

**House File 457 - Introduced**

HOUSE FILE 457

BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 111)

**A BILL FOR**

1 An Act providing for the transfer of duties relating  
2 to the certification of milk from the department of  
3 public health to the department of agriculture and land  
4 stewardship, providing for the transition, and providing an  
5 appropriation.

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

1 Section 1. Section 192.109, Code 2011, is amended to read  
2 as follows:

3 **192.109 Certification of grade "A" label.**

4 The Iowa department of ~~public health~~ agriculture and  
5 land stewardship shall annually survey and certify all  
6 milk labeled grade "A" pasteurized and grade "A" raw milk  
7 for pasteurization, and, in the event a survey shows the  
8 requirements for production, processing, and distribution for  
9 such grade are not being complied with, the fact thereof shall  
10 be certified by the Iowa department of ~~public health~~ to the  
11 secretary of agriculture who shall proceed with the provisions  
12 of section 192.107 for suspending the permit of the violator or  
13 who, if the secretary did not issue such permit, shall withdraw  
14 the grade "A" declared on the label.

15 Sec. 2. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

16 1. Any rule, regulation, form, order, or directive  
17 promulgated by the department of public health as required to  
18 administer and enforce the provisions of section 192.109 shall  
19 continue in full force and effect until amended, repealed,  
20 or supplemented by affirmative action of the department of  
21 agriculture and land stewardship.

22 2. An administrative hearing or court proceeding arising  
23 out of an enforcement action under section 192.109 pending  
24 on the effective date of this Act shall not be affected due  
25 to this Act. Any cause of action or statute of limitation  
26 relating to an action taken by the department of public health  
27 shall not be affected as a result of this Act and such cause  
28 or statute of limitation shall apply to the department of  
29 agriculture and land stewardship.

30 3. Any personnel in the state merit system of employment  
31 who are mandatorily transferred due to the effect of this Act  
32 shall be so transferred without any loss in salary, benefits,  
33 or accrued years of service.

34 4. Any replacement of signs, logos, stationery, insignia,  
35 uniforms, and related items that is made necessary due to

1 the effect of this Act shall be done as part of the normal  
2 replacement cycle for such items.

3 Sec. 3. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP —  
4 CERTIFICATION OF MILK. There is appropriated from the general  
5 fund of the state to the department of agriculture and land  
6 stewardship for the fiscal year beginning July 1, 2011, and  
7 ending June 30, 2012, the following amount, or so much thereof  
8 as is necessary, to be used for the purposes designated:

9 For purposes of performing functions pursuant to section  
10 192.109, including conducting a survey of grade "A" milk  
11 and certifying the results to the secretary of agriculture,  
12 including salaries, support, maintenance, miscellaneous  
13 purposes, and for not more than the following full-time  
14 equivalent positions:

15 .....	\$	189,196
16 .....	FTEs	2.00

17 EXPLANATION

18 This bill relates to the regulation of milk or milk  
19 products, including labeling requirements (Code chapter 191)  
20 or production, processing, or distribution requirements (Code  
21 chapter 192), as administered and enforced by the department of  
22 agriculture and land stewardship. A person who stores, brings,  
23 sends, or receives milk or milk products into this state for  
24 commercial purposes must be issued a permit by the department  
25 (Code section 192.107).

26 The department of public health annually surveys and  
27 certifies to the department of agriculture and land stewardship  
28 whether milk or milk products comply with the requirements.  
29 The secretary of agriculture then must suspend the permit  
30 of a violator or withdraw the grade "A" label (Code section  
31 192.109). The bill transfers the certification authority  
32 from the department of public health to the department of  
33 agriculture and land stewardship.

34 The bill provides transitional provisions to assist the  
35 departments in accomplishing the transfer. The provisions

1 relate to the validity of existing rules, regulations, forms,  
2 orders, and directives promulgated by the department of public  
3 health; pending enforcement actions; the transfer of personnel;  
4 and the replacement of items with insignia.

5 The bill appropriates moneys from the general fund of the  
6 state and allocates full-time equivalent positions to the  
7 department of agriculture and land stewardship for purposes  
8 of conducting the survey and certifying the results to the  
9 secretary of agriculture.