

JAN 7 9 1999
JUDICIARY

HOUSE FILE 93
BY LARSON

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

A BILL FOR

1 An Act relating to the possession or control of adulterated or
2 improperly labeled articles and eliminating controlled
3 substances from inclusion.

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

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1 Section 1. Section 189.16, Code 1999, is amended to read
2 as follows:

3 189.16 POSSESSION AND CONTROL OF ADULTERATED AND
4 IMPROPERLY LABELED ARTICLES.

5 1. Any Except as provided in subsection 2, a person having
6 in possession or under having control any of an article which
7 is adulterated or which is improperly labeled according to the
8 provisions of this subtitle, excluding chapters 203, 203A,
9 203E, 203D, 207, and 208, shall be presumed to know its true
10 character and name, and such that the article is adulterated
11 or improperly labeled. A person's possession of an
12 adulterated or improperly labeled article shall be prima facie
13 evidence of having the same in possession with intent that the
14 person intends to violate the provisions of this subtitle,
15 excluding chapters 203, 203A, 203E, 203D, 207, and 208.

16 2. This section does not apply to the possession or
17 control of any of the following:

18 a. Grain by a person regulated under chapter 203, 203A,
19 203C, or 203D.

20 b. Mining materials including coal by a person regulated
21 under chapter 207 or 208.

22 c. A controlled substance as provided in chapter 124.

23 EXPLANATION

24 This bill amends Code chapter 189 which applies to a number
25 of chapters regulating the safety and effectiveness of
26 commodities and products including agricultural products.

27 Code section 189.16 provides that a person in possession or
28 having control of an article which is adulterated or which is
29 improperly labeled as required in those chapters is presumed
30 to know that the article is adulterated or mislabeled. It
31 provides that a person's possession of the article is prima
32 facie evidence of an intent to violate the law. The section
33 does not apply to grain in possession or control of persons in
34 the grain trade (such as grain dealers) or mining materials in
35 possession or control of persons in that industry.

1 This bill provides that the chapter also does not apply to
2 persons in possession or having control of a controlled
3 substance regulated under Code chapter 124. The bill also
4 makes a number of changes in Code section 189.16 in order to
5 enhance its readability.

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