

Substituted for HF 193
4-4-95
(P. 1198)

3-8-95 Agriculture
3-14-95 Do Pass

FILED MAR 8 1995

SENATE FILE 278

BY BLACK

(COMPANION TO HF 193 BY
DAGGETT)

(P. 1763)
Passed Senate, Date 3/21/95
Vote: Ayes 50 Nays 0

(P. 137A)
Passed House, Date 4-10-95
Vote: Ayes 97 Nays 0

(P. 1154) Approved
Passed 4-12-95
Vote 48-0

A BILL FOR

1 An Act providing that animals classified as ostriches, rheas, and
2 emus are considered livestock.

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

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S.F. 278

1 Section 1. Section 4.1, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 13A. "Livestock" includes but is not
4 limited to an animal classified as an ostrich, rhea, or emu.

5 Sec. 2. Section 9H.5A, subsection 3, paragraph g, Code
6 1995, is amended to read as follows:

7 g. The approximate number of livestock, including cattle,
8 sheep, swine, ostriches, rheas, emus, or poultry, owned,
9 contracted for, or kept by the corporation, limited liability
10 company, trust, or limited partnership, and the approximate
11 number of offspring produced from the livestock.

12 Sec. 3. Section 96.19, subsection 18, paragraph g,
13 subparagraph (3), subparagraph subdivision (f), Code 1995, is
14 amended to read as follows:

15 (f) The term "farm" includes stock livestock, dairy,
16 poultry, fruit, fur-bearing animals, and truck farms,
17 plantations, ranches, nurseries, ranges, greenhouses or other
18 similar structures used primarily for the raising of
19 agricultural or horticultural commodities, and orchards.

20 Sec. 4. Section 162.2, subsection 17, Code 1995, is
21 amended to read as follows:

22 17. "Vertebrate animal" means those vertebrate animals
23 other than members of the equine, bovine, ovine, and porcine
24 species, and ostriches, rheas, or emus.

25 Sec. 5. Section 166D.2, subsection 29, Code 1995, is
26 amended to read as follows:

27 29. "Livestock" means swine, cattle, sheep, goats, and
28 horses, ostriches, rheas, or emus.

29 Sec. 6. Section 172B.1, subsection 2, Code 1995, is
30 amended to read as follows:

31 2. "Livestock" means and includes live cattle, swine,
32 sheep, or horses, ostriches, rheas, or emus, and the carcasses
33 of such animals whether in whole or in part.

34 Sec. 7. Section 172D.1, subsection 9, Code 1995, is
35 amended to read as follows:

1 9. "Livestock" means cattle, sheep, swine, ostriches,
2 rheas, emus, poultry, and other animals or fowl, which are
3 being produced primarily for use as food or food products for
4 human consumption.

5 Sec. 8. Section 189A.2, subsections 14, 16, and 25, Code
6 1995, are amended to read as follows:

7 14. "Livestock" means ~~any~~ cattle, sheep, swine, goats,
8 ostriches, rheas, emus, or equines, including horses, and
9 ~~mules or other equines,~~ whether live or dead.

10 16. "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 products
16 of the meat food industry, and which are exempted from
17 definition as a meat food product by the secretary under such
18 conditions as the secretary may prescribe to assure that the
19 meat or other portions of such carcass contained in such
20 product are not adulterated and that such products are not
21 represented as meat food products. This term as applied to
22 food products of equines or ostriches, rheas, or emus shall
23 have a meaning comparable to that provided in this paragraph
24 with respect to cattle, sheep, swine, and goats.

25 25. "Poultry" means any domesticated bird, whether live or
26 dead. However, poultry does not include ostriches, rheas, or
27 emus.

28 Sec. 9. Section 189A.18, Code 1995, is amended to read as
29 follows:

30 189A.18 HUMANE SLAUGHTER PRACTICES.

31 Every establishment subject to the provisions of this
32 chapter engaged in the slaughter of bovine, porcine, or ovine
33 animals or ostriches, rheas, or emus shall slaughter all such
34 animals in an approved humane slaughtering method. For
35 purposes of this section an approved humane slaughtering

1 method shall include and be limited to slaughter by shooting,
2 electrical shock, captive bolt, or use of carbon dioxide gas
3 prior to the animal being shackle hoisted, thrown, cast or
4 cut; however, the slaughtering, handling or other preparation
5 of livestock in accordance with the ritual requirements of the
6 Jewish or any other faith that prescribes and requires a
7 method whereby slaughter becomes effected by severance of the
8 carotid arteries with a sharp instrument is hereby designated
9 and approved as a humane method of slaughter under the law.

10 Sec. 10. Section 267.1, subsection 2, Code 1995, is
11 amended to read as follows:

12 2. "Livestock" means swine, sheep, poultry, and cattle,
13 ostriches, rheas, or emus.

14 Sec. 11. Section 427C.10, Code 1995, is amended to read as
15 follows:

16 427C.10 RESTRAINT OF LIVESTOCK AND LIMITATION ON USE.

17 Cattle, horses, mules, sheep, goats, ostriches, rheas,
18 emus, and ~~hogs~~ swine shall not be permitted upon a fruit-tree
19 or forest reservation. Fruit-tree and forest reservations
20 shall not be used for economic gain other than the gain from
21 raising fruit or forest trees.

22 Sec. 12. Section 554A.1, subsection 1, unnumbered
23 paragraph 1, Code 1995, is amended to read as follows:

24 Notwithstanding section 554.2316, subsection 2, all implied
25 warranties arising under sections 554.2314 and 554.2315 are
26 excluded from a sale of cattle, hogs, sheep, ostriches, rheas,
27 emus, and horses if the following information is disclosed to
28 the prospective buyer or the buyer's agent in advance of the
29 sale, and if confirmed in writing at or before the time of
30 acceptance of the livestock when confirmation is requested by
31 the buyer or the buyer's agent:

32 Sec. 13. Section 570A.1, subsection 11, Code 1995, is
33 amended to read as follows:

34 11. "Livestock" means cattle, sheep, swine, ostriches,
35 rheas, emus, poultry, or other animals or fowl.

1 Sec. 14. Section 717.1, subsection 2, Code 1995, is
2 amended to read as follows:

3 2. "Livestock" means an animal belonging to the bovine,
4 caprine, equine, ovine, or porcine species, ostriches, rneas,
5 emus, or poultry.

6 Sec. 15. Section 717A.1, subsection 1, paragraph a, Code
7 1995, is amended to read as follows:

8 a. "Animal" means a ~~warm-~~ warm-blooded or cold-blooded
9 animal, including an animal belonging to the bovine, canine,
10 feline, equine, ovine, or porcine species, or ostriches,
11 rneas, or emus; an animal which belongs to a species of
12 poultry or fish; or an animal which is an invertebrate.

13 EXPLANATION

14 This bill provides that the term "livestock" as it is used
15 in the Code of Iowa includes animals which are classified as
16 ostriches, rneas, or emus. The term "livestock" is used
17 throughout the Code, often without definition. This bill
18 amends section 4.1, which provides common definitions for use
19 in interpreting Code sections generally, and also amends
20 various chapters which for purposes of that chapter define the
21 term "livestock" or which list common species commonly
22 considered livestock (e.g., cattle, swine, and horses). The
23 bill specifically amends chapters relating to corporate
24 farming, employment security, the care of animals in
25 commercial establishments, pseudorabies control, feedlots,
26 meat and poultry inspection, the livestock health advisory
27 council, forest or fruit-tree reservations, warranties
28 exemptions, agricultural supply dealer liens, livestock
29 cruelty, and offenses involving animal facilities.

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SENATE FILE 278

H-3575

1 Amend Senate File 278, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 12 the
4 following:

5 "Sec. _____. The department of agriculture and land
6 stewardship shall adopt rules providing for the
7 slaughter of ostriches, rheas, and emus under
8 voluntary inspection. The rules shall provide for
9 humane slaughter and include a fee schedule for such
10 inspections. In order to implement this Act, the
11 department shall adopt rules as required under this
12 section to be effective no later than January 1,
13 1996."

14 2. By renumbering as necessary.

By BOGGESS of Taylor

H-3575 FILED MARCH 29, 1995

*Adopted 4-10-95
(P. 1378)*

HOUSE AMENDMENT TO
SENATE FILE 278

S-3380

1 Amend Senate File 278, as passed by the Senate, as
2 follows:

3 1. Page 4, by inserting after line 12 the
4 following:

5 "Sec. _____. The department of agriculture and land
6 stewardship shall adopt rules providing for the
7 slaughter of ostriches, rheas, and emus under
8 voluntary inspection. The rules shall provide for
9 humane slaughter and include a fee schedule for such
10 inspections. In order to implement this Act, the
11 department shall adopt rules as required under this
12 section to be effective no later than January 1,
13 1996."

14 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

Senate Concurred 4/12/95
S-3380 FILED APRIL 10, 1995 (P. 1154)

SENATE FILE 278

AN ACT

PROVIDING THAT ANIMALS CLASSIFIED AS OSTRICHES, RHEAS, AND EMUS ARE CONSIDERED LIVESTOCK.

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

Section 1. Section 4.1, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. "Livestock" includes but is not limited to an animal classified as an ostrich, rhea, or emu.

Sec. 2. Section 9H.5A, subsection 3, paragraph g, Code 1995, is amended to read as follows:

g. The approximate number of livestock, including cattle, sheep, swine, ostriches, rheas, emus, or poultry, owned, contracted for, or kept by the corporation, limited liability company, trust, or limited partnership, and the approximate number of offspring produced from the livestock.

Sec. 3. Section 96.19, subsection 18, paragraph g, subparagraph (3), subparagraph subdivision (f), Code 1995, is amended to read as follows:

(f) The term "farm" includes ~~stock~~ livestock, dairy, poultry, fruit, fur-bearing animals, and truck farms,

plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

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Sec. 6. Section 172B.1, subsection 2, Code 1995, is amended to read as follows:

2. "Livestock" means and includes live cattle, swine, sheep, or horses, ostriches, rheas, or emus, and the carcasses of such animals whether in whole or in part.

Sec. 7. Section 172D.1, subsection 9, Code 1995, is amended to read as follows:

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Sec. 8. Section 189A.2, subsections 14, 16, and 25, Code 1995, are amended to read as follows:

14. "Livestock" means any cattle, sheep, swine, goats, ostriches, rheas, emus, or equines, including horses, and mules or other equines, whether live or dead.

16. "Meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from

definition as a meat food product by the secretary under such conditions as the secretary may prescribe to assure that the meat or other portions of such carcass contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines or ostriches, rheas, or emus shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

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189A.18 HUMANE SLAUGHTER PRACTICES.

Every establishment subject to the provisions of this chapter engaged in the slaughter of bovine, porcine, or ovine animals or ostriches, rheas, or emus shall slaughter all such animals in an approved humane slaughtering method. For purposes of this section an approved humane slaughtering method shall include and be limited to slaughter by shooting, electrical shock, captive bolt, or use of carbon dioxide gas prior to the animal being shackled, hoisted, thrown, cast or cut; however, the slaughtering, handling or other preparation of livestock in accordance with the ritual requirements of the Jewish or any other faith that prescribes and requires a method whereby slaughter becomes effected by severance of the carotid arteries with a sharp instrument is hereby designated and approved as a humane method of slaughter under the law.

Sec. 10. Section 267.1, subsection 2, Code 1995, is amended to read as follows:

2. "Livestock" means swine, sheep, poultry, and cattle, ostriches, rheas, or emus.

Sec. 11. Section 427C.10, Code 1995, is amended to read as follows:

427C.10 RESTRAINT OF LIVESTOCK AND LIMITATION ON USE.

Cattle, horses, mules, sheep, goats, ostriches, rheas, emus, and hogs swine shall not be permitted upon a fruit-tree or forest reservation. Fruit-tree and forest reservations shall not be used for economic gain other than the gain from raising fruit or forest trees.

Sec. 12. Section 554A.1, subsection 1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

Notwithstanding section 554.2316, subsection 2, all implied warranties arising under sections 554.2314 and 554.2315 are excluded from a sale of cattle, hogs, sheep, ostriches, rheas, emus, and horses if the following information is disclosed to the prospective buyer or the buyer's agent in advance of the sale, and if confirmed in writing at or before the time of acceptance of the livestock when confirmation is requested by the buyer or the buyer's agent:

Sec. 13. Section 570A.1, subsection 11, Code 1995, is amended to read as follows:

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2. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, emus, or poultry.

Sec. 15. Section 717A.1, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. "Animal" means a warm- warm-blooded or cold-blooded animal, including an animal belonging to the bovine, canine, feline, equine, ovine, or porcine species, or ostriches, rheas, or emus; an animal which belongs to a species of poultry or fish; or an animal which is an invertebrate.

Sec. 16. The department of agriculture and land stewardship shall adopt rules providing for the slaughter of ostriches, rheas, and emus under voluntary inspection. The rules shall provide for humane slaughter and include a fee

schedule for such inspections. In order to implement this Act, the department shall adopt rules as required under this section to be effective no later than January 1, 1996.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 278, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 19, 1995

TERRY E. BRANSTAD
Governor