

FILED JAN 23 1999

SENATE FILE
BY KIBBIE

66

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

A BILL FOR

1 An Act providing for the identification of meat products
2 processed in this state and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 66
AGRICULTURE

1 Section 1. NEW SECTION. 191A.1 PURPOSE.

2 The purpose of this chapter is to promote this state's
3 economy, by providing for the promotion of meat products that
4 have been processed in this state and offered for sale to
5 consumers in this state, other states, and other nations.

6 Sec. 2. NEW SECTION. 191A.2 DEFINITIONS.

7 As used in this chapter, unless the context otherwise
8 requires:

9 1. "Department" means the department of inspections and
10 appeals.

11 2. "Food product" means any product capable of use as
12 human food.

13 3. "Livestock" means the same as defined in section 717.1.

14 4. "Identify" means to identify meat products as having
15 been processed in this state, as provided in section 191A.3.

16 5. "Meat product" means any fresh or frozen raw meat
17 derived from the carcass of livestock, if the product is sold
18 for use as human food in this state or outside this state.

19 6. "Packer" means a person engaged in the business of
20 slaughtering livestock in this state, if the carcasses of the
21 livestock are processed or sold for processing into meat
22 products.

23 7. "Processor" means a person engaged in the business of
24 manufacturing meat products derived from the carcasses of
25 livestock for sale, including selling cuts of meat or ground
26 meat manufactured by the person, if all of the following
27 apply:

28 a. The processing occurs in this state.

29 b. The person's total annual sales of the meat products is
30 five million dollars or more.

31 8. "Retailer" means a person engaged in the business of
32 selling food products on a retail basis for off-premises
33 consumption, if any of the following applies:

34 a. The person has gross annual sales of food products of
35 ten million dollars or more.

1 b. The person has gross annual sales of meat products of
2 one million dollars or more.

3 9. "Sale" means any transfer, exchange, or barter, in any
4 manner or by any means, for a consideration, and includes an
5 offer for sale.

6 10. "Wholesaler" means a person engaged in the business of
7 packaging and selling meat products on a wholesale basis, if
8 any of the following applies:

9 a. The person has gross annual sales of food products of
10 three million dollars or more.

11 b. The person has gross annual sales of meat products of
12 three million dollars or more.

13 Sec. 3. NEW SECTION. 191A.3 IDENTIFICATION REQUIREMENTS.

14 1. a. A processor shall not sell a meat product, unless
15 the meat product is identified to the purchaser of the meat
16 product.

17 b. A wholesaler who receives a meat product that has been
18 identified shall not sell the meat product, unless the meat
19 product is identified to the purchaser of the meat product.

20 c. A retailer who receives a meat product that has been
21 identified shall not sell the meat product, unless the meat
22 product is identified to the consumer of the meat product.
23 The identification shall be in the form of the following
24 statement: "IOWA MEATS". The statement shall appear in a
25 conspicuous manner. If the meat product is offered for sale
26 in a packaged form, the package shall be labeled with the
27 statement. If the meat product is offered for sale
28 unpackaged, the statement shall appear on a placard in close
29 proximity to the meat product.

30 2. This section does not require any of the following:

31 a. That a packer designate the origin of livestock or
32 livestock carcasses.

33 b. The identification of a meat product that is cooked
34 prior to sale on a retail basis.

35 c. That a person maintain identification records.

1 Sec. 4. NEW SECTION. 191A.4 DEPARTMENTAL DUTIES --
2 ADMINISTRATION AND MARKETING.

3 1. The department shall adopt rules pursuant to chapter
4 17A which are necessary in order to administer and enforce
5 this chapter, including rules required for the identification
6 of meat products by processors, wholesalers, and retailers as
7 provided in section 191A.3.

8 a. The rules shall require practices and procedures
9 necessary in order to provide a practicable, simple, and cost-
10 effective system for the identification.

11 b. The department shall provide rules for the labeling of
12 meat products offered for sale by retailers, including the
13 size and shape of labels or placards and the font and point
14 size of the print. The department may require identification
15 information in addition to the statement required pursuant to
16 section 191A.3.

17 2. The department of agriculture and land stewardship
18 shall promote the use of labels by retailers outside this
19 state to identify meat products processed in this state.

20 Sec. 5. NEW SECTION. 191A.5 PENALTIES -- EVIDENCE OF A
21 VIOLATION.

22 1. A person who violates section 191A.3 or 191A.4 is
23 subject to a civil penalty of not more than one thousand
24 dollars for each illegal sale. The department shall establish
25 a schedule of civil penalties based on the dollar amount of
26 meat products sold in violation of section 191A.3 or 191A.4.

27 2. A person shall not be subject to a civil penalty for
28 selling a meat product without an identification or with a
29 wrong identification, if the person sells the meat product in
30 good faith. Evidence of good faith includes compliance with
31 established practices and routine procedures which reasonably
32 provides identification consistent with sections 191A.3 and
33 191A.4.

34 Sec. 6. DEPARTMENTAL RULEMAKING. In adopting rules
35 required to administer this chapter, the department of

1 inspections and appeals shall consult with interested parties,
2 including the industries affected, the department of economic
3 development, and the department of agriculture and land
4 stewardship.

5 EXPLANATION

6 This bill creates a new Code chapter 191A intended to
7 promote this state's economy, by providing for the promotion
8 of meat products that have been processed in this state.

9 The bill provides that a processor who manufactures raw
10 meat in this state shall not sell the meat, unless the meat is
11 identified to the purchaser of the meat. The same requirement
12 applies to a wholesaler of the meat. A retailer who receives
13 the meat must label it with the statement "IOWA MEATS". If
14 the meat is offered for sale in a packaged form, the package
15 must be labeled with the statement. If the meat product is
16 offered for sale unpackaged, the statement must appear on a
17 placard in close proximity to the meat.

18 The department of inspections and appeals is responsible
19 for administering and enforcing the chapter. The department
20 must adopt rules that require practices and procedures
21 necessary in order to provide identification, including
22 labeling. The department of agriculture and land stewardship
23 is required to promote the use of labels identifying meat
24 processed in this state, directed at persons selling meat
25 products to consumers outside this state.

26 A person who violates this bill is subject to a civil
27 penalty of not more than \$1,000 for each illegal sale. The
28 department of inspections and appeals is required to establish
29 a schedule of penalties based on the dollar amount of sales
30 made in violation of the bill's provisions. The bill provides
31 that a person is not subject to a civil penalty for selling
32 meat without proper identification if the person sells the
33 meat in good faith.

34

35