

Sen Ag 2/13 Amend per 50687 D. Pass 1/27/80 (346)

FEB 8 1979

HOUSE FILE 225

Place On Calendar

BY COMMITTEE ON AGRICULTURE

(Formerly Study Bill 2)

Passed House, Date 2-2-79 (p. 502) Passed Senate, Date 2-12-80 (p. 404)

Vote: Ayes 86 Nays 7 Vote: Ayes 46 Nays 3

Approved April 21 1980

*Repassed House as amended by Senate
4-8-80 (p. 1417)
84-5*

A BILL FOR

1 An Act relating to the licensing and regulations of the sale
2 of eggs.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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225

1 Section 1. Section one hundred ninety-six point one (196.1),
2 Code 1979, is amended by adding the following new subsection:
3 NEW SUBSECTION. "Consumer" means a person who buys eggs
4 for personal consumption.

5 Sec. 2. Section one hundred ninety-six point one (196.1),
6 subsection two (2), Code 1979, is amended to read as follows:

7 2. "Egg handler" or "handler" means a person who buys
8 or sells eggs, or uses eggs in the preparation of human food.
9 "Egg handler" or "handler" does not include a retailer, a
10 consumer, an ~~institution~~ establishment, or a producer who
11 sells eggs as provided in section 196.4.

12 Sec. 3. Section one hundred ninety-six point one (196.1),
13 subsection five (5), Code 1979, is amended to read as follows:

14 5. "Establishment" means any place in which eggs are
15 offered or sold as human food for consumption by its employees,
16 students, patrons, customers, residents, inmates or patients
17 or as an ingredient in food offered or sold in a form ready
18 for immediate consumption.

19 Sec. 4. Section one hundred ninety-six point three (196.3),
20 unnumbered paragraph three (3), Code 1979, is amended to read
21 as follows:

22 If an egg handler is not operating during the month of
23 April, the department shall estimate the volume of eggs pur-
24 chased ~~or~~ and handled, ~~or both,~~ and may revise the fee based
25 on three months of operation.

26 Sec. 5. Section one hundred ninety-six point five (196.5),
27 unnumbered paragraph one (1), Code 1979, is amended to read
28 as follows:

29 A person who candles and grades eggs shall obtain a candler
30 and grader license from the department. The license fee shall
31 be ~~three~~ six dollars per year for such person. The license
32 shall expire one year after its date of issue. Before a li-
33 cense is issued, each person who is engaged in candling and
34 grading shall demonstrate to the satisfaction of the depart-
35 ment capability to perform candling and grading.

1 Sec. 6. Section one hundred ninety-six point eight (196.8),
2 Code 1979, is amended to read as follows:

3 196.8 QUALITY. All eggs offered for sale to an es-
4 tablishment must be no lower than United States department
5 of agriculture consumer grade "B". Retailers selling eggs
6 at retail must hold eggs at a temperature not to exceed sixty
7 degrees fahrenheit or sixteen degrees celsius.

8 EXPLANATION

9 This bill amends Chapter 196 of the Code, which regulates
10 the sale of eggs sold for human consumption in Iowa.

11 Section 1 adds a definition of "consumer" to clarify who
12 does not have to be licensed as an egg handler.

13 Section 2 corrects a mistake in the Code by using the word
14 "establishment", a defined term, instead of the word
15 "institution", an undefined term.

16 Section 3 makes additions to clarify that restaurants,
17 including employee and student restaurants and cafeterias,
18 are "egg handlers".

19 Section 4 makes the section specifying the calculation
20 of the egg handler's license fee internally consistent with
21 other provisions in section 196.3.

22 Section 5 increases the candler's and grader's license
23 fee, and clarifies that this annual license expires one year
24 after its date of issue.

25 Section 6 requires that when eggs are sold at retail, they
26 must be held at a temperature of 60 degrees F. or lower.

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HOUSE FILE 225

H-5370

1 Amend the Senate amendment, H-5228, to House File
 2 225 as follows:
 3 1. Page 1, by striking line 41 and inserting in
 4 lieu thereof the following:
 5 "6. Ten thousand cases or more but less than
 6 fifteen thousand cases \$250.00
 7 7. Fifteen thousand cases or more \$350.00"

H-5370 FILED

BY DE GROOT of Lyon

MARCH 5, 1980

File 4/8 (p. 1416)

HOUSE FILE 225

H-5408

1 Amend the Senate amendment, H-5228, to House File
 2 225 as follows:
 3 1. Page 1, by striking lines 40 and 41 and
 4 inserting in lieu thereof the following:
 5 "ten thousand cases \$175.00
 6 6. Ten thousand cases or more but less than
 7 fifteen thousand cases \$250.00
 8 7. Fifteen thousand cases or more \$300.00".

H-5408 FILED

BY VAN MAANEN of Mahaska

MARCH 7, 1980

Withdrawn 4/8 (p. 1415)

S-5068

1 Amend House File 225 as follows:

2 1. Page 1, by inserting after line 18 the follow-
3 ing:

4 "Sec. ____ . Section one hundred ninety-six point
5 one (196.1), subsection seven (7), Code 1979, is
6 amended to read as follows:

7 7. "Grading" means classifying each shell egg
8 by weight and grading in accordance with egg grading
9 standards approved by the United States government
10 as of July 1, ~~1976~~ 1979, pursuant to the Agricultural
11 Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq.

12 Sec. ____ . Section one hundred ninety-six point
13 two (196.2), Code 1979, is amended to read as follows:

14 196.2 ENFORCEMENT. The secretary shall enforce
15 the provisions of this chapter, and may make rules
16 pursuant to chapter 17A and consistent with regulations
17 of the United States government as they exist on July
18 1, ~~1976~~ 1979, pursuant to the Agricultural Marketing
19 Act of 1946, 7 U.S.C. ss. 1621 et. seq., and the Egg
20 Products Inspection Act of 1970, 21 U.S.C. ss. 1044
21 et. seq."

22 2. Page 1, by striking lines 20 through 25 and
23 inserting in lieu thereof the following: "Code 1979,
24 is amended to read as follows:

25 196.3 EGG HANDLER'S LICENSE AND FEE. Every egg
26 handler shall obtain an annual license from the
27 department. The fee for the license shall be
28 determined on the basis of the total number of eggs
29 purchased and or handled during the preceding month
30 of April in each calendar year as follows:

31 1. Less than one hundred twenty-five cases....
32 ~~\$12-50~~ 15.00

33 2. One hundred twenty-five cases or more but
34 less than two hundred fifty cases..... ~~\$25-00~~ 35.00

35 3. Two hundred fifty cases or more but less
36 than one thousand cases..... ~~\$37-50~~ 50.00

37 4. One thousand cases or more but less than
38 five thousand cases..... ~~\$50-00~~ 100.00

39 5. Five thousand cases or more but less than
40 ten thousand cases..... ~~\$175-00~~ \$175.00

41 6. Ten thousand cases or more..... ~~\$250-00~~ \$250.00

42 The license shall expire one year after its date
43 of issue. For the purpose of determining fees, a
44 case shall be thirty dozen eggs. All fees collected
45 shall be remitted to the treasurer of state for deposit
46 in the general fund of the state.

47 If an egg handler is not operating during the month
48 of April, the department shall estimate the volume
49 of eggs purchased or handled, or both, and may revise
50 the fee based on three months of operation.

S-5068
Page 2

1 Sec. _____. Section one hundred ninety-six point
2 four (196.4), unnumbered paragraph one (1), Code 1979,
3 is amended to read as follows:

4 Producers who sell eggs produced exclusively by
5 their own flocks directly to handlers, or to consumers,
6 shall not be required to ~~obtain a candler's and~~
7 ~~grader's license~~ demonstrate to the department or
8 the United States department of agriculture inspector
9 their capability to perform candling and grading."

10 3. Page 1, by striking lines 27 through 35 and
11 inserting in lieu thereof the following: "Code 1979,
12 is amended to read as follows:

13 196.5 CANDLEING AND GRADING LICENSE CAPABILITY.

14 A ~~Each person who candles and grades eggs shall obtain~~
15 ~~a candler and grader license from the department.~~
16 ~~The license fee shall be three dollars per year for~~
17 ~~such person. -- Before a license is issued, each person~~
18 ~~who is engaged in candling and grading shall~~
19 ~~demonstrate to the satisfaction of the department~~
20 ~~or the United States department of agriculture~~
21 ~~inspector, the capability to perform candling and~~
22 ~~grading.~~

23 ~~With the approval of the secretary, persons candling~~
24 ~~and grading eggs may be appointed for a period of~~
25 ~~not more than fourteen days pending licensing by the~~
26 ~~department, if during this period the employer of~~
27 ~~the temporary candler and grader will be responsible~~
28 ~~for his or her work while acting in the capacity of~~
29 ~~candler or grader."~~

30 4. Page 2, by inserting after line 7 the follow-
31 ing:

32 "Sec. _____. Section one hundred ninety-six point
33 nine (196.9), Code 1979, is amended to read as follows:

34 196.9 EGGS UNFIT AS HUMAN FOOD. Eggs determined
35 to be unfit for human food under title 21, section
36 ~~1031~~ 1034 of the United States Code as amended to
37 July 1, ~~1976~~ 1979, shall not be bought or sold or
38 offered for purchase or sale by any person unless
39 the eggs are denatured so that they cannot be used
40 for human food."

41 5. By renumbering to conform to this amendment.

S-5068 FILED
FEBRUARY 6, 1980

BY COMMITTEE ON AGRICULTURE
IRVIN BERGMAN, CHAIRPERSON

Adopted 2/12 (p. 404)

SENATE AMENDMENT TO

HOUSE FILE 225

H-5228

1 Amend House File 225 as follows:

2 1. Page 1, by inserting after line 18 the follow-
3 ing:

4 "Sec. _____. Section one hundred ninety-six point
5 one (196.1), subsection seven (7), Code 1979, is
6 amended to read as follows:

7 7. "Grading" means classifying each shell egg
8 by weight and grading in accordance with egg grading
9 standards approved by the United States government
10 as of July 1, ~~1976~~ 1979, pursuant to the Agricultural
11 Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq.

12 Sec. _____. Section one hundred ninety-six point
13 two (196.2), Code 1979, is amended to read as follows:

14 196.2 ENFORCEMENT. The secretary shall enforce
15 the provisions of this chapter, and may make rules
16 pursuant to chapter 17A and consistent with regulations
17 of the United States government as they exist on July
18 1, ~~1976~~ 1979, pursuant to the Agricultural Marketing
19 Act of 1946, 7 U.S.C. ss. 1621 et. seq., and the Egg
20 Products Inspection Act of 1970, 21 U.S.C. ss. 1044
21 et. seq."

22 2. Page 1, by striking lines 20 through 25 and
23 inserting in lieu thereof the following: "Code 1979,
24 is amended to read as follows:

25 196.3 EGG HANDLER'S LICENSE AND FEE. Every egg
26 handler shall obtain an annual license from the
27 department. The fee for the license shall be
28 determined on the basis of the total number of eggs
29 purchased ~~and or~~ handled during the preceding month
30 of April in each calendar year as follows:

- 31 1. Less than one hundred twenty-five cases....
32 ~~\$42.50~~ 15.00
33 2. One hundred twenty-five cases or more but
34 less than two hundred fifty cases..... ~~\$25.00~~ 35.00
35 3. Two hundred fifty cases or more but less
36 than one thousand cases..... ~~\$37.50~~ 50.00
37 4. One thousand cases or more but less than
38 five thousand cases..... ~~\$50.00~~ 100.00
39 5. Five thousand cases or more but less than
40 ten thousand cases..... ~~\$175.00~~
41 6. Ten thousand cases or more..... \$250.00

42 The license shall expire one year after its date
43 of issue. For the purpose of determining fees, a
44 case shall be thirty dozen eggs. All fees collected
45 shall be remitted to the treasurer of state for deposit
46 in the general fund of the state.

47 If an egg handler is not operating during the month
48 of April, the department shall estimate the volume
49 of eggs purchased or handled, or both, and may revise
50 the fee based on three months of operation.

H-5228

SENATE AMENDMENT TO H.F. 225

Page two

1 Sec. ____ . Section one hundred ninety-six point
2 four (196.4), unnumbered paragraph one (1), Code 1979,
3 is amended to read as follows:

4 Producers who sell eggs produced exclusively by
5 their own flocks directly to handlers, or to consumers,
6 shall not be required to obtain a candler's and
7 grader's license demonstrate to the department or
8 the United States department of agriculture inspector
9 their capability to perform candling and grading."

10 3. Page 1, by striking lines 27 through 35 and
11 inserting in lieu thereof the following: "Code 1979,
12 is amended to read as follows:

13 196.5 CANDLING AND GRADING LICENSE CAPABILITY.

14 A Each person who candles and grades eggs shall obtain
15 a candler and grader license from the department.
16 The license fee shall be three dollars per year for
17 such person. -- Before a license is issued, each person
18 who is engaged in candling and grading shall
19 demonstrate to the satisfaction of the department
20 or the United States department of agriculture
21 inspector, the capability to perform candling and
22 grading.

23 With the approval of the secretary, persons candling
24 and grading eggs may be appointed for a period of
25 not more than fourteen days pending licensing by the
26 department, if during this period the employer of
27 the temporary candler and grader will be responsible
28 for his or her work while acting in the capacity of
29 candler or grader."

30 4. Page 2, by inserting after line 7 the follow-
31 ing:

32 "Sec. ____ . Section one hundred ninety-six point
33 nine (196.9), Code 1979, is amended to read as follows:

34 196.9 EGGS UNFIT AS HUMAN FOOD. Eggs determined
35 to be unfit for human food under title 21, section
36 4034 103# of the United States Code as amended to
37 July 1, 1976 1979, shall not be bought or sold or
38 offered for purchase or sale by any person unless
39 the eggs are denatured so that they cannot be used
40 for human food."

41 5. By renumbering to conform to this amendment.

H-5228

FILED FEBRUARY 14, 1980

RECEIVED FROM THE SENATE

Have measured 4/5 (p. 1114)

HOUSE FILE 225

AN ACT

RELATING TO THE LICENSING AND REGULATIONS OF THE SALE OF EGGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section one hundred ninety-six point one (196.1), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. "Consumer" means a person who buys eggs for personal consumption.

Sec. 2. Section one hundred ninety-six point one (196.1), subsection two (2), Code 1979, is amended to read as follows:

2. "Egg handler" or "handler" means a person who buys or sells eggs, or uses eggs in the preparation of human food. "Egg handler" or "handler" does not include a retailer, a consumer, an ~~institution~~ establishment, or a producer who sells eggs as provided in section 196.4.

Sec. 3. Section one hundred ninety-six point one (196.1), subsection five (5), Code 1979, is amended to read as follows:

5. "Establishment" means any place in which eggs are offered or sold as human food for consumption by its employees, students, patrons, customers, residents, inmates or patients or as an ingredient in food offered or sold in a form ready for immediate consumption.

Sec. 4. Section one hundred ninety-six point one (196.1), subsection seven (7), Code 1979, is amended to read as follows:

7. "Grading" means classifying each shell egg by weight and grading in accordance with egg grading standards approved by the United States government as of July 1, 1976 1979, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq.

Sec. 5. Section one hundred ninety-six point two (196.2), Code 1979, is amended to read as follows:

196.2 ENFORCEMENT. The secretary shall enforce the provisions of this chapter, and may make rules pursuant to chapter 17A and consistent with regulations of the United States government as they exist on July 1, 1976 1979, pursuant to the Agricultural Marketing Act of 1946, 7 U.S.C. ss. 1621 et. seq., and the Egg Products Inspection Act of 1970, 21 U.S.C. ss. 1044 et. seq.

Sec. 6. Section one hundred ninety-six point three (196.3), Code 1979, is amended to read as follows:

196.3 EGG HANDLER'S LICENSE AND FEE. Every egg handler shall obtain an annual license from the department. The fee for the license shall be determined on the basis of the total number of eggs purchased ~~and~~ or handled during the preceding month of April in each calendar year as follows:

1. Less than one hundred twenty-five cases.....	\$12.50 <u>15.00</u>
2. One hundred twenty-five cases or more but less than two hundred fifty cases.....	\$25.00 <u>35.00</u>
3. Two hundred fifty cases or more but less than one thousand cases.....	\$37.50 <u>50.00</u>
4. One thousand cases or more <u>but less than five thousand cases</u>	\$50.00 <u>100.00</u>
5. <u>Five thousand cases or more but less than ten thousand cases</u>	<u>\$175.00</u>
6. <u>Ten thousand cases or more</u>	<u>\$250.00</u>

The license shall expire one year after its date of issue. For the purpose of determining fees, a case shall be thirty dozen eggs. All fees collected shall be remitted to the treasurer of state for deposit in the general fund of the state.

If an egg handler is not operating during the month of April, the department shall estimate the volume of eggs purchased or handled, or both, and may revise the fee based on three months of operation.

Sec. 7. Section one hundred ninety-six point four (196.4), unnumbered paragraph one (1), Code 1979, is amended to read as follows:

Producers who sell eggs produced exclusively by their own flocks directly to handlers, or to consumers, shall not be required to ~~obtain-a-candler's-and-grader's-license~~ demonstrate to the department or the United States department of agriculture inspector their capability to perform candling and grading.

Sec. 8. Section one hundred ninety-six point five (196.5), Code 1979, is amended to read as follows:

196.5 CANDLEING AND GRADING ~~PERSONS~~ CAPABILITY. A Each person who candles and grades eggs shall ~~obtain-a-candler and-grader-license-from-the-department.--The-license-fee-shall be-three-dollars-per-year-for-such-person.--Before-a-license is-issued,--each-person-who-is-engaged-in-candleing-and-grading shall~~ demonstrate to the satisfaction of the department or the United States department of agriculture inspector, the capability to perform candling and grading.

~~With-the-approval-of-the-secretary,--persons-candleing-and grading-eggs-may-be-appointed-for-a-period-of-not-more-than fourteen-days-pending-licensing-by-the-department,--if-during this-period-the-employer-of-the-temporary-candler-and-grader will-be-responsible-for-his-or-her-work-while-acting-in-the capacity-of-candler-or-grader.~~

Sec. 9. Section one hundred ninety-six point eight (196.8), Code 1979, is amended to read as follows:

196.6 QUALITY. All eggs offered for sale to an establishment must be no lower than United States department of agriculture consumer grade "B". Retailers selling eggs at retail must hold eggs at a temperature not to exceed sixty degrees fahrenheit or sixteen degrees celsius.

Sec. 10. Section one hundred ninety-six point nine (196.9), Code 1979, is amended to read as follows:

196.9 EGGS UNFIT AS HUMAN FOOD. Eggs determined to be unfit for human food under title 21, section ~~1031~~ 1034 of the United States Code as amended to July 1, ~~1976~~ 1979, shall not be bought or sold or offered for purchase or sale by any person unless the eggs are denatured so that they cannot be used for human food.

WILLIAM H. HARBOR
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 225, Sixty-eighth General Assembly.

BRUCE GRAHAM
Assistant Chief Clerk of the House

Approved April 21, 1980

ROBERT D. RAY
Governor