

House File 735 - Introduced

HOUSE FILE _____
BY WHITAKER

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

A BILL FOR

1 An Act relating to organic food by providing for the duties of
2 the department, establishing a council, and establishing a
3 fund.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1194HH 82
6 da/cf/24

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1 1 Section 1. NEW SECTION. 190B.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Agricultural product" means any agricultural commodity
1 5 or product, whether raw or processed, including any commodity
1 6 or finished product derived from a plant or animal having
1 7 commercial value, including but not limited to the following:
1 8 a. For plants, stalks, trunks and branches, cuttings,
1 9 grafts, scions, leaves, buds, fruit, vegetables, roots, bulbs,
1 10 or seeds.
1 11 b. For animals, muscle tissue, organs, fat, blood, manure,
1 12 bones, milk, wool, hide, pelt, feathers, eggs, semen, embryos,
1 13 or honey.
1 14 2. "Coordinator" means the Iowa foods initiative
1 15 coordinator as provided in section 190B.2.
1 16 3. "Council" means the Iowa organics advisory council
1 17 established pursuant to section 190B.4.
1 18 4. "Department" means the department of agriculture and
1 19 land stewardship.
1 20 5. "Fund" means the Iowa foods initiative fund established
1 21 pursuant to section 190B.5.
1 22 6. "Identity=preserved agricultural product" means an
1 23 agricultural product that may be traced from production
1 24 through handling, processing, and marketing channels to the
1 25 retailer in order to ensure that a specific process or
1 26 characteristic, including but not limited to a genetic trait,
1 27 associated with the agricultural product has been followed or
1 28 is delivered to the final consumer.
1 29 7. "Iowa foods" means identity=preserved agricultural
1 30 products or organic agricultural products that are produced in
1 31 this state and intended for or marketed as foods or which are
1 32 produced in this state and processed into products that are
1 33 intended for or marketed as foods.
1 34 8. "Organic agricultural product" means an agricultural
1 35 product that is certified or otherwise qualifies as organic in
2 1 accordance with the provisions of chapter 190C.
2 2 9. "Secretary" means the secretary of agriculture.
2 3 Sec. 2. NEW SECTION. 190B.2 IOWA FOODS INITIATIVE ==
2 4 CREATED.
2 5 1. An Iowa foods initiative is created, which shall
2 6 promote the production, handling, processing, and marketing of
2 7 Iowa foods in a manner that does all of the following:
2 8 a. Provides for sound soil conservation and sustainable
2 9 agricultural practices, enhances the quality of the
2 10 environment, promotes the development of local and statewide
2 11 food systems, expands domestic and foreign markets,
2 12 revitalizes rural communities, and furnishes consumers with
2 13 widely available wholesome food.
2 14 b. Ensures that the majority of the wealth created by Iowa
2 15 agricultural producers is retained in this state, and that
2 16 employment for industries associated with the handling,
2 17 processing, and marketing of Iowa's identity=preserved
2 18 agricultural products and organic agricultural products in
2 19 this state.

2 20 2. The secretary shall appoint an Iowa foods coordinator
2 21 to administer the Iowa foods initiative.

2 22 Sec. 3. NEW SECTION. 190B.3 IOWA FOODS INITIATIVE ==
2 23 DUTIES.

2 24 1. The department shall administer the Iowa foods
2 25 initiative provided in section 190B.2 by developing and
2 26 implementing a comprehensive strategy which shall include at
2 27 least all of the following:

2 28 a. Monitoring the production, handling, processing, and
2 29 marketing of identity=preserved agricultural products and
2 30 organic agricultural products in this state.

2 31 b. Serving as an information clearinghouse to assist
2 32 agricultural producers interested in producing identity=
2 33 preserved agricultural products and organic agricultural
2 34 products. The department shall serve as a referral agency to
2 35 assist agricultural producers in obtaining assistance from
3 1 private persons and state and federal agencies, including the
3 2 organic advisory council established pursuant to section
3 3 190C.2, the Iowa cooperative extension service in agriculture
3 4 and home economics at Iowa state university, and the
3 5 department of economic development. The department shall
3 6 establish programs to ensure that interested agricultural
3 7 producers may achieve a practicable transition to producing
3 8 and marketing identity=preserved agricultural products and
3 9 organic agricultural products.

3 10 c. Initiating or supporting programs or projects which
3 11 establish, improve, or expand private and public efforts to
3 12 develop markets for identity=preserved agricultural products
3 13 and organic agricultural products. The department shall
3 14 assist persons in developing infrastructure for the
3 15 production, handling, processing, and marketing of
3 16 identity=preserved agricultural products and organic
3 17 agricultural products, including local distribution systems
3 18 such as grocery stores, restaurants, and farmers markets, and
3 19 direct producer=to=consumer sales by production contract and
3 20 internet sales.

3 21 d. Providing for educational and promotional campaigns,
3 22 including sponsoring events or publishing electronic or
3 23 printed materials which increase the public's awareness of
3 24 identity=preserved agricultural products and organic
3 25 agricultural products and their connection to Iowa farm
3 26 families. The department may design labels or placards which
3 27 identify foods as identity=preserved agricultural products or
3 28 organic agricultural products.

3 29 e. Assisting state and local governments when considering
3 30 legislative or administrative measures which may have an
3 31 impact upon the production, handling, processing, or marketing
3 32 of identity=preserved agricultural products or organic
3 33 agricultural products. The department shall cooperate with
3 34 state and local governments to ensure that when purchasing
3 35 foods, consideration is provided to identity=preserved
4 1 agricultural products and organic agricultural products
4 2 whenever the price and quality are reasonably competitive.

4 3 2. The department and state and local agencies, including
4 4 the department of administrative services, the department of
4 5 corrections, the department of economic development, the state
4 6 department of transportation, the department of natural
4 7 resources, the state board of regents institutions, and the
4 8 state board for community colleges, shall cooperate to carry
4 9 out the department's duties.

4 10 3. The department shall prepare a report as follows:

4 11 a. The report shall describe the status of the state's
4 12 efforts under this chapter to accomplish the purposes of the
4 13 Iowa foods initiative set forth in section 190B.2, and the
4 14 department's performance goals and activities, including
4 15 programs and projects designed to achieve those goals, as
4 16 provided in the department's comprehensive strategy.

4 17 b. The report shall be incorporated into the department's
4 18 annual performance plan and agency strategic plan as provided
4 19 in chapter 8E, subchapter II. The report shall be delivered
4 20 to the legislative services agency not later than February 10
4 21 of each year.

4 22 Sec. 4. NEW SECTION. 190B.4 IOWA ORGANICS ADVISORY
4 23 COUNCIL.

4 24 1. An Iowa organics advisory council is established within
4 25 the department. The council shall consult with the department
4 26 and provide general oversight of the department and its
4 27 administrative operations relative to this chapter. However,
4 28 the council shall not control policy decisions or direct the
4 29 administration of this chapter. The council, in cooperation
4 30 with the coordinator, shall do all of the following:

4 31 a. Develop and review the comprehensive strategy necessary
4 32 to carry out the Iowa foods initiative as provided in section
4 33 190B.3.

4 34 b. Review the operations of the department, establish
4 35 performance goals for the department, and adopt
5 1 recommendations relating to improving the functions of the
5 2 department as is necessary to further the Iowa foods
5 3 initiative as provided in section 190B.2.

5 4 c. Encourage the full support of initiatives of the
5 5 department performed pursuant to its comprehensive strategy as
5 6 provided in section 190B.3.

5 7 2. The council shall be composed of all of the following:

5 8 a. Four members who shall include all of the following:

5 9 (1) The chairperson of the organic advisory council as
5 10 provided in section 190C.2.

5 11 (2) The director of the Leopold center for sustainable
5 12 agriculture as provided in section 266.39.

5 13 (3) A person appointed by the director of the department
5 14 of economic development who shall be familiar with that
5 15 department's agricultural marketing programs and the value=
5 16 added agricultural products and processes financial assistance
5 17 program as provided in section 15E.111.

5 18 (4) A person appointed by the president of Iowa state
5 19 university who is a specialist in organic agricultural
5 20 production and associated with the Iowa cooperative extension
5 21 service in agriculture and home economics.

5 22 b. Nine public members who shall be appointed by the
5 23 secretary. The public members must be presently actively
5 24 engaged or have long been actively engaged in the production,
5 25 handling, processing, or marketing of identity=preserved
5 26 agricultural products and organic agricultural products. The
5 27 membership must include at least one person who has been
5 28 involved in producing identity=preserved agricultural
5 29 products. The membership must include at least four persons
5 30 who have been involved in producing organic agricultural
5 31 products. At least one member must be a member of the Iowa
5 32 food policy council and at least one member must be a member
5 33 of the practical farmers of Iowa.

5 34 (1) The secretary shall appoint the public members based
5 35 on a list of nominations submitted by organizations
6 1 representing areas of expertise in the production, handling,
6 2 processing, and marketing of identity=preserved agricultural
6 3 products and organic agricultural products, as certified by
6 4 the department according to requirements of the department.

6 5 (2) Appointments of the public members are subject to the
6 6 requirements of sections 69.16 and 69.16A. In addition, the
6 7 appointments shall be geographically balanced. Unless the
6 8 secretary determines that it is not feasible, at least one
6 9 member must reside in each of the six geographic regions known
6 10 as state fair board districts as provided in section 173.4A.
6 11 The members shall be confirmed by the senate, pursuant to
6 12 section 2.32.

6 13 (3) The members shall serve five=year terms beginning and
6 14 ending as provided in section 69.19. However, the secretary
6 15 shall appoint initial members to serve for less than five
6 16 years to ensure members serve staggered terms. A member is
6 17 eligible for reappointment. A vacancy on the council shall be
6 18 filled for the unexpired portion of the regular term in the
6 19 same manner as regular appointments are made.

6 20 3. The council shall elect a chairperson from among its
6 21 public members each year on a rotating basis as provided by
6 22 the council. The council shall meet on a regular basis and at
6 23 the call of the chairperson or upon the written request to the
6 24 chairperson of five or more public members.

6 25 4. Members are not entitled to receive compensation but
6 26 public members shall receive reimbursement of expenses from
6 27 the department as provided in section 7E.6.

6 28 5. Seven members constitute a quorum and the affirmative
6 29 vote of a majority of both the nonpublic members and public
6 30 members present is necessary for any substantive action to be
6 31 taken by the council. The majority shall not include any
6 32 member who has a conflict of interest and a statement by a
6 33 member that the member has a conflict of interest is
6 34 conclusive for this purpose. A vacancy in the membership does
6 35 not impair the duties of the council.

7 1 6. The department shall assist the council in carrying out
7 2 the council's duties relative to the Iowa foods initiative by
7 3 doing all of the following:

7 4 a. Furnishing facilities, supplies, and clerical
7 5 assistance. The coordinator shall staff the council.

7 6 b. Executing contracts with or awarding moneys for

7 7 programs or projects as provided in section 190B.3.
7 8 c. Administer the Iowa foods initiative fund as provided
7 9 in section 190B.5.
7 10 Sec. 5. NEW SECTION. 190B.5 IOWA FOODS INITIATIVE FUND.
7 11 1. An Iowa foods initiative fund is created in the state
7 12 treasury under the control of the department. The fund is
7 13 composed of moneys appropriated by the general assembly and
7 14 moneys available to and obtained or accepted by the department
7 15 from the United States or private sources for placement in the
7 16 fund.
7 17 2. Moneys in the fund are appropriated to the department
7 18 exclusively to administer its duties as provided in section
7 19 190B.3.
7 20 3. Section 8.33 shall not apply to moneys in the fund.
7 21 Notwithstanding section 12C.7, moneys earned as income or
7 22 interest from the fund shall remain in the fund until expended
7 23 as provided in this section.

7 24 EXPLANATION

7 25 This bill provides for an Iowa foods initiative, which is
7 26 to promote the production, handling, processing, and marketing
7 27 of Iowa's foods which are identity=preserved agricultural
7 28 products or organic agricultural products that are produced in
7 29 this state and intended for or marketed as foods or
7 30 agricultural products processed in this state and intended for
7 31 or marketed as foods.

7 32 The bill provides that the department of agriculture and
7 33 land stewardship is responsible for administering the
7 34 initiative. The bill provides for the appointment of a
7 35 coordinator to administer the initiative. The department is
8 1 responsible for carrying out the initiative by implementing a
8 2 comprehensive strategy which must include: (1) monitoring the
8 3 current status of the production, handling, processing, and
8 4 marketing of identity=preserved agricultural products and
8 5 organic agricultural products; (2) serving as an information
8 6 clearinghouse to assist agricultural producers interested in
8 7 producing those products; (3) initiating or supporting
8 8 programs or projects which establish, improve, or expand
8 9 private and public efforts to develop markets for the
8 10 products; (4) providing for educational and promotional
8 11 campaigns designed to increase the public's awareness of the
8 12 products; and (5) assisting state and local governments when
8 13 considering legislative or administrative measures which may
8 14 have an impact upon the production, handling, processing, or
8 15 marketing of the products. The bill requires state and local
8 16 agencies to cooperate with the department in performing its
8 17 duties. The department is required to submit an annual report
8 18 to the legislative services agency regarding its activities
8 19 and goals.

8 20 The bill also establishes an Iowa organics advisory
8 21 council. The council is to provide general oversight of the
8 22 department's administration of the initiative and assist the
8 23 department in developing and carrying out its comprehensive
8 24 strategy. The council is composed of state officials who have
8 25 knowledge regarding identity=preserved agricultural products
8 26 and organic agricultural products, and public members
8 27 appointed by the secretary of agriculture who are presently
8 28 actively engaged or have long been actively engaged in the
8 29 production, handling, processing, or marketing of
8 30 identity=preserved agricultural products and organic
8 31 agricultural products. The bill provides a number of
8 32 procedures for the appointment, voting, conduct of meetings,
8 33 and reimbursement of members, which is consistent with other
8 34 statutes establishing citizen appointed members of official
8 35 bodies. The bill requires the department to assist the

9 1 council in performing its duties.
9 2 Finally, the bill establishes an Iowa foods initiative fund
9 3 under the control of the department. Moneys in the fund are
9 4 appropriated to the department exclusively to assist the
9 5 department in carrying out its duties under the bill.

9 6 LSB 1194HH 82

9 7 da:nh/cf/24