

FEB 16 2000

Agriculture

HOUSE FILE
BY SCHERRMAN

2295

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to meat and poultry regulation, by authorizing
2 the secretary of agriculture to regulate the licensure and
3 inspection of slaughtering operations, the inspection of
4 livestock and associated products, and making penalties
5 applicable.

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

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HF 2295

1 Section 1. Section 189A.2, Code 1999, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 4A. "Commerce" means interstate commerce
4 or intrastate commerce.

5 NEW SUBSECTION. 10A. "Interstate commerce" means commerce
6 in this state and between this state any other state.

7 Sec. 2. NEW SECTION. 189A.2A OBJECTIVES -- APPLICATION
8 OF THE CHAPTER -- INTRASTATE AND INTERSTATE COMMERCE.

9 1. It is the objective of this chapter to provide for meat
10 and poultry products inspection that will impose and enforce
11 requirements that are at least equal to those imposed and
12 enforced under the federal Meat Inspection Act and the federal
13 Poultry Products Inspection Act with respect to operations and
14 transactions in commerce.

15 2. The secretary shall administer this chapter in order to
16 accomplish the objectives of this section in accordance with
17 this chapter's provisions.

18 3. The provisions of this chapter shall apply to the
19 extent that any of the following applies:

20 a. The provisions relate to intrastate commerce.

21 b. The provisions relate to interstate commerce and all of
22 the following apply:

23 (1) The secretary assumes responsibility for administering
24 and enforcing all provisions. The secretary may determine
25 that a provision applies to a class of persons required to be
26 licensed pursuant to section 189A.3, based on the size of the
27 establishment that the person operates.

28 (2) The secretary determines that administration and
29 enforcement of the provision is consistent with federal law.

30 Sec. 3. Section 189A.3, unnumbered paragraph 3, Code 1999,
31 is amended to read as follows:

32 ~~It is the objective of this chapter to provide for meat and~~
33 ~~poultry products inspection programs that will impose and~~
34 ~~enforce requirements with respect to intrastate operations and~~
35 ~~commerce that are at least equal to those imposed and enforced~~

1 ~~under the federal Meat Inspection Act and the federal Poultry~~
2 ~~Products Inspection Act with respect to operations and~~
3 ~~transactions in interstate commerce; and the secretary is~~
4 ~~directed to administer this chapter so as to accomplish this~~
5 purpose. A director of the meat and poultry inspection
6 service shall be designated as the secretary's delegate to be
7 the appropriate state official to co-operate with the
8 secretary of agriculture of the United States in
9 administration of this chapter.

10 Sec. 4. Section 189A.5, subsections 1 and 4, Code 1999,
11 are amended to read as follows:

12 1. By regulations require antemortem and postmortem
13 inspections, quarantine, segregation, and reinspections with
14 respect to the slaughter of livestock and poultry and the
15 preparation of livestock products and poultry products at all
16 establishments in this state, except those exempted by section
17 189A.4, at which livestock or poultry are slaughtered or
18 livestock or poultry products are prepared for human food
19 solely for distribution in intrastate commerce.

20 4. By regulations require that when livestock products and
21 poultry products leave official establishments they shall bear
22 ~~directly thereon or on their containers~~ on the products or the
23 containers of the products, or both, all information required
24 by ~~subsection 17 of~~ section 189A.27 ~~and~~, subsection 17. The
25 secretary shall also require approval of all labeling and
26 containers to be used for such products when sold or
27 transported in intrastate commerce to assure that the products
28 comply with the requirements of this chapter.

29 Sec. 5. Section 189A.5, subsection 7, Code 1999, is
30 amended to read as follows:

31 7. By regulations require that ~~both of the following~~
32 ~~classes of persons shall~~ provided in this subsection keep such
33 records and for such the periods ~~as are~~ specified in the
34 regulations to fully and correctly disclose all transactions
35 involved in their business; and to afford the secretary and

1 the secretary's representatives, including representatives of
2 other governmental agencies designated by the secretary,
3 access to such places of business, and an opportunity at all
4 reasonable times to examine the facilities, inventory, and
5 records thereof, to copy the records; and to take reasonable
6 samples of the inventory upon payment of the fair market value
7 therefor for the inventory. The persons must be engaged in
8 commerce by doing any of the following:

9 a. ~~Any person that engages in or for intrastate commerce~~
10 ~~in the business of slaughtering any~~ Slaughtering livestock or
11 poultry, or preparing, freezing, packaging or labeling, buying
12 or selling, as a broker, wholesaler, or otherwise,
13 transporting, or storing any livestock products or poultry
14 products 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~~ Rendering dead
17 livestock or poultry or buying, selling, or transporting any
18 dead, dying, disabled, or diseased livestock or poultry or
19 parts of the carcasses of ~~any such animals, including poultry,~~
20 livestock or poultry that died otherwise than by slaughter.

21 Sec. 6. Section 189A.7, subsections 5 and 7, Code 1999,
22 are amended to read as follows:

23 5. By regulations prescribe conditions of storage and
24 handling of livestock products and poultry products by persons
25 engaged in the business of buying, selling, freezing, storing,
26 or transporting such articles in or for intrastate commerce to
27 assure that such articles will not be adulterated or
28 misbranded when delivered to the consumer.

29 7. By regulations require that every person engaged in
30 business in or for intrastate commerce as a broker, renderer,
31 animal food manufacturer, or wholesaler or public warehouse
32 of livestock or poultry products, or engaged in the business
33 of buying, selling, or transporting in intrastate commerce any
34 dead, dying, disabled, or diseased livestock or poultry or
35 parts of the carcasses of ~~any such animals, including~~

1 livestock or poultry, that died otherwise than by slaughter
2 shall register with the secretary the person's name and the
3 address of each place of business at which and all trade names
4 under which the person conducts such business.

5 Sec. 7. Section 189A.8, Code 1999, is amended to read as
6 follows:

7 189A.8 PROHIBITED ACTS.

8 1. No A person shall not sell, transport, offer for sale
9 or transportation, or receive for transportation in intrastate
10 commerce, any carcasses of horses, mules, or other equines or
11 parts of such carcasses, or the meat or meat food products
12 thereof, of the carcasses unless they are plainly and
13 conspicuously marked or labeled or otherwise identified as
14 required by regulations prescribed by the secretary to show
15 the kinds of animals from which they were derived.

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

23 3. No A person engaged in the business of buying, selling,
24 or transporting in intrastate commerce, dead, dying, disabled,
25 or diseased animals, or any parts of the carcasses of any
26 animals that died otherwise than by slaughter, shall not buy,
27 sell, transport, offer for sale or transportation, or receive
28 for transportation in such commerce, any dead, dying,
29 disabled, or diseased livestock or poultry or the products of
30 any ~~such-animals~~ livestock or poultry that died otherwise than
31 by slaughter, unless such transaction or transportation is
32 made in accordance with such regulations as the secretary may
33 prescribe to assure that ~~such-animals~~ the livestock or
34 poultry, or the unwholesome parts or products thereof of the
35 livestock or poultry, will be prevented from being used for

1 human food purposes.

2 Sec. 8. Section 189A.10, subsection 1, paragraphs a
3 through c, Code 1999, are amended to read as follows:

4 a. Slaughters livestock or poultry or prepares an article
5 produced from livestock or poultry which is capable of use as
6 human food, at any establishment preparing the article solely
7 for intrastate commerce, except in compliance with the
8 requirements of this chapter.

9 b. Sells, transports, offers for sale or transportation,
10 or receives for transportation in intrastate commerce, any
11 article produced from livestock or poultry which is both of
12 the following:

13 (1) Capable of use as human food.

14 (2) Adulterated or misbranded at the time of such the
15 sale, transportation, offer for sale or transportation, or
16 receipt for transportation; or required to be inspected under
17 this chapter unless the article has passed inspection.

18 c. Commits any act which is intended to cause or has the
19 effect of causing an article produced from livestock or
20 poultry to be adulterated or misbranded, if the article is
21 capable of use as human food and is being transported or held
22 for sale after being transported in intrastate commerce.

23 Sec. 9. Section 189A.10, subsection 2, Code 1999, is
24 amended to read as follows:

25 2. A person commits a fraudulent practice as defined in
26 section 714.8, if the person sells, transports, offers for
27 sale or transportation, or receives for transportation in
28 intrastate commerce, or receives from an official
29 establishment, any slaughtered poultry from which the blood,
30 feathers, feet, head, or viscera have not been removed in
31 accordance with regulations promulgated by the secretary.

32 Sec. 10. Section 189A.12, Code 1999, is amended to read as
33 follows:

34 189A.12 SEIZURE, DETENTION AND DETERMINATION.

35 Whenever any livestock or poultry product or any product

1 exempted from the definition of a livestock or poultry
2 product, or any dead, dying, disabled, or diseased livestock
3 or poultry is found by any authorized representative of the
4 secretary upon any premises where it is held for purposes of,
5 or during or after distribution in, ~~intrastate~~ commerce or is
6 otherwise subject to this chapter, and there is reason to
7 believe that any such article is adulterated or misbranded and
8 is capable of use as human food, or that it has not been
9 inspected in violation of ~~the provisions of~~ this chapter, the
10 federal Meat Inspection Act, the federal Poultry Products
11 Inspection Act, or the federal Food, Drug, and Cosmetic Act,
12 or that such article or animal has been or is intended to be
13 distributed in violation of ~~any such provisions~~ this chapter,
14 it may be detained by such representative for a period not to
15 exceed twenty days, pending action under this section or
16 notification of any federal authorities having jurisdiction
17 over such article or animal, and shall not be moved by any
18 person from the place at which it is located when so detained
19 until released by such representative. All official marks may
20 be required by such representative to be removed from such
21 article or animal before it is released unless it appears to
22 the satisfaction of the secretary that the article or animal
23 is eligible to retain such marks.

24 1. Any livestock or poultry product, or any dead, dying,
25 disabled, or diseased livestock or poultry which is being
26 transported in ~~intrastate~~ commerce, or is otherwise subject to
27 this chapter; or is held for sale in this state after such
28 transportation, and which is or has been prepared, sold,
29 transported, or otherwise distributed or offered or received
30 for distribution in violation of this chapter; or is capable
31 of use as human food and is adulterated or misbranded; or is
32 in any other way in violation of this chapter shall be liable
33 to be proceeded against and seized and condemned at any time
34 on a complaint filed in the district court of the particular
35 county within the jurisdiction of which such article or animal

1 engineer licensed pursuant to chapter 542B stating whether the
2 manure storage structure is to be constructed in a high-risk
3 area. The statement shall provide the distance between the
4 top of the floor of the manure storage structure's liner and
5 top of the groundwater table. Prior to issuing a permit to a
6 person for the construction of an animal feeding operation,
7 the department may require the installation and operation of a
8 hydrological monitoring system for an-exclusively-earthen a
9 manure storage structure according to rules which shall be
10 adopted by the department.

11 Sec. 4. Section 455B.202, subsection 4, Code Supplement
12 1999, is amended to read as follows:

13 ~~4. The department shall conduct an annual review of~~
14 following shall apply to each confinement feeding operation
15 which is a habitual violator and each confinement feeding
16 operation in which a habitual violator holds a controlling
17 interest:

18 a. The department shall conduct an annual review of the
19 confinement feeding operation.

20 b. The owner of the confinement feeding operation shall
21 collect, label, and submit samples of water originating from
22 monitoring wells installed near a manure storage structure for
23 analysis as required pursuant to section 455B.205 at least
24 once each thirty days.

25 Sec. 5. Section 455B.203, Code 1999, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 3A. The owner of a confinement feeding
28 operation shall maintain records in support of the manure
29 management plan which shall include the results of analyses of
30 subsurface water sources originating from monitoring wells as
31 provided in section 455B.205. The owner shall maintain the
32 records in a manner and for a period as required by
33 departmental rule.

34 Sec. 6. Section 455B.204, subsection 5, Code 1999, is
35 amended by striking the subsection.

1 engaged in intrastate commerce, and the relation thereof to
2 other persons.

3 b. ~~To-require~~ Require persons engaged in intrastate
4 commerce to file with the secretary in such form as the
5 secretary may prescribe, annual or special reports or answers
6 in writing to specific questions, furnishing to the secretary
7 ~~such~~ information ~~as~~ the secretary may require as to the
8 organization, business, conduct, practices, management, and
9 relation to other persons of the person filing such reports or
10 answers. ~~Such~~ The reports and answers shall be made under
11 oath, or otherwise as the secretary may prescribe, and shall
12 be filed with the secretary within ~~such~~ a reasonable period as
13 the secretary may prescribe, unless additional time ~~be is~~
14 granted in any case by the secretary.

15 Sec. 12. Section 189A.19, Code 1999, is amended to read as
16 follows:

17 189A.19 BRIBERY.

18 1. Any A person who gives, pays, or offers, directly or
19 indirectly, to any officer or employee of this state
20 authorized to perform any of the duties prescribed by this
21 chapter or by the regulations of the secretary, any money or
22 other thing of value, with intent to influence ~~said~~ the
23 officer or employee in the discharge of any such duty, shall
24 be ~~deemed~~ guilty of a felony ~~and~~ ~~upon~~. Upon conviction
25 ~~thereof~~, the person shall be punished by a fine not less than
26 five thousand dollars nor more than ten thousand dollars and
27 by imprisonment in the penitentiary for not less than one year
28 nor more than three years ~~and any~~.

29 2. An officer or employee of this state authorized to
30 perform any of the duties prescribed by this chapter who
31 accepts any money, gift, or other thing of value from any a
32 person, given with intent to influence the officer's or
33 employee's official action, or who receives or accepts from
34 any person engaged in intrastate commerce any gift, money, or
35 other thing of value given with any purpose or intent

1 whatsoever, shall be deemed guilty of a felony ~~and shall,~~
2 ~~upon.~~ Upon conviction thereof, the person shall be summarily
3 discharged from office and ~~shall~~ be punished by a fine not
4 less than one thousand dollars nor more than ten thousand
5 dollars and by imprisonment in the penitentiary for not less
6 than one year nor more than three years.

7 Sec. 13. Section 189A.20, Code 1999, is amended to read as
8 follows:

9 189A.20 NO INSPECTION FOR PRODUCTS INEDIBLE AS HUMAN FOOD.

10 Inspection shall not be provided under this chapter at any
11 establishment for the slaughter of livestock or poultry or the
12 preparation of any livestock products or poultry products
13 which are articles not intended for use as human food, ~~but~~
14 ~~such articles.~~ However, the uninspected articles shall, prior
15 to their offer for sale or transportation in intrastate
16 commerce, unless naturally inedible by humans, be denatured or
17 otherwise identified as prescribed by regulations of the
18 secretary to deter their use for human food.

19 Sec. 14. NEW SECTION. 189A.23 REPORT BY THE SECRETARY --
20 INTERSTATE APPLICATION OF THE CHAPTER.

21 The secretary shall report to the general assembly any
22 federal law granting the state authority to regulate the
23 inspection of meat products and poultry products for
24 interstate commerce. The report shall include any
25 recommendations to amend this chapter to provide for better
26 regulation of meat products and poultry products for
27 interstate commerce. The report shall be delivered during the
28 regular legislative session if the general assembly is
29 convened. If the general assembly is not convened, the report
30 shall be delivered on or before the date on which the general
31 assembly convenes its next regular legislative session.

32 EXPLANATION

33 This bill amends Code chapter 189A, which provides for the
34 regulation of meat and poultry products intended for human
35 consumption, largely by providing for the licensure and

1 inspection of slaughter operations, livestock and poultry
2 slaughtered on the premises of slaughter operations and
3 products derived from livestock and poultry carcasses which
4 are processed there. The Code chapter regulates operations
5 that are engaged in intrastate commerce as allowed under
6 federal law. This bill provides that the regulations in the
7 Code chapter may apply to operations engaged in interstate
8 commerce, if the secretary of agriculture assumes
9 responsibility for the regulation, and the secretary
10 determines that state regulation is consistent with federal
11 law. The bill requires the secretary to report to the general
12 assembly any federal law granting the state authority to
13 provide for interstate regulation.

14 A person who violates a provision of the Code chapter is
15 guilty of a simple misdemeanor. However, if the offense
16 relates to fraud or the distribution of an adulterated
17 article, the person is guilty of a fraudulent practice.

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