

MAR 14 2001
Place On Calendar

HOUSE FILE 597
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HF 347)

(P. 834) Passed House, Date 3-22-01 (P. 842) Passed Senate, Date 3-27-01
Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 0
Approved March 30, 2001

A BILL FOR

1 An Act relating to the disposition of unclaimed deer venison
2 processed by a meat and poultry processing establishment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 597

1 Section 1. NEW SECTION. 556H.1 UNCLAIMED DEER VENISON
2 HELD BY A MEAT AND POULTRY PROCESSING ESTABLISHMENT.

3 All deer venison deposited with an establishment licensed
4 pursuant to chapter 189A, which remains unclaimed for a period
5 of two months after the establishment has attempted to contact
6 the deer venison owner at least once by ordinary mail at the
7 owner's last known mailing address, shall be presumed to be
8 abandoned. The establishment may dispose of the abandoned
9 deer venison by donating the deer venison to a local
10 nonprofit, charitable organization. For purposes of this
11 section, the term "deer" means the Cervidae or game deer
12 excluding any farm deer as defined in section 481A.1,
13 subsection 20, paragraph "h", and all donated deer venison
14 shall include game deer venison only and shall not be
15 processed as a multispecies meat food product pursuant to
16 chapter 189A.

17 Sec. 2. Section 672.1, subsection 2, Code 2001, is amended
18 to read as follows:

19 2. A gleaner, or a restaurant, food establishment, food
20 service establishment, school, manufacturer of foodstuffs,
21 meat and poultry establishment licensed pursuant to chapter
22 189A, or other person who, in good faith, donates food to a
23 charitable or nonprofit organization for ultimate free
24 distribution to needy individuals is not subject to criminal
25 or civil liability arising from the condition of the food if
26 the donor reasonably inspects the food at the time of the
27 donation and finds the food fit for human consumption. The
28 immunity provided by this subsection does not extend to a
29 donor or gleaner if damages result from the negligence,
30 recklessness, or intentional misconduct of the donor, or if
31 the donor or gleaner has, or should have had, actual or
32 constructive knowledge that the food is tainted, contaminated,
33 or harmful to the health or well-being of the ultimate
34 recipient.

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EXPLANATION

1 This bill provides for the disposal of deer venison by a
2 licensed processing establishment if the owner does not claim
3 the deer venison after a period of two months from the date
4 the establishment attempted to contact the owner by mail at
5 the owner's last known address. If the deer venison is not
6 claimed after the two-month period, the deer venison shall be
7 presumed to be abandoned and the establishment may donate the
8 deer venison to a local nonprofit, charitable organization.

9 The bill defines deer venison which can be donated to
10 exclude farm deer and to provide that the deer venison shall
11 not be processed as a multispecie meat food product.

12 The bill also provides limited immunity from civil and
13 criminal liability to meat and poultry establishments which
14 donate food to charitable or nonprofit organizations for free
15 distribution.

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HOUSE FILE 597

AN ACT

RELATING TO THE DISPOSITION OF UNCLAIMED DEER VENISON
PROCESSED BY A MEAT AND POULTRY PROCESSING ESTABLISHMENT.

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

Section 1. NEW SECTION. 556H.1 UNCLAIMED DEER VENISON
HELD BY A MEAT AND POULTRY PROCESSING ESTABLISHMENT.

All deer venison deposited with an establishment licensed pursuant to chapter 189A, which remains unclaimed for a period of two months after the establishment has attempted to contact the deer venison owner at least once by ordinary mail at the owner's last known mailing address, shall be presumed to be abandoned. The establishment may dispose of the abandoned deer venison by donating the deer venison to a local nonprofit, charitable organization. For purposes of this section, the term "deer" means the Cervidae or game deer excluding any farm deer as defined in section 481A.1, subsection 20, paragraph "h", and all donated deer venison shall include game deer venison only and shall not be processed as a multispecies meat food product pursuant to chapter 189A.

Sec. 2. Section 672.1, subsection 2, Code 2001, is amended to read as follows:

2. A gleaner, or a restaurant, food establishment, food service establishment, school, manufacturer of foodstuffs, meat and poultry establishment licensed pursuant to chapter 189A, or other person who, in good faith, donates food to a charitable or nonprofit organization for ultimate free distribution to needy individuals is not subject to criminal or civil liability arising from the condition of the food if the donor reasonably inspects the food at the time of the donation and finds the food fit for human consumption. The

immunity provided by this subsection does not extend to a donor or gleaner if damages result from the negligence, recklessness, or intentional misconduct of the donor, or if the donor or gleaner has, or should have had, actual or constructive knowledge that the food is tainted, contaminated, or harmful to the health or well-being of the ultimate recipient.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 597, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved *Marg 30*, 2001

THOMAS J. VILSACK
Governor