

Reprinted 3/10/88

FILED MAR 2 1988

SENATE FILE 2262
BY COMMITTEE ON AGRICULTURE
(Approved by 5/2)
(formerly 5582217)

Passed Senate, Date 3/10/88 (S. 743) Passed House, Date 4-7-88 (P. 1514)
Vote: Ayes 33 Nays 11 Vote: Ayes 60 Nays 30
Approved May 9, 1988

A BILL FOR

1 An Act relating to organically produced food by providing for the
2 establishment of standards, enforcement measures, penalties
3 and an effective date.

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

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SF 82162

1 Section 1. NEW SECTION. 190B.1 DEFINITIONS.

2 1. "Advertise" means to present a commercial message in
3 any medium, including but not limited to, print, radio,
4 television, sign, display, label, tag, or articulation.

5 2. "Department" means the department of agriculture and
6 land stewardship.

7 3. "Food product" means a product capable of human
8 consumption, including but not limited to meat, fish, poultry,
9 vegetables, fruit, honey, berries, eggs, seeds, dairy or grain
10 products, and any product composed of one or more of those
11 items.

12 4. "Label" means a commercial message in a printed medium
13 which is affixed by any method to a receptacle including a
14 container or package.

15 5. "Organic food" means a food product that satisfies the
16 requirements of section 190B.2.

17 6. "Processor" means a person who processes or
18 manufactures products containing ingredients that include a
19 food product.

20 7. "Produce" means grow, raise, collect, or harvest a food
21 product.

22 8. "Producer" means a person who produces a food product.

23 9. "Sale" or "sell" means a commercial transfer or offer
24 for sale and distribution in any manner.

25 10. "Synthetic" includes, but is not limited to, a
26 synthetic pesticide, hormone, antibiotic, growth stimulant, or
27 arsenic.

28 11. "Vendor" means a person, including but not limited to,
29 a producer or processor, who in the regular course of
30 business, sells food products.

31 Sec. 2. NEW SECTION. 190B.2 STANDARDS.

32 1. For a food product to be organic food it must be
33 considered to have been organically grown or produced or
34 composed of ingredients that were produced according to the
35 following standards:

- 1 a. Without the use of a synthetic material, as established
- 2 by the department.
- 3 b. Without the use of seeds that have been synthetically
- 4 treated, unless untreated seeds are not generally available.
- 5 c. With the use of soil that has been free of a synthetic
- 6 applied within the last year. After July 1, 1990, the soil
- 7 must have been free of a synthetic applied within the last two
- 8 years. After July 1, 1991, the soil must have been free of a
- 9 synthetic applied within the last three years.
- 10 d. Stored in a regular, cold, or controlled atmosphere.
- 11 If fumigation is needed, only diatomaceous earth or inert
- 12 gases may be used.

13 2. The rules established by the department shall be based
 14 on a two-year study which shall be performed by the department
 15 in cooperation with producers, processors, and vendors.

16 Sec. 3. NEW SECTION. 190B.3 RECORDS.

17 1. A producer who advertises food products for sale as
 18 organic, organically produced, or by using a derivative of the
 19 term organic, shall maintain accurate records in a manner
 20 prescribed by the department relating to the production of the
 21 food products. The records shall be retained for three years
 22 after the food products are sold and delivered by the
 23 producer.

24 2. A processor who advertises a food product as organic,
 25 organically produced, or by using a derivative of the term
 26 organic, shall maintain accurate records prescribed by the
 27 department, relating to the ingredients of the food product,
 28 the names and addresses of persons from whom the ingredients
 29 were purchased, and a copy of the sales receipts. The records
 30 shall be retained for three years after the food product is
 31 sold and delivered.

32 3. A vendor who advertises a food product as organic,
 33 organically produced, or by using a derivative of the term
 34 organic, shall maintain accurate records as prescribed by the
 35 department, relating to the names and addresses of persons

1 from whom the ingredients of the food product were purchased,
2 the date and quantity of ingredients purchased, and a copy of
3 the sales receipt. The records shall be retained for three
4 years after the food products are sold and delivered.

5 Sec. 4. NEW SECTION. 190B.4 SWORN STATEMENTS.

6 A producer shall not sell to a vendor a food product that
7 the producer advertises as organic, organically produced, or
8 by using a derivative of the term organic, unless before the
9 sale, the producer provides a sworn statement that the food
10 product satisfies the requirements of this chapter. The
11 vendor shall retain the statement as a record under section
12 190B.3.

13 Sec. 5. NEW SECTION. 190B.5 CERTIFICATION.

14 A food product or a receptacle containing a food product
15 that is labeled as organic, organically produced, or by using
16 a derivative of the term organic, shall not also be labeled as
17 "certified" or "verified" unless the name of the person that
18 provided the certification or verification is declared on the
19 label.

20 Sec. 6. NEW SECTION. 190B.6 IDENTITY MARKINGS.

21 A food product or a receptacle containing food products
22 that a vendor advertises as organic, organically produced, or
23 by using a derivative of the term organic shall be marked in a
24 manner that identifies the food product or all the food
25 products contained in a receptacle as organic food. A seal
26 issued by the department pursuant to section 190B.7 to
27 identify a food product as organic food and placed on the food
28 product or on the receptacle shall be a sufficient mark for
29 purposes of this section.

30 Sec. 7. NEW SECTION. 190B.7 DEPARTMENTAL AUTHORITY AND
31 DUTIES.

32 1. The department shall enforce this chapter and may adopt
33 rules, including emergency rules, pursuant to chapter 17A that
34 are necessary to clarify sections 190B.2 and implement
35 sections 190B.3 through 190B.6, this section, and section

1 190B.8.

2 2. The department may adopt rules providing for penalties,
3 pursuant to section 190B.8, to be imposed on producers,
4 processors, and vendors for a violation of this chapter or a
5 departmental rule adopted pursuant to this chapter.

6 3. The department shall investigate the sale of a food
7 product advertised as organic, organically produced, or by
8 using a derivative of the term organic if there is good reason
9 to believe that a provision of this chapter or of a rule
10 adopted pursuant to this chapter has been violated.

11 4. The department shall adopt rules to restrain a
12 producer, processor, or vendor from selling a food product
13 advertised as organic, organically produced, or by using a
14 derivative of the term organic, if there is good cause to
15 believe that the food product does not satisfy the standards
16 of section 190B.2.

17 5. The department may demand that a producer,
18 manufacturer, or vendor provide relevant information from
19 records required to be maintained pursuant to section 190B.3.

20 6. The department may inspect at reasonable times any area
21 where food products advertised as organic, organically
22 produced, or by a derivative of the term organic, are
23 produced, processed, or sold.

24 7. The department may establish grades based on the
25 standards described in section 190B.2 to distinguish between
26 organic foods produced according to different departmental
27 standards. The department may establish additional standards
28 based on product testing.

29 8. The department may create a seal to identify food
30 products as organic. The seal shall contain the following
31 language: "Organically produced in accordance with chapter
32 190B, Code of Iowa". The seal shall be placed on food
33 products or receptacles containing food products in a manner
34 prescribed by the department.

35 Sec. 8. NEW SECTION. 190B.8 PENALTIES.

1 A person who acts in violation of this chapter shall be
2 subject to one or more of the following:

3 1. A civil penalty of not more than five hundred dollars
4 may be imposed on a producer who sells a food product
5 advertised as organic, organically produced, or by using a
6 derivative of the term organic, and does not provide a sworn
7 statement, as required by section 190B.4, or provides a sworn
8 statement that is fraudulent. A civil penalty of not more
9 than five hundred dollars may be imposed on a vendor who
10 purchases a food product advertised by a producer as organic,
11 organically produced, or by using a derivative of the term
12 organic, without obtaining a sworn statement, as required by
13 section 190B.4 or obtaining a sworn statement that the vendor
14 knows or has reason to know is false.

15 2. A civil penalty of not more than five hundred dollars
16 may be imposed on a producer, processor, or vendor who fails
17 to maintain accurate records required under section 190B.3.

18 3. A civil penalty of not more than five hundred dollars
19 may be imposed on a vendor who sells a food product advertised
20 by the vendor as organic, organically produced, or by using a
21 derivative of the term organic, knowing that the product does
22 not satisfy the standards of section 190B.2.

23 4. A civil penalty of not more than five hundred dollars
24 may be imposed on a vendor who sells a food product advertised
25 by the vendor as organic, organically produced, or by using a
26 derivative of the term organic if the vendor fails to mark the
27 food product or a receptacle containing food products in
28 accordance with the requirements of section 190B.6.

29 5. A civil penalty of not more than five hundred dollars
30 may be imposed on a person who labels a food product or a
31 receptacle containing a food product as "certified" or
32 "verified" contrary to section 190B.6.

33 Sec. 9. NEW SECTION. 190B.9 INJUNCTIVE REMEDY.

34 The department or an individual, private organization or
35 association, county, or city may bring an action in district

1 court to restrain a vendor from selling food products that the
2 vendor falsely advertises as organic, organically produced, or
3 by using a derivative of the term organic. A petitioner shall
4 not be required to allege facts necessary to show, or tending
5 to show, a lack of adequate remedy at law, that irreparable
6 damage or loss will result if the action is brought at law or
7 that unique or special circumstances exist.

8 Sec. 10. NEW SECTION. 190B.10 COSTS.

9 An individual, private organization or association, county,
10 or city which prevails in an action to enjoin a vendor under
11 section 190B.9 before a district court, the court of appeals,
12 or the supreme court may be awarded court costs, the
13 reasonable costs of investigation, and reasonable attorney
14 fees related to the action. The department may require that a
15 producer, processor, or vendor who has violated a provision of
16 this chapter reimburse the department for the reasonable costs
17 of investigating and administering the case.

18 Sec. 11. This Act takes effect July 1, 1990, except the
19 study committee established under section 2 of this Act shall
20 be established on July 1, 1988.

21 EXPLANATION

22 This bill provides standards to be satisfied by a producer,
23 processor, or vendor of food products, before the product may
24 be advertised as organic. The bill requires that producers,
25 processors, and vendors keep certain records of their
26 transactions. It also provides for the enforcement of the
27 standards by the department of agriculture and land
28 stewardship, and provides for an injunctive remedy, penalties,
29 and an effective date.

30 SUCCESSOR TO SSB 2217 (LSB 8251SC)

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SENATE FILE 2262

S-5309

- 1 Amend Senate File 2262 as follows:
- 2 1. Page 1, line 7, by inserting after the words
- 3 "a product" the following: ", other than meat,".
- 4 2. Page 1, line 8, by striking the word "meat,".

S-5309

Filed March 10, 1988 WITHDRAWN BY JOHN E. SOORHOLTZ
also 3/10 (p. 742)

SENATE FILE 2262

S-5316

- 1 Amend Senate File 2262 as follows:
- 2 1. Page 3, line 33, by striking the following:
- 3 "including emergency rules,".

S-5316

Filed March 10, 1988 ADOPTED BY DALE L. TIEDEN
(p. 742)

SENATE FILE 2262

S-5319

- 1 Amend Senate File 2262 as follows:
- 2 1. Page 2, line 15, by inserting after the word
- 3 "vendors." the following: "In developing standards
- 4 related to meat, the department shall consult with
- 5 Iowa-based packers processors, retailers, producers and
- 6 consumers."

S-5319

Filed March 10, 1988 ADOPTED BY JOHN E. SOORHOLTZ
(p. 142)

2262 - 2/14
Com. on Agr. 3/25 (p. 1082)

SENATE FILE 2262
BY COMMITTEE ON AGRICULTURE

(AS AMENDED AND PASSED BY THE SENATE MARCH 10, 1988)

_____ - New Language by the Senate
* - Language Stricken by the Senate

Passed Senate, Date April 12, 1988 (p. 1455) Passed House, Date 4/7/88 (p. 1511)
Vote: Ayes 27 Nays 10 Vote: Ayes 60 Nays 30
Approved May 9, 1988

A BILL FOR

1 An Act relating to organically produced food by providing for the
2 establishment of standards, enforcement measures, penalties
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1 Section 1. NEW SECTION. 190B.1 DEFINITIONS.

2 1. "Advertise" means to present a commercial message in
3 any medium, including but not limited to, print, radio,
4 television, sign, display, label, tag, or articulation.

5 2. "Department" means the department of agriculture and
6 land stewardship.

7 3. "Food product" means a product capable of human
8 consumption, including but not limited to meat, fish, poultry,
9 vegetables, fruit, honey, berries, eggs, seeds, dairy or grain
10 products, and any product composed of one or more of those
11 items.

12 4. "Label" means a commercial message in a printed medium
13 which is affixed by any method to a receptacle including a
14 container or package.

15 5. "Organic food" means a food product that satisfies the
16 requirements of section 190B.2.

17 6. "Processor" means a person who processes or
18 manufactures products containing ingredients that include a
19 food product.

20 7. "Produce" means grow, raise, collect, or harvest a food
21 product.

22 8. "Producer" means a person who produces a food product.

23 9. "Sale" or "sell" means a commercial transfer or offer
24 for sale and distribution in any manner.

25 10. "Synthetic" includes, but is not limited to, a
26 synthetic pesticide, hormone, antibiotic, growth stimulant, or
27 arsenic.

28 11. "Vendor" means a person, including but not limited to,
29 a producer or processor, who in the regular course of
30 business, sells food products.

31 Sec. 2. NEW SECTION. 190B.2 STANDARDS.

32 1. For a food product to be organic food it must be
33 considered to have been organically grown or produced or
34 composed of ingredients that were produced according to the
35 following standards:

1 a. Without the use of a synthetic material, as established
2 by the department.

3 b. Without the use of seeds that have been synthetically
4 treated, unless untreated seeds are not generally available.

5 c. With the use of soil that has been free of a synthetic
6 applied within the last year. After July 1, 1990, the soil
7 must have been free of a synthetic applied within the last two
8 years. After July 1, 1991, the soil must have been free of a
9 synthetic applied within the last three years.

10 d. Stored in a regular, cold, or controlled atmosphere.
11 If fumigation is needed, only diatomaceous earth or inert
12 gases may be used.

13 2. The rules established by the department shall be based
14 on a two-year study which shall be performed by the department
15 in cooperation with producers, processors, and vendors. In
16 developing standards related to meat, the department shall
17 consult with Iowa-based packers, processors, retailers,
18 producers and consumers.

19 Sec. 3. NEW SECTION. 190B.3 RECORDS.

20 1. A producer who advertises food products for sale as
21 organic, organically produced, or by using a derivative of the
22 term organic, shall maintain accurate records in a manner
23 prescribed by the department relating to the production of the
24 food products. The records shall be retained for three years
25 after the food products are sold and delivered by the
26 producer.

27 2. A processor who advertises a food product as organic,
28 organically produced, or by using a derivative of the term
29 organic, shall maintain accurate records prescribed by the
30 department, relating to the ingredients of the food product,
31 the names and addresses of persons from whom the ingredients
32 were purchased, and a copy of the sales receipt. The records
33 shall be retained for three years after the food product is
34 sold and delivered.

35 3. A vendor who advertises a food product as organic,

1 organically produced, or by using a derivative of the term
2 organic, shall maintain accurate records as prescribed by the
3 department, relating to the names and addresses of persons
4 from whom the ingredients of the food product were purchased,
5 the date and quantity of ingredients purchased, and a copy of
6 the sales receipt. The records shall be retained for three
7 years after the food products are sold and delivered.

8 Sec. 4. NEW SECTION. 190B.4 SWORN STATEMENTS.

9 A producer shall not sell to a vendor a food product that
10 the producer advertises as organic, organically produced, or
11 by using a derivative of the term organic, unless before the
12 sale, the producer provides a sworn statement that the food
13 product satisfies the requirements of this chapter. The
14 vendor shall retain the statement as a record under section
15 190B.3.

16 Sec. 5. NEW SECTION. 190B.5 CERTIFICATION.

17 A food product or a receptacle containing a food product
18 that is labeled as organic, organically produced, or by using
19 a derivative of the term organic, shall not also be labeled as
20 "certified" or "verified" unless the name of the person that
21 provided the certification or verification is declared on the
22 label.

23 Sec. 6. NEW SECTION. 190B.6 IDENTITY MARKINGS.

24 A food product or a receptacle containing food products
25 that a vendor advertises as organic, organically produced, or
26 by using a derivative of the term organic shall be marked in a
27 manner that identifies the food product or all the food
28 products contained in a receptacle as organic food. A seal
29 issued by the department pursuant to section 190B.7 to
30 identify a food product as organic food and placed on the food
31 product or on the receptacle shall be a sufficient mark for
32 purposes of this section.

33 Sec. 7. NEW SECTION. 190B.7 DEPARTMENTAL AUTHORITY AND
34 DUTIES.

35 1. The department shall enforce this chapter and may adopt

* 1 rules, pursuant to chapter 17A that are necessary to clarify
2 sections 190B.2 and implement sections 190B.3 through 190B.6,
3 this section, and section 190B.8.

4 2. The department may adopt rules providing for penalties,
5 pursuant to section 190B.8, to be imposed on producers,
6 processors, and vendors for a violation of this chapter or a
7 departmental rule adopted pursuant to this chapter.

8 3. The department shall investigate the sale of a food
9 product advertised as organic, organically produced, or by
10 using a derivative of the term organic if there is good reason
11 to believe that a provision of this chapter or of a rule
12 adopted pursuant to this chapter has been violated.

13 4. The department shall adopt rules to restrain a
14 producer, processor, or vendor from selling a food product
15 advertised as organic, organically produced, or by using a
16 derivative of the term organic, if there is good cause to
17 believe that the food product does not satisfy the standards
18 of section 190B.2.

19 5. The department may demand that a producer,
20 manufacturer, or vendor provide relevant information from
21 records required to be maintained pursuant to section 190B.3.

22 6. The department may inspect at reasonable times any area
23 where food products advertised as organic, organically
24 produced, or by a derivative of the term organic, are
25 produced, processed, or sold.

26 7. The department may establish grades based on the
27 standards described in section 190B.2 to distinguish between
28 organic foods produced according to different departmental
29 standards. The department may establish additional standards
30 based on product testing.

31 8. The department may create a seal to identify food
32 products as organic. The seal shall contain the following
33 language: "Organically produced in accordance with chapter
34 190B, Code of Iowa". The seal shall be placed on food
35 products or receptacles containing food products in a manner

1 prescribed by the department.

2 Sec. 8. NEW SECTION. 190B.8 PENALTIES.

3 A person who acts in violation of this chapter shall be
4 subject to one or more of the following:

5 1. A civil penalty of not more than five hundred dollars
6 may be imposed on a producer who sells a food product
7 advertised as organic, organically produced, or by using a
8 derivative of the term organic, and does not provide a sworn
9 statement, as required by section 190B.4, or provides a sworn
10 statement that is fraudulent. A civil penalty of not more
11 than five hundred dollars may be imposed on a vendor who
12 purchases a food product advertised by a producer as organic,
13 organically produced, or by using a derivative of the term
14 organic, without obtaining a sworn statement, as required by
15 section 190B.4 or obtaining a sworn statement that the vendor
16 knows or has reason to know is false.

17 2. A civil penalty of not more than five hundred dollars
18 may be imposed on a producer, processor, or vendor who fails
19 to maintain accurate records required under section 190B.3.

20 3. A civil penalty of not more than five hundred dollars
21 may be imposed on a vendor who sells a food product advertised
22 by the vendor as organic, organically produced, or by using a
23 derivative of the term organic, knowing that the product does
24 not satisfy the standards of section 190B.2.

25 4. A civil penalty of not more than five hundred dollars
26 may be imposed on a vendor who sells a food product advertised
27 by the vendor as organic, organically produced, or by using a
28 derivative of the term organic if the vendor fails to mark the
29 food product or a receptacle containing food products in
30 accordance with the requirements of section 190B.6.

31 5. A civil penalty of not more than five hundred dollars
32 may be imposed on a person who labels a food product or a
33 receptacle containing a food product as "certified" or
34 "verified" contrary to section 190B.6.

35 Sec. 9. NEW SECTION. 190B.9 INJUNCTIVE REMEDY.

1 The department or an individual, private organization or
2 association, county, or city may bring an action in district
3 court to restrain a vendor from selling food products that the
4 vendor falsely advertises as organic, organically produced, or
5 by using a derivative of the term organic. A petitioner shall
6 not be required to allege facts necessary to show, or tending
7 to show, a lack of adequate remedy at law, that irreparable
8 damage or loss will result if the action is brought at law or
9 that unique or special circumstances exist.

10 Sec. 10. NEW SECTION. 190B.10 COSTS.

11 An individual, private organization or association, county,
12 or city which prevails in an action to enjoin a vendor under
13 section 190B.9 before a district court, the court of appeals,
14 or the supreme court may be awarded court costs, the
15 reasonable costs of investigation, and reasonable attorney
16 fees related to the action. The department may require that a
17 producer, processor, or vendor who has violated a provision of
18 this chapter reimburse the department for the reasonable costs
19 of investigating and administering the case.

20 Sec. 11. This Act takes effect July 1, 1990, except the
21 study committee established under section 2 of this Act shall
22 be established on July 1, 1988.

23 SUCCESSOR TO SSB 2217 (LSB 8251SC)

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HOUSE AMENDMENT TO
SENATE FILE 2262

S-5891

- 1 Amend Senate File 2262, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting before line 1, the
4 following:
5 "Section 1. Section 190.1, Code 1987, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 68. SORGHUM SYRUP. Sorghum syrup
8 is liquid food derived by the concentration and heat
9 treatment of the juice of sorghum cane."
10 2. Page 1, line 7, by inserting after the words
11 "a product" the following: "other than beef or pork".
12 3. Page 1, line 8, by striking the word "meat,".
13 4. Page 1, line 27, by striking the word
14 "arsenic" and inserting the following: "arsenical".
15 5. Page 1, line 34, by inserting after the word
16 "were" the following: "all".
17 6. Page 2, line 14, by striking the word "two-
18 year" and inserting the following: "one-year".
19 7. Page 2, line 15, by striking the word "in".
20 8. Page 2, by striking lines 16 through 18.
21 9. Page 3, line 4, by inserting after the words
22 "whom the" the following: "food product or".
23 10. Page 3, line 28, by inserting after the word
24 "food." the following: "A food product advertised as
25 organic, organically produced, or by using a
26 derivative of the term organic, shall not include an
27 ingredient unless the product or receptacle containing
28 the product is marked in a manner that identifies the
29 ingredient."
30 11. Page 6, line 20, by striking the figure
31 "1990" and inserting the following: "1989".
32 12. By renumbering, relettering, or redesignating
33 and correcting internal references as necessary.

S-5891

Filed April 11, 1988

RECEIVED FROM THE HOUSE

Senate concurred 4/12 (of 1455)

SENATE FILE 2262

H-5900

- 1 Amend Senate File 2262, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 1, line 7, by inserting after the words
4 "a product" the following: "other than beef or pork".
5 2. Page 2, line 14, by striking the word "two-
6 year" and inserting the following: "one-year".
7 3. Page 2, line 15, by striking the word "In".
8 4. Page 2, by striking lines 16 through 18.
9 5. Page 3, line 4, by inserting after the words
10 "whom the" the following: "food product or".
11 6. By striking page 3, line 33 through page 6,
12 line 22.
13 7. Title page, by striking lines 2 and 3, and
14 inserting the following: "establishment of standards,
15 and requiring documentation."

By COMMITTEE ON AGRICULTURE
OSTERBERG of Linn, Chairperson

H-5900 FILED MARCH 25, 1988

Adopted as amended by 6241 4/7 (p. 1514)

SENATE FILE 2262

H-6197

- 1 Amend the amendment, H-5900, to Senate File 2262,
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 4, the
5 following:
6 "____". Page 1, line 8, by striking the word
7 "meat,".
8 _____. Page 1, line 27, by striking the word
9 "arsenic" and inserting the following: "arsenical".
10 2. Page 1, by striking lines 5 through 8.
11 3. Page 1, by striking lines 11 through 15.

By GRUHN of Dickinson RUNNING of Linn
FOGARTY of Palo Alto OSTERBERG of Linn
BRANSTAD of Winnebago McKEAN of Jones
MUHLBAUER of Crawford KREMER of Buchanan

H-6197 FILED APRIL 4, 1988

Adopted 4/7 (p. 1514)

SENATE FILE 2262

H-6259

- 1 Amend Senate File 2262 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by striking line 4 and inserting the
4 following: "treated."
5 2. Page 2, by striking lines 6 through 9 and
6 inserting the following: "applied within the last
7 five years."

By KOENIGS of Mitchell

H-6259 FILED APRIL 6, 1988

Adopted 4/7 (p. 1514)

SENATE FILE 2262

H-6208

1 Amend Senate File 2262, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 190.1, Code 1987, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 68. SORGHUM SYRUP. Sorghum syrup
8 is liquid food derived by the concentration and heat
9 treatment of the juice of sorghum cane."

10 2. Page 1, line 34, by inserting after the word
11 "were" the following: "all".

12 3. Page 3, line 28, by inserting after the word
13 "food." the following: "A food product advertised as
14 organic, organically produced, or by using a
15 derivative of the term organic, shall not include an
16 ingredient unless the product or receptacle containing
17 the product is marked in a manner that identifies the
18 ingredient."

19 4. By renumbering as necessary.

By SCHRADER of Marion

H-6208 FILED APRIL 5, 1988

Adopted 4/7 (p. 1514)

SENATE FILE 2262

H-6241

1 Amend the amendment, H-5900, to Senate File 2262,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 11 through 15 and
5 inserting the following:

6 "____". Page 6, line 20, by striking the figure
7 "1990" and inserting the following: "1989"."

By GRUHN of Dickinson

FOGARTY of Palo Alto

BLACK of Jasper

FULLER of Hardin

RUNNING of Linn

McKEAN of Jones

OSTERBERG of Linn

TABOR of Jackson

TEAFORD of Black Hawk

PETERSON of Carroll

HARPER of Black Hawk

PAVICH of Pottawattamie

MAY of Worth

SCHRADER of Marion

MUHLBAUER of Crawford

SVOBODA of Tama

BLANSHAN of Greene

HALVORSON of Webster

H-6241 FILED APRIL 5, 1988

Adopted 4/7 (p. 1514)

SENATE FILE 2262

H-6242

1 Amend Senate File 2262, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 8, by striking the word "meat,".

4 2. Page 1, line 27, by striking the word

5 "arsenic" and inserting the following: "arsenical".

By GRUHN of Dickinson

KREMER of Buchanan

H-6242 FILED APRIL 5, 1988

Adopted 4/7 (p. 1515)

LSB

SSB 2217
AGRICULTURE

SSB 2217

AGRICULTURE: Riordan, Chair; Soorholtz and Scott

SENATE FILE

2262

BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to organically produced food by providing for the
2 establishment of standards, enforcement measures, penalties
3 and an effective date.

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

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1 Section 1. NEW SECTION. 190B.1 DEFINITIONS.

2 1. "Advertise" means to present a commercial message in
3 any medium, including but not limited to, print, radio,
4 television, sign, display, label, tag, or articulation.

5 2. "Department" means the department of agriculture and
6 land stewardship.

7 3. "Food product" means a product capable of human
8 consumption, including but not limited to meat, fish, poultry,
9 vegetables, fruit, honey, berries, eggs, seeds, dairy or grain
10 products, and any product composed of one or more of those
11 items.

12 4. "Label" means a commercial message in a printed medium
13 which is affixed by any method to a receptacle including a
14 container or package.

15 5. "Organic food" means a food product that satisfies the
16 requirements of section 190B.2.

17 6. "Processor" means a person who processes or
18 manufactures products containing ingredients that include a
19 food product.

20 7. "Produce" means grow, raise, collect, or harvest a food
21 product.

22 8. "Producer" means a person who produces a food product.

23 9. "Sale" or "sell" means a commercial transfer or offer
24 for sale and distribution in any manner.

25 10. "Synthetic" includes, but is not limited to, a
26 synthetic pesticide, hormone, antibiotic, growth stimulant, or
27 arsenic.

28 11. "Vendor" means a person, including but not limited to,
29 a producer or processor, who in the regular course of
30 business, sells food products.

31 Sec. 2. NEW SECTION. 190B.2 STANDARDS.

32 1. For a food product to be organic food it must be
33 considered to have been organically grown or produced or
34 composed of ingredients that were produced according to the
35 following standards:

1 a. Without the use of a synthetic material, as established
2 by the department.

3 b. Without the use of seeds that have been synthetically
4 treated, unless untreated seeds are not generally available.

5 c. With the use of soil that has been free of a synthetic
6 applied within the last year. After July 1, 1990, the soil
7 must have been free of a synthetic applied within the last two
8 years. After July 1, 1991, the soil must have been free of a
9 synthetic applied within the last three years.

10 d. Stored in a regular, cold, or controlled atmosphere.
11 If fumigation is needed, only diatomaceous earth or inert
12 gases may be used.

13 2. The rules established by the department shall be based
14 on a two-year study which shall be performed by the department
15 in cooperation with producers, processors, and vendors.

16 Sec. 3. NEW SECTION. 190B.3 RECORDS.

17 1. A producer who advertises food products for sale as
18 organic, organically produced, or by using a derivative of the
19 term organic, shall maintain accurate records in a manner
20 prescribed by the department relating to the production of the
21 food products. The records shall be retained for three years
22 after the food products are sold and delivered by the
23 producer.

24 2. A processor who advertises a food product as organic,
25 organically produced, or by using a derivative of the term
26 organic, shall maintain accurate records prescribed by the
27 department, relating to the ingredients of the food product,
28 the names and addresses of persons from whom the ingredients
29 were purchased, and a copy of the sales receipt. The records
30 shall be retained for three years after the food product is
31 sold and delivered.

32 3. A vendor who advertises a food product as organic,
33 organically produced, or by using a derivative of the term
34 organic, shall maintain accurate records as prescribed by the
35 department, relating to the names and addresses of persons

1 from whom the ingredients of the food product were purchased,
2 the date and quantity of ingredients purchased, and a copy of
3 the sales receipt. The records shall be retained for three
4 years after the food products are sold and delivered.

5 Sec. 4. NEW SECTION. 190B.4 SWORN STATEMENTS.

6 A producer shall not sell to a vendor a food product that
7 the producer advertises as organic, organically produced, or
8 by using a derivative of the term organic, unless before the
9 sale, the producer provides a sworn statement that the food
10 product satisfies the requirements of this chapter. The
11 vendor shall retain the statement as a record under section
12 190B.3..

13 Sec. 5. NEW SECTION. 190B.5 CERTIFICATION.

14 A food product or a receptacle containing a food product
15 that is labeled as organic, organically produced, or by using
16 a derivative of the term organic, shall not also be labeled as
17 "certified" or "verified" unless the name of the person that
18 provided the certification or verification is declared on the
19 label.

20 Sec. 6. NEW SECTION. 190B.6 IDENTITY MARKINGS.

21 A food product or a receptacle containing food products
22 that a vendor advertises as organic, organically produced, or
23 by using a derivative of the term organic shall be marked in a
24 manner that identifies the food product or all the food
25 products contained in a receptacle as organic food. A seal
26 issued by the department pursuant to section 190B.7 to
27 identify a food product as organic food and placed on the food
28 product or on the receptacle shall be a sufficient mark for
29 purposes of this section.

30 Sec. 7. NEW SECTION. 190B.7 DEPARTMENTAL AUTHORITY AND
31 DUTIES.

32 1. The department shall enforce this chapter and may adopt
33 rules, including emergency rules, pursuant to chapter 17A that
34 are necessary to clarify sections 190B.2 and implement
35 sections 190B.3 through 190B.6, this section, and section

1 190B.8.

2 2. The department may adopt rules providing for penalties,
3 pursuant to section 190B.8, to be imposed on producers,
4 processors, and vendors for a violation of this chapter or a
5 departmental rule adopted pursuant to this chapter.

6 3. The department shall investigate the sale of a food
7 product advertised as organic, organically produced, or by
8 using a derivative of the term organic if there is good reason
9 to believe that a provision of this chapter or of a rule
10 adopted pursuant to this chapter has been violated.

11 4. The department shall adopt rules to restrain a
12 producer, processor, or vendor from selling a food product
13 advertised as organic, organically produced, or by using a
14 derivative of the term organic, if there is good cause to
15 believe that the food product does not satisfy the standards
16 of section 190B.2.

17 5. The department may demand that a producer,
18 manufacturer, or vendor provide relevant information from
19 records required to be maintained pursuant to section 190B.3.

20 6. The department may inspect at reasonable times any area
21 where food products advertised as organic, organically
22 produced, or by a derivative of the term organic, are
23 produced, processed, or sold.

24 7. The department may establish grades based on the
25 standards described in section 190B.2 to distinguish between
26 organic foods produced according to different departmental
27 standards. The department may establish additional standards
28 based on product testing.

29 8. The department may create a seal to identify food
30 products as organic. The seal shall contain the following
31 language: "Organically produced in accordance with chapter
32 190B, Code of Iowa". The seal shall be placed on food
33 products or receptacles containing food products in a manner
34 prescribed by the department.

35 Sec. 8. NEW SECTION. 190B.8 PENALTIES.

1 A person who acts in violation of this chapter shall be
2 subject to one or more of the following:

3 1. A civil penalty of not more than five hundred dollars
4 may be imposed on a producer who sells a food product
5 advertised as organic, organically produced, or by using a
6 derivative of the term organic, and does not provide a sworn
7 statement, as required by section 190B.4, or provides a sworn
8 statement that is fraudulent. A civil penalty of not more
9 than five hundred dollars may be imposed on a vendor who
10 purchases a food product advertised by a producer as organic,
11 organically produced, or by using a derivative of the term
12 organic, without obtaining a sworn statement, as required by
13 section 190B.4 or obtaining a sworn statement that the vendor
14 knows or has reason to know is false.

15 2. A civil penalty of not more than five hundred dollars
16 may be imposed on a producer, processor, or vendor who fails
17 to maintain accurate records required under section 190B.3.

18 3. A civil penalty of not more than five hundred dollars
19 may be imposed on a vendor who sells a food product advertised
20 by the vendor as organic, organically produced, or by using a
21 derivative of the term organic, knowing that the product does
22 not satisfy the standards of section 190B.2.

23 4. A civil penalty of not more than five hundred dollars
24 may be imposed on a vendor who sells a food product advertised
25 by the vendor as organic, organically produced, or by using a
26 derivative of the term organic if the vendor fails to mark the
27 food product or a receptacle containing food products in
28 accordance with the requirements of section 190B.6.

29 5. A civil penalty of not more than five hundred dollars
30 may be imposed on a person who labels a food product or a
31 receptacle containing a food product as "certified" or
32 "verified" contrary to section 190B.6.

33 Sec. 9. NEW SECTION. 190B.9 INJUNCTIVE REMEDY.

34 The department or an individual, private organization or
35 association, county, or city may bring an action in district

1 court to restrain a vendor from selling food products that the
2 vendor falsely advertises as organic, organically produced, or
3 by using a derivative of the term organic. A petitioner shall
4 not be required to allege facts necessary to show, or tending
5 to show, a lack of adequate remedy at law, that irreparable
6 damage or loss will result if the action is brought at law or
7 that unique or special circumstances exist.

8 Sec. 10. NEW SECTION. 190B.10 COSTS.

9 An individual, private organization or association, county,
10 or city which prevails in an action to enjoin a vendor under
11 section 190B.9 before a district court, the court of appeals,
12 or the supreme court may be awarded court costs, the
13 reasonable costs of investigation, and reasonable attorney
14 fees related to the action. The department may require that a
15 producer, processor, or vendor who has violated a provision of
16 this chapter reimburse the department for the reasonable costs
17 of investigating and administering the case.

18 Sec. 11. This Act takes effect July 1, 1990, except the
19 study committee established under section 2 of this Act shall
20 be established on July 1, 1988.

21 EXPLANATION

22 This bill provides standards to be satisfied by a producer,
23 processor, or vendor of food products, before the product may
24 be advertised as organic. The bill requires that producers,
25 processors, and vendors keep certain records of their
26 transactions. It also provides for the enforcement of the
27 standards by the department of agriculture and land
28 stewardship, and provides for an injunctive remedy, penalties,
29 and an effective date.

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SENATE FILE 2262

AN ACT
RELATIVE TO ORGANICALLY PRODUCED FOOD BY PROVIDING FOR THE
ESTABLISHMENT OF STANDARDS, ENFORCEMENT MEASURES, PENALTIES
AND AN EFFECTIVE DATE.

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

Section 1. Section 190.1, Code 1987, is amended by adding
the following new subsection:

NEW SUBSECTION. 68. SORGHUM SYRUP. Sorghum syrup is
liquid food derived by the concentration and heat treatment of
the juice of sorghum cane.

Sec. 2. NEW SECTION. 190B.1 DEFINITIONS.

1. "Advertise" means to present a commercial message in
any medium, including but not limited to, print, radio,
television, sign, display, label, tag, or articulation.
2. "Department" means the department of agriculture and
land stewardship.
3. "Food product" means a product other than beef or pork
capable of human consumption, including but not limited to
fish, poultry, vegetables, fruit, honey, berries, eggs, seeds,
dairy or grain products, and any product composed of one or
more of those items.
4. "Label" means a commercial message in a printed medium
which is affixed by any method to a receptacle including a
container or package.
5. "Organic food" means a food product that satisfies the
requirements of section 190B.2.
6. "Processor" means a person who processes or
manufactures products containing ingredients that include a
food product.
7. "Produce" means grow, raise, collect, or harvest a food
product.

8. "Producer" means a person who produces a food product.
9. "Sale" or "sell" means a commercial transfer or offer
for sale and distribution in any manner.
10. "Synthetic" includes, but is not limited to, a
synthetic pesticide, hormone, antibiotic, growth stimulant, or
arsenical.
11. "Vendor" means a person, including but not limited to,
a producer or processor, who in the regular course of
business, sells food products.

Sec. 3. NEW SECTION. 190B.2 STANDARDS.

1. For a food product to be organic food it must be
considered to have been organically grown or produced or
composed of ingredients that were all produced according to
the following standards:
 - a. Without the use of a synthetic material, as established
by the department.
 - b. Without the use of seeds that have been synthetically
treated, unless untreated seeds are not generally available.
 - c. With the use of soil that has been free of a synthetic
applied within the last year. After July 1, 1990, the soil
must have been free of a synthetic applied within the last two
years. After July 1, 1991, the soil must have been free of a
synthetic applied within the last three years.
 - d. Stored in a regular, cold, or controlled atmosphere.
If fumigation is needed, only diatomaceous earth or inert
gases may be used.
2. The rules established by the department shall be based
on a one-year study which shall be performed by the department
in cooperation with producers, processors, and vendors.

Sec. 4. NEW SECTION. 190B.3 RECORDS.

1. A producer who advertises food products for sale as
organic, organically produced, or by using a derivative of the
term organic, shall maintain accurate records in a manner
prescribed by the department relating to the production of the
food products. The records shall be retained for three years

after the food products are sold and delivered by the producer.

2. A processor who advertises a food product as organic, organically produced, or by using a derivative of the term organic, shall maintain accurate records prescribed by the department, relating to the ingredients of the food product, the names and addresses of persons from whom the ingredients were purchased, and a copy of the sales receipt. The records shall be retained for three years after the food product is sold and delivered.

3. A vendor who advertises a food product as organic, organically produced, or by using a derivative of the term organic, shall maintain accurate records as prescribed by the department, relating to the names and addresses of persons from whom the food product or ingredients of the food product were purchased, the date and quantity of ingredients purchased, and a copy of the sales receipt. The records shall be retained for three years after the food products are sold and delivered.

Sec. 5. NEW SECTION. 190B.4 SWORN STATEMENTS.

A producer shall not sell to a vendor a food product that the producer advertises as organic, organically produced, or by using a derivative of the term organic, unless before the sale, the producer provides a sworn statement that the food product satisfies the requirements of this chapter. The vendor shall retain the statement as a record under section 190B.3.

Sec. 6. NEW SECTION. 190B.5 CERTIFICATION.

A food product or a receptacle containing a food product that is labeled as organic, organically produced, or by using a derivative of the term organic, shall not also be labeled as "certified" or "verified" unless the name of the person that provided the certification or verification is declared on the label.

Sec. 7. NEW SECTION. 190B.6 IDENTITY MARKINGS.

A food product or a receptacle containing food products that a vendor advertises as organic, organically produced, or by using a derivative of the term organic shall be marked in a manner that identifies the food product or all the food products contained in a receptacle as organic food. A food product advertised as organic, organically produced, or by using a derivative of the term organic, shall not include an ingredient unless the product or receptacle containing the product is marked in a manner that identifies the ingredient. A seal issued by the department pursuant to section 190B.7 to identify a food product as organic food and placed on the food product or on the receptacle shall be a sufficient mark for purposes of this section.

Sec. 8. NEW SECTION. 190B.7 DEPARTMENTAL AUTHORITY AND DUTIES.

1. The department shall enforce this chapter and may adopt rules, pursuant to chapter 17A that are necessary to clarify section 190B.2 and implement sections 190B.3 through 190B.6, this section, and section 190B.8.

2. The department may adopt rules providing for penalties, pursuant to section 190B.8, to be imposed on producers, processors, and vendors for a violation of this chapter or a departmental rule adopted pursuant to this chapter.

3. The department shall investigate the sale of a food product advertised as organic, organically produced, or by using a derivative of the term organic if there is good reason to believe that a provision of this chapter or of a rule adopted pursuant to this chapter has been violated.

4. The department shall adopt rules to restrain a producer, processor, or vendor from selling a food product advertised as organic, organically produced, or by using a derivative of the term organic, if there is good cause to believe that the food product does not satisfy the standards of section 190B.2.

5. The department may demand that a producer, manufacturer, or vendor provide relevant information from records required to be maintained pursuant to section 190B.3.

6. The department may inspect at reasonable times any area where food products advertised as organic, organically produced, or by a derivative of the term organic, are produced, processed, or sold.

7. The department may establish grades based on the standards described in section 190B.2 to distinguish between organic foods produced according to different departmental standards. The department may establish additional standards based on product testing.

8. The department may create a seal to identify food products as organic. The seal shall contain the following language: "Organically produced in accordance with chapter 190B, Code of Iowa". The seal shall be placed on food products or receptacles containing food products in a manner prescribed by the department.

Sec. 9. NEW SECTION. 190B.8 PENALTIES.

A person who acts in violation of this chapter shall be subject to one or more of the following:

1. A civil penalty of not more than five hundred dollars may be imposed on a producer who sells a food product advertised as organic, organically produced, or by using a derivative of the term organic, and does not provide a sworn statement, as required by section 190B.4, or provides a sworn statement that is fraudulent. A civil penalty of not more than five hundred dollars may be imposed on a vendor who purchases a food product advertised by a producer as organic, organically produced, or by using a derivative of the term organic, without obtaining a sworn statement, as required by section 190B.4 or obtaining a sworn statement that the vendor knows or has reason to know is false.

2. A civil penalty of not more than five hundred dollars may be imposed on a producer, processor, or vendor who fails to maintain accurate records required under section 190B.1.

3. A civil penalty of not more than five hundred dollars may be imposed on a vendor who sells a food product advertised by the vendor as organic, organically produced, or by using a derivative of the term organic, knowing that the product does not satisfy the standards of section 190B.2.

4. A civil penalty of not more than five hundred dollars may be imposed on a vendor who sells a food product advertised by the vendor as organic, organically produced, or by using a derivative of the term organic if the vendor fails to mark the food product or a receptacle containing food products in accordance with the requirements of section 190B.6.

5. A civil penalty of not more than five hundred dollars may be imposed on a person who labels a food product or a receptacle containing a food product as "certified" or "verified" contrary to section 190B.6.

Sec. 10. NEW SECTION. 190B.9 INJUNCTIVE REMEDY.

The department or an individual, private organization or association, county, or city may bring an action in district court to restrain a vendor from selling food products that the vendor falsely advertises as organic, organically produced, or by using a derivative of the term organic. A petitioner shall not be required to allege facts necessary to show, or tending to show, a lack of adequate remedy at law, that irreparable damage or loss will result if the action is brought at law or that unique or special circumstances exist.

Sec. 11. NEW SECTION. 190B.10 COSTS.

An individual, private organization or association, county, or city which prevails in an action to enjoin a vendor under section 190B.9 before a district court, the court of appeals, or the supreme court may be awarded court costs, the reasonable costs of investigation, and reasonable attorney fees related to the action. The department may require that a producer, processor, or vendor who has violated a provision of this chapter reimburse the department for the reasonable costs of investigating and administering the case.

Sec. 12. This Act takes effect July 1, 1989, except the study committee established under section 3 of this Act shall be established on July 1, 1988.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2262, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 9, 1988

TERRY E. BRANSTAD
Governor