

Senate File 2178 - Introduced

SENATE FILE 2178

BY BOLKCOM

A BILL FOR

1 An Act prohibiting the slaughter and use of equines as food
2 products to be used for human consumption, providing for
3 penalties, and including effective date provisions.

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

1 Section 1. Section 189A.2, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5A. *"Equine"* means the same as defined in
4 section 189B.1.

5 Sec. 2. Section 189A.2, subsections 14 and 16, Code 2014,
6 are amended to read as follows:

7 14. a. *"Livestock"* means a live or dead animal which is
8 limited to cattle, sheep, swine, goats, or farm deer, ~~or which~~
9 ~~is classified as an equine including a horse or mule.~~

10 b. *"Livestock"* does not include an equine.

11 16. a. *"Meat food product"* means any product capable of use
12 as human food which is made wholly or in part from any meat or
13 other portion of the carcass of any cattle, sheep, swine, or
14 goats, excepting products which contain meat or other portions
15 of such carcasses only in a relatively small proportion
16 or historically have not been considered by consumers as
17 products of the meat food industry, and which are exempted
18 from definition as a meat food product by the secretary under
19 such conditions as the secretary may prescribe to assure that
20 the meat or other portions of such carcass contained in such
21 product are not adulterated and that such products are not
22 represented as meat food products.

23 b. ~~This term~~ *"Meat food product"* as applied to food products
24 of ~~equines or~~ farm deer shall have a meaning comparable to that
25 provided in ~~this~~ paragraph "a" with respect to cattle, sheep,
26 swine, and goats.

27 c. *"Meat food product"* does not include any part of an
28 equine.

29 Sec. 3. Section 189A.7, subsection 6, Code 2014, is amended
30 by striking the subsection.

31 Sec. 4. Section 189A.8, subsection 1, Code 2014, is amended
32 by striking the subsection.

33 Sec. 5. NEW SECTION. 189B.1 **Definitions.**

34 1. *"Equine"* means an animal which is a member of the
35 taxonomic family equidae, and includes donkeys, horses, and

1 mules.

2 2. *a.* "Equine food product" means any item derived from an
3 equine that may be used for human consumption, including but
4 not limited to muscle tissue, fat, internal organs, entrails,
5 blood, soft tissue, and bone marrow.

6 *b.* "Food product" includes an item that is in a consumable
7 state or that is to be made into a consumable state after being
8 further processed.

9 3. "Local authority" means the same as defined in section
10 717B.1.

11 4. "Slaughter" means to kill an equine for purposes of
12 obtaining an equine food product.

13 Sec. 6. NEW SECTION. 189B.2 **Application.**

14 Nothing in this chapter shall be construed to authorize a
15 criminal prosecution or civil action to be commenced against a
16 person who purchases an equine food product for their personal
17 consumption.

18 Sec. 7. NEW SECTION. 189B.3 **Local authorities.**

19 A local authority, in cooperation with the attorney general,
20 shall administer and enforce the provisions of this chapter.

21 Sec. 8. NEW SECTION. 189B.4 **Wrongful conversion of an**
22 **equine — criminal penalty.**

23 1. A person commits the offense of wrongful conversion of an
24 equine by doing any of the following:

25 *a.* Slaughtering an equine for purposes of obtaining an
26 equine food product, if the person knows that the equine food
27 product is to be used for human consumption.

28 *b.* Possessing an equine for sale, offer for sale, or
29 exhibition, if the person knows the equine will be slaughtered
30 and that an equine food product obtained from the slaughtered
31 equine is to be used for human consumption.

32 *c.* Transporting, or being a party to an arrangement
33 involving the transportation of, an equine, if the person
34 knows that the equine is to be slaughtered for purposes of
35 obtaining an equine food product that is to be used for human

1 consumption.

2 2. A person committing wrongful conversion of an equine is
3 guilty of an aggravated misdemeanor.

4 Sec. 9. NEW SECTION. 189B.5 **Trafficking in equine food**
5 **products — criminal penalty.**

6 1. A person commits the offense of trafficking in equine
7 food products by doing any of the following:

8 a. Storing or transporting a food product derived from a
9 slaughtered equine, if the person knows that the food product
10 is derived from a slaughtered equine and the food product is to
11 be used for human consumption.

12 b. Being a party to an arrangement involving the storage
13 or transportation of a food product derived from a slaughtered
14 equine, if the person knows that the food product is derived
15 from a slaughtered equine and the food product is to be used
16 for human consumption.

17 2. A person committing the offense of trafficking in equine
18 food products is guilty of an aggravated misdemeanor.

19 Sec. 10. NEW SECTION. 189B.6 **Confiscation and disposition**
20 **of equines.**

21 1. A local authority may confiscate an equine that is
22 subject to wrongful conversion pursuant to section 189B.4.
23 An equine so confiscated shall be considered neglected under
24 section 717.2, may be rescued as provided in section 717.2A,
25 and may be subject to disposition as provided in section 717.5.

26 2. An equine subject to wrongful conversion pursuant to
27 section 189B.4 that is not confiscated under subsection 1
28 shall be forfeited to the state and subject to disposition
29 as ordered by the court. In addition, the court shall order
30 the person with an ownership interest in the equine to pay an
31 amount which shall not be more than the expenses incurred in
32 maintaining or disposing of the equine. The court may also
33 order that the person pay reasonable attorney fees and expenses
34 related to the investigation of the case that shall be taxed
35 as other court costs. If more than one person has a divisible

1 ownership interest in the equine, the amount required to be
2 paid shall be prorated based on the percentage of interest in
3 the equine owned by each person. The moneys shall be paid to
4 the local authority incurring the expense. The amount shall be
5 subtracted from proceeds which are received from any sale of
6 the animal ordered by the court.

7 Sec. 11. EFFECTIVE UPON ENACTMENT. This Act, being deemed
8 of immediate importance, takes effect upon enactment.

9

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 GENERAL. This bill prohibits the slaughter of equines,
13 including by amending Iowa's "Meat and Poultry Inspection Act"
14 (Code chapter 189A) and creating a new chapter (Code chapter
15 189B). The bill defines the term "equine" to mean a member of
16 the taxonomic family equidae, and includes donkeys, horses, and
17 mules.

18 EXISTING CODE CHAPTER — IOWA'S "MEAT AND POULTRY INSPECTION
19 ACT". The bill amends the definition of livestock subject
20 to slaughter at an establishment regulated by the department
21 of agriculture and land stewardship, by providing that an
22 equine is not livestock and is not part of a meat food product
23 (Code section 189A.2). It also eliminates a provision which
24 authorizes the transportation and sale of an equine carcass
25 (Code section 189A.8).

26 NEW CODE CHAPTER — CRIMINAL OFFENSES. The bill provides
27 for two related offenses: wrongful conversion of an equine
28 and trafficking in equine food products. The first offense is
29 committed when a person slaughters an equine, sells or exhibits
30 an equine, or transports an equine knowing that the equine is
31 to be slaughtered for purposes of obtaining a food product and
32 that food product will be used for human consumption. The
33 second offense is committed by a person storing or transporting
34 a food product derived from a slaughtered equine, or being a
35 party to an arrangement involving the storage or transportation

1 of a food product derived from a slaughtered equine. The
2 person must know that the food product is to be used for human
3 consumption.

4 CRIMINAL PENALTIES. A person who violates Iowa's meat and
5 poultry inspection Act is guilty of a simple misdemeanor (Code
6 section 189A.17). A person who commits the new offense of
7 wrongful slaughter of an equine or trafficking in equine food
8 products is guilty of an aggravated misdemeanor. A simple
9 misdemeanor is punishable by confinement for not more than 30
10 days or a fine of at least \$65 but not more than \$625 or by
11 both. An aggravated misdemeanor is punishable by confinement
12 for no more than two years and a fine of at least \$625 but not
13 more than \$6,250.

14 CONFISCATION AND DISPOSITION OF EQUINES. A local authority
15 such as a county may confiscate (rescue) an equine involved in
16 a wrongful conversion in the same manner as neglected livestock
17 under Code chapter 717. A court must order the disposition
18 upon a petition filed by a local authority. The order may
19 include provisions for the payment of expenses incurred by
20 a person maintaining the livestock. An equine that is not
21 confiscated and disposed of as neglected must be forfeited to
22 the state and subject to disposition as ordered by the court.
23 A court must order that a person who owns the equine pay for
24 expenses incurred in maintaining or disposing of the equine.
25 The court may also order that the person pay reasonable
26 attorney fees and expenses related to the investigation of the
27 case.

28 EFFECTIVE DATE. The bill takes effect upon enactment.