

House File 2290 - Introduced

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A BILL FOR

1 An Act allowing certain milk or milk products produced on dairy
2 farms to be sold directly to individuals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 191.2, subsection 5, unnumbered
2 paragraph 1, Code Supplement 2009, is amended to read as
3 follows:

4 ~~All~~ Except as provided in subsection 5A, bottles,
5 containers, and packages enclosing milk or milk products shall
6 be conspicuously labeled or marked with the following:

7 Sec. 2. Section 191.2, Code Supplement 2009, is amended by
8 adding the following new subsection:

9 NEW SUBSECTION. 5A. A person who operates a dairy farm
10 as provided in chapter 192 is not required to label or mark
11 a container containing milk or a milk product, regardless of
12 whether the milk or milk product is raw or pasteurized, if the
13 person sells the milk or milk product to an individual.

14 Sec. 3. Section 192.103, Code 2009, is amended to read as
15 follows:

16 **192.103 Sale of grade "A" milk to final consumer —**
17 **impoundment of adulterated or misbranded milk.**

18 1. Only grade "A" pasteurized milk and milk products
19 shall be sold to the final consumer, or to restaurants, soda
20 fountains, grocery stores, or similar establishments, ~~+~~ except
21 in as follows:

22 a. In an emergency, the sale of pasteurized milk and milk
23 products which have not been graded, or the grade of which is
24 unknown, may be authorized by the secretary, in which case,
25 such products shall be labeled "ungraded".

26 b. A person who operates a dairy farm may sell milk or a
27 milk product regardless of whether the milk or milk product is
28 unpasteurized or ungraded, if it is produced by that dairy farm
29 and sold to an individual. The person operating the dairy farm
30 may deliver or cause to be delivered such milk or milk product
31 to a location specified by the individual. An individual who
32 purchases the milk or milk product shall not resell it.

33 2. No person shall within the state produce, provide, sell,
34 offer, or expose for sale, or have in possession with intent
35 to sell, any milk or milk product which is adulterated or

1 misbranded; except, in an emergency, the sale of pasteurized
2 milk and milk products which have not been graded, or the grade
3 of which is unknown, may be authorized by the secretary, in
4 which case such products shall be labeled "ungraded".

5 3. Any adulterated or misbranded milk or milk product
6 may be impounded by the secretary or authorized municipal
7 corporation and disposed of in accordance with applicable laws
8 or regulations.

9 **Sec. 4. NEW SECTION. 192.108A Permit and inspection**
10 **requirements — exception for dairy farms.**

11 A person who operates a dairy farm is not required to be
12 issued a permit or be inspected as otherwise provided in this
13 chapter, if any of the following applies:

14 1. The person does not sell milk or a milk product.

15 2. The person only sells milk or a milk product to an
16 individual.

17 **EXPLANATION**

18 **BACKGROUND.** This bill amends provisions affecting
19 persons who operate dairy farms where milk or milk products
20 are produced for sale to individuals. The provisions are
21 administered and enforced by the department of agriculture
22 and land stewardship. The affected provisions include Code
23 chapter 191 which governs labeling and Code chapter 192, the
24 "Iowa Grade 'A' Milk Inspection Law" (Code section 192.101),
25 and departmental rules all based on the "Grade 'A' Pasteurized
26 Milk Ordinance" (Code section 192.101A). Milk is the lacteal
27 secretion of cows, sheep, or goats, and a dairy farm is any
28 place where one or more cows, sheep, or goats are kept for the
29 production of milk (21 IAC 68.40).

30 **LABELING.** All food offered or exposed for sale must be
31 labeled (Code section 191.1). This includes labeling the milk
32 or milk product as "raw" (Code section 191.2(5)(e)). The bill
33 provides an exception from this requirement for a person who
34 operates a dairy farm, if the person sells the milk or milk
35 product to an individual.

1 SALE. All milk must be sold on the basis of grade (Code
2 section 194.10) and only grade "A" pasteurized milk and milk
3 products can be sold to the final consumer (Code section
4 192.103). Grade "B" milk may be sold for manufacturing
5 purposes (21 IAC 68.2). All dairy farms selling grade "A"
6 or grade "B" milk must be issued a permit by the department
7 (21 IAC 68.2). The bill provides that a person who operates
8 a dairy farm may sell milk or a milk product regardless of
9 whether the milk or milk product is unpasteurized or ungraded,
10 if it is produced by that dairy farm and sold to an individual.
11 The person operating the dairy farm may deliver such milk or
12 milk product to a location specified by the individual.

13 PERMIT AND INSPECTION. A person who operates a dairy farm
14 is required to obtain a permit from the department and is
15 subject to departmental inspection (Code section 192.107). The
16 bill provides that a person who operates a dairy farm is not
17 required to be issued a permit or be subject to inspections by
18 the department under either of two conditions: (1) the person
19 does not sell milk or milk products, or (2) the person only
20 sells milk or milk products to individuals.