thousand pounds per  
10 year for sale or resale."  
11 2. Page 2, line two (2), by striking the words "five  
12 dollars" and inserting in lieu thereof a colon; also by  
13 inserting after line two (2) the following:  
14 "1. \$10.00 when meat and poultry processed or pre-  
15 pared for service or sale is less than 20,000 pounds per year.  
16 2. \$25.00 when meat and poultry processed or  
17 prepared for service or sale is in excess of 20,000 pounds  
18 per year."

Filed  
Division 1, adopted, reconsidered and lost.  
Division 2, withdrawn. ✓  
May 14, 1969

SHAW of Scott