

House File 2408 - Introduced

HOUSE FILE _____
BY WHITAKER

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

A BILL FOR

1 An Act providing for the regulation of food derived from cloned
2 agricultural animals and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6001HH 82
5 da/nh/24

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1 1 Section 1. NEW SECTION. 137G.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Agricultural animal" means the same as defined in
1 5 section 717A.1.
1 6 2. "Cloned agricultural animal" means an agricultural
1 7 animal that is produced directly from a somatic cell nuclear
1 8 transfer event.
1 9 3. "Department" means the department of inspections and
1 10 appeals.
1 11 4. "Genetically designated agricultural animal" means an
1 12 agricultural animal which births a cloned agricultural animal,
1 13 a cloned agricultural animal, the progeny of an agricultural
1 14 animal which births a cloned agricultural animal, or the
1 15 progeny of a cloned agricultural animal.
1 16 5. "Genetically designated food" means any of the
1 17 following:
1 18 a. Meat or a meat product derived from the carcass of a
1 19 genetically designated agricultural animal.
1 20 b. Milk or a milk product derived from a genetically
1 21 designated agricultural animal.
1 22 6. "In=state agricultural animal operation" or "operation"
1 23 means the premises located in this state where an agricultural
1 24 animal is fed or otherwise maintained, including a building,
1 25 lot, yard, or corral.
1 26 7. "In=state food establishment" or "establishment" means
1 27 a food establishment licensed by the department pursuant to
1 28 chapter 137F.
1 29 8. "In=state food processing plant" or "plant" means the
1 30 premises located in this state where food derived from
1 31 agricultural animals is processed or packaged for distribution
1 32 to another person including but not limited to an in=state
1 33 food establishment. "In=state food processing plant" includes
1 34 any of the following:
1 35 a. For meat, premises subject to inspection by the United
2 1 States department of agriculture including as provided in the
2 2 federal Meat Inspection Act or the federal Poultry Products
2 3 Inspection Act as provided in chapter 189A or by the
2 4 department of agriculture and land stewardship as provided in
2 5 chapter 189A.
2 6 b. For milk and dairy products, premises subject to
2 7 inspection by the department of agriculture and land
2 8 stewardship pursuant to chapter 192.
2 9 Sec. 2. NEW SECTION. 137G.2 DEPARTMENTAL ADMINISTRATION.
2 10 The department of inspections and appeals in cooperation
2 11 with the department of agriculture and land stewardship shall
2 12 administer the provisions of this chapter. The department of
2 13 inspections and appeals shall adopt rules as necessary to
2 14 administer this chapter.
2 15 Sec. 3. NEW SECTION. 137G.3 FOOD DERIVED FROM
2 16 GENETICALLY DESIGNATED AGRICULTURAL ANIMALS.
2 17 This chapter applies to food which is sold for human
2 18 consumption, if the food is derived from a genetically
2 19 designated agricultural animal, and if the food is any of the
2 20 following:

2 21 1. Meat which includes fresh or frozen raw meat or a meat
2 22 product.
2 23 2. Milk or a milk product produced from milk which is
2 24 subject to regulation as provided in the "Grade "A"
2 25 pasteurized milk ordinance, 2005 revision", including a
2 26 subsequent revision of the ordinance as provided in section
2 27 192.102.

2 28 Sec. 4. NEW SECTION. 137G.4 GENETICALLY DESIGNATED
2 29 AGRICULTURAL ANIMAL REGISTRY.

2 30 The department shall establish a genetically designated
2 31 agricultural animal registry as provided in this section. The
2 32 department shall maintain the registry in an electronic format
2 33 on its internet site.

2 34 1. a. For an in-state agricultural animal operation, the
2 35 owner or the operator of the operation shall register
3 1 information as required by the department. The registered
3 2 information shall include at least all of the following:

- 3 3 (1) The name and address of the operation.
- 3 4 (2) The type of genetically designated agricultural
3 5 animals kept at the operation.
- 3 6 (3) Whether genetically designated agricultural animals
3 7 are segregated from other agricultural animals of the same
3 8 species.

3 9 b. An owner or operator shall register the information
3 10 between July 1 and July 10 of each year as required by the
3 11 department.

3 12 2. a. For an in-state food processing plant, the owner or
3 13 operator of the plant shall register information as required
3 14 by the department. The registered information shall include
3 15 at least all of the following:

- 3 16 (1) The name and address of the plant.
- 3 17 (2) The type of food processed at the plant and the type
3 18 of genetically designated food that is processed at the plant.
- 3 19 (3) Whether genetically designated agricultural animals
3 20 are segregated from other agricultural animals of the same
3 21 species.
- 3 22 (4) Whether genetically designated food is segregated from
3 23 other food during processing.

3 24 b. An owner or operator shall register the information
3 25 between July 1 and July 10 of each year as required by the
3 26 department.

3 27 3. a. For an in-state food establishment, the owner or
3 28 manager of the establishment shall register information as
3 29 required by the department. The registered information shall
3 30 include at least all of the following:

- 3 31 (1) The name and address of the food establishment.
- 3 32 (2) The type of food sold at the establishment, and the
3 33 type of genetically designated food sold at the establishment.
- 3 34 (3) Whether genetically designated food is segregated from
3 35 other food before it is offered for sale at retail.

4 1 b. An owner or manager shall register the information
4 2 between July 1 and July 10 of each year as required by the
4 3 department.

4 4 Sec. 5. NEW SECTION. 137G.5 IN-STATE AGRICULTURAL ANIMAL
4 5 OPERATIONS.

4 6 This section applies to an in-state agricultural animal
4 7 operation which keeps a genetically designated agricultural
4 8 animal.

4 9 1. a. Except as provided in paragraph "b", all
4 10 agricultural animals of the same species shall be deemed to be
4 11 genetically designated agricultural animals.

4 12 b. The department may approve a system which allows the
4 13 operation to segregate genetically designated agricultural
4 14 animals from other animals of the same species. The other
4 15 agricultural animals shall not be deemed genetically
4 16 designated agricultural animals so long as the operation
4 17 complies with departmental requirements.

4 18 2. a. The operation shall register with the department
4 19 and maintain records regarding the genetically designated
4 20 agricultural animals that it keeps in a manner and according
4 21 to procedures required by the department. The operation shall
4 22 keep records regarding all genetically designated agricultural
4 23 animals that it receives from or transfers to another person
4 24 in a manner required by the department.

4 25 b. The department may inspect the operation and may
4 26 provide for the examination and reproduction of records
4 27 maintained by the operation necessary to ensure compliance
4 28 with this chapter. The department may enter onto the
4 29 operation's premises during regular business hours.

4 30 3. An operation is excused from the requirements of this
4 31 section if both of the following apply:

4 32 a. The operation does not have actual knowledge that it
4 33 has purchased a genetically designated agricultural animal.
4 34 b. The genetically designated agricultural animal registry
4 35 does not include the name of the agricultural animal operation
5 1 which sold the agricultural animal to the operation.
5 2 Sec. 6. NEW SECTION. 137G.6 IN=STATE FOOD PROCESSING
5 3 PLANTS.
5 4 1. This section applies to an in=state food processing
5 5 plant that does any of the following:
5 6 a. Purchases a genetically designated agricultural animal
5 7 from an in=state agricultural animal operation.
5 8 b. Purchases a genetically designated agricultural animal
5 9 from another plant.
5 10 c. Purchases genetically designated food from another
5 11 processor.
5 12 2. a. Except as provided in paragraph "b", all
5 13 agricultural animals kept, slaughtered, or processed shall be
5 14 deemed to be genetically designated agricultural animals, and
5 15 all food processed at the plant shall be deemed genetically
5 16 designated food.
5 17 b. (1) The department may approve a system which allows
5 18 the plant to do any of the following:
5 19 (a) Segregate a genetically designated agricultural animal
5 20 kept, slaughtered, or processed from other animals kept,
5 21 slaughtered, or processed at the plant.
5 22 (b) Segregate the processing or packaging of genetically
5 23 designated food.
5 24 (2) The other agricultural animals shall not be deemed
5 25 genetically designated agricultural animals, and food shall
5 26 not be deemed to be genetically designated food so long as the
5 27 plant complies with departmental requirements.
5 28 3. a. The plant shall register with the department and
5 29 keep records regarding any genetically designated animal that
5 30 it keeps, slaughters, or processes in a manner and according
5 31 to procedures required by the department. The plant shall
5 32 keep records of all genetically designated animals that it
5 33 receives from or transfers to another person in a manner
5 34 required by the department. The plant shall keep records
5 35 regarding food derived from genetically designated
6 1 agricultural animals that it processes or packages. The plant
6 2 shall keep records of persons who transferred the food.
6 3 b. The department may inspect the plant and may provide
6 4 for the examination and reproduction of records maintained by
6 5 the plant necessary to ensure compliance with this chapter.
6 6 The department may enter onto the plant's premises during
6 7 regular business hours.
6 8 4. A plant may be excused from the requirements of this
6 9 section if any of the following apply:
6 10 a. The processor is not a food facility required to
6 11 register with the United States food and drug administration
6 12 as provided in 21 C.F.R., ch. 1, pt. 1, subpt. H.
6 13 b. Both of the following apply:
6 14 (1) The plant did not have actual knowledge that it has
6 15 purchased a genetically designated agricultural animal or
6 16 genetically designated food.
6 17 (2) The genetically designated agricultural animal
6 18 registry does not include the name of the agricultural animal
6 19 operation or processor who sold the genetically designated
6 20 agricultural animal or genetically designated food.
6 21 Sec. 7. NEW SECTION. 137G.7 IN=STATE FOOD ESTABLISHMENT.
6 22 1. This section applies to an in=state food establishment
6 23 that does any of the following:
6 24 a. Purchases genetically designated food from an in=state
6 25 food processing plant.
6 26 b. Purchases genetically designated food from another
6 27 in=state food establishment.
6 28 2. a. Except as provided in paragraph "b", all food sold
6 29 by the establishment shall be deemed to be genetically
6 30 designated food.
6 31 b. (1) The department may approve a system which allows
6 32 the establishment to segregate genetically designated food
6 33 from other food.
6 34 (2) The other food shall not be deemed to be genetically
6 35 designated food so long as the establishment complies with
7 1 departmental requirements.
7 2 3. a. The establishment shall register with the
7 3 department and keep records regarding genetically designated
7 4 food that it transfers to another person.
7 5 b. The department may inspect the establishment and may
7 6 provide for the examination and reproduction of records
7 7 maintained by the establishment necessary to ensure compliance

7 8 with this chapter. The department may enter onto the
7 9 establishment's premises during regular business hours.

7 10 4. An establishment may be excused from the requirements
7 11 of this section if all of the following apply:

7 12 a. The establishment did not have actual knowledge that it
7 13 received genetically designated food.

7 14 b. The genetically designated agricultural animal registry
7 15 does not include the following:

7 16 (1) The name of the operation or plant that transferred
7 17 the genetically designated food to the establishment.

7 18 (2) The name of another establishment that transferred the
7 19 genetically designated food to the establishment.

7 20 Sec. 8. NEW SECTION. 137G.8 LABELING REQUIREMENTS.

7 21 1. Genetically designated food sold on a retail basis must
7 22 be labeled as provided in this section. The label shall be
7 23 displayed on the food package or in proximity to the food in a
7 24 manner that is most likely to be displayed, presented, shown,
7 25 or examined under customary conditions of display for retail
7 26 sale. The label shall be large enough to accommodate the
7 27 following message:

7 28 THIS FOOD IS PRODUCED USING AN AGRICULTURAL ANIMAL THAT WAS
7 29 PRODUCED THROUGH CLONING OR OTHER GENETIC MODIFICATION

7 30 2. For the purpose of uniformity, the department shall
7 31 adopt rules providing for the font and type size of the
7 32 display and the message.

7 33 Sec. 9. NEW SECTION. 137G.9 STOP SALE ORDER.

7 34 The department may issue a stop order to a person who
7 35 transfers or represents an agricultural animal in violation of
8 1 this chapter or who transfers, represents, or labels food in
8 2 violation of this chapter.

8 3 1. The department may issue a written order to stop the
8 4 person in control of the agricultural animal or food. The
8 5 person named in the order shall not transfer the agricultural
8 6 animal or food until the department determines that the
8 7 agricultural animal or food is in compliance with this
8 8 chapter.

8 9 2. The department may require that the agricultural animal
8 10 or food be held at a designated place until released by the
8 11 department.

8 12 3. The department or the attorney general may enforce the
8 13 stop order by petitioning the district court in the county
8 14 where the agricultural product is being sold.

8 15 4. The department shall release the agricultural animal or
8 16 food when the department issues a release order upon
8 17 satisfaction that legal requirements compelling the issuance
8 18 of the stop sale order are satisfied. If the person is found
8 19 to have violated this chapter, the person shall pay all
8 20 expenses incurred by the department in connection with the
8 21 removal of the agricultural animal or food.

8 22 Sec. 10. NEW SECTION. 137G.10 CIVIL PENALTIES.

8 23 The department may establish, assess, and collect civil
8 24 penalties which shall be imposed against a person in violation
8 25 of this chapter. The amount of the civil penalty shall not
8 26 exceed ten thousand dollars for each violation and each day
8 27 that a violation continues shall be deemed a separate offense.

8 28 Sec. 11. NEW SECTION. 137G.11 FEDERAL LAW.

8 29 This chapter shall be implemented consistent with federal
8 30 law. The department shall petition the federal food and drug
8 31 administration of the United States department of health and
8 32 human services to obtain any necessary waivers in order to
8 33 implement this chapter.

8 34 EXPLANATION

8 35 This bill regulates the labeling of food which is meat,
9 1 meat products, milk, or milk products derived from a cloned
9 2 agricultural animal or any agricultural animal which births a
9 3 cloned agricultural animal, a cloned agricultural animal, the
9 4 progeny of an agricultural animal which births a cloned
9 5 agricultural animal, or the progeny of a cloned agricultural
9 6 animal. These animals are classified as genetically
9 7 designated agricultural animals.

9 8 The bill provides that the department of inspections and
9 9 appeals in cooperation with the department of agriculture and
9 10 land stewardship is responsible for administering the
9 11 provisions.

9 12 The bill requires the department to establish a genetically
9 13 designated agricultural animal registry. An in-state
9 14 agriculture animal operation, processing plant, or food
9 15 establishment must register with the department if it keeps or
9 16 transfers a genetically designated agricultural animal or
9 17 genetically designated food.

9 18 The bill provides that all agricultural animals kept by an

9 19 in-state operation or in-state processing plant that keeps
9 20 genetically designated agricultural animals are deemed to be
9 21 genetically designated agricultural animals unless the
9 22 department approves a special system of segregation. It
9 23 provides that all food processed by an in-state processing
9 24 plant that processes genetically designated food shall be
9 25 deemed to be genetically designated food unless the department
9 26 approves a special system of segregation. It provides that
9 27 all food sold by a food establishment that sells genetically
9 28 designated agricultural food is deemed to be genetically
9 29 designated food unless the department approves a special
9 30 system of segregation.

9 31 The bill requires that any person who sells food on a
9 32 retail basis must label genetically designated food according
9 33 to requirements established by the department.

9 34 The bill provides that the department may issue a stop
9 35 order to a person who transfers or fails to register an
10 1 agricultural animal in violation of the bill or who labels
10 2 food in violation of the bill.

10 3 The bill provides that the department may impose a civil
10 4 penalty not to exceed \$10,000 against a person who violates a
10 5 provision of the bill.

10 6 The bill provides that its provisions are to be implemented
10 7 consistently with federal law, and that the department must
10 8 petition the federal food and drug administration of the
10 9 United States department of health and human services to
10 10 obtain any necessary waivers in order to implement its
10 11 provisions.

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