

House File 2057 - Introduced

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BY HEARTSILL

A BILL FOR

1 An Act relating to dairy items, including unpasteurized or
2 ungraded milk or milk products, produced at a dairy farm and
3 sold to an individual for use as commercial feed, and making
4 penalties applicable.

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

1 Section 1. Section 191.2, subsection 5, Code 2018, is
2 amended to read as follows:

3 5. ~~All bottles, containers, and packages~~ Except as provided
4 in subsection 5A, a container or package enclosing milk or a
5 milk products product shall be conspicuously labeled or marked
6 with all of the following:

7 a. The name of the contents as given in the definitions of
8 this chapter and [chapters 190 and 192](#).

9 b. The word "reconstituted" or "recombined" if the product
10 is made by reconstitution or recombination.

11 c. The grade of the contents.

12 ~~d. The word "pasteurized" if the contents are pasteurized~~
13 ~~and the identity of.~~ The package or container shall identify
14 the plant where the milk or milk product is pasteurized.

15 ~~e. The word "raw" if the contents are raw and the name or~~
16 ~~other identity of the producer.~~

17 ~~f.~~ e. The designation vitamin "D" and the number of
18 U.S.P. units per quart in the case of vitamin "D" milk or milk
19 products.

20 ~~g.~~ f. The volume or proportion of water to be added for
21 recombining in the case of concentrated milk or milk products.

22 ~~h.~~ g. The words "nonfat milk solids added" and the
23 percentage added if such solids have been added, except that
24 this requirement shall not apply to reconstituted or recombined
25 milk and milk products.

26 ~~i.~~ h. The words "artificially sweetened" in the name if
27 nonnutritive or artificial sweeteners or both are used.

28 ~~j.~~ i. The common name of stabilizers, distillates, and
29 ingredients, provided that:

30 (1) Only the identity of the milk producer shall be required
31 on cans delivered to a milk plant as provided in [chapter 192](#)
32 which receives only grade "A" raw milk for pasteurization, and
33 which immediately dumps, washes, and returns the cans to the
34 milk producer.

35 (2) The identity of both milk producer and the grade shall

1 be required on cans delivered to a milk plant as provided
2 in [chapter 192](#) which receives both grade "A" raw milk for
3 pasteurization and ungraded raw milk and which immediately
4 dumps, washes, and returns the cans to the milk producer.

5 (3) In the case of concentrated milk products, the specific
6 name of the product shall be substituted for the generic term
7 "concentrated milk products", e.g., "homogenized concentrated
8 milk", "concentrated skim milk", "concentrated chocolate milk",
9 "concentrated chocolate flavored low fat milk".

10 (4) In the case of flavored milk or flavored reconstituted
11 milk, the name of the principal flavor shall be substituted for
12 the word "flavored".

13 (5) In the case of cultured milk and milk products,
14 the special type culture used may be substituted for the
15 word "cultured", e.g., "acidophilus buttermilk", "Bulgarian
16 buttermilk", and "yogurt".

17 Sec. 2. Section 191.2, Code 2018, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 5A. A bottle, container, or package
20 containing milk or a milk product that is unpasteurized or
21 ungraded and sold for commercial feed as provided in section
22 192.103 shall be conspicuously labeled or marked with the
23 following:

24 "It is not legal to sell raw or ungraded milk or a milk product
25 containing raw or ungraded milk for human consumption in Iowa.

26 This milk or milk product is intended to be used solely for
27 commercial feed to be consumed by animals."

28 Sec. 3. Section 192.103, Code 2018, is amended to read as
29 follows:

30 **192.103 Sale of grade "A" milk to final consumer —**
31 **impoundment of adulterated or misbranded milk — exceptions.**

32 1. Only grade "A" pasteurized milk and milk products
33 shall be sold to the final consumer, or to restaurants, soda
34 fountains, grocery stores, or similar establishments; except in
35 an emergency, the sale of pasteurized milk and milk products

1 which have not been graded, or the grade of which is unknown,
2 may be authorized by the secretary, in which case, such
3 products shall be labeled "ungraded".

4 2. ~~No~~ A person shall not within the state produce, provide,
5 sell, offer, or expose for sale, or have in possession with
6 intent to sell, any milk or milk product which is adulterated
7 or misbranded; except, in an emergency, the sale of pasteurized
8 milk and milk products which have not been graded, or the grade
9 of which is unknown, may be authorized by the secretary, in
10 which case such products shall be labeled "ungraded".

11 3. Any adulterated or misbranded milk or milk product
12 may be impounded by the secretary or authorized municipal
13 corporation and disposed of in accordance with applicable laws
14 or regulations.

15 4. a. Notwithstanding subsections 1 through 3, a person
16 who operates a dairy farm may sell milk or a milk product
17 that is unpasteurized or ungraded, if it is produced at that
18 dairy farm and sold to an individual as commercial feed for
19 animals as defined in section 198.3. The person must label the
20 bottle, container, or package containing milk or a milk product
21 as provided in section 191.2, subsection 5A. The person may
22 deliver or cause to be delivered such milk or milk product to
23 a location specified by the individual. An individual who
24 purchases the milk or milk product shall not resell it.

25 b. As used in paragraph "a", "sell" means to transfer title
26 or possession, by exchange or barter, in any manner or by
27 any means or agreement. "Sell" includes any transaction that
28 involves the transfer of milk or a milk product or the right to
29 acquire milk or a milk product through barter or contractual
30 arrangement or in exchange for any other form of compensation
31 including but not limited to the sale of shares or interest in
32 a cow, goat, or other lactating animal or herd.

33 **Sec. 4. NEW SECTION. 192.113A Penalty — persons purchasing**
34 **milk or milk products for commercial feed.**

35 A person who purchases milk or a milk product for commercial

1 ungraded, if it is produced at that dairy farm and sold to an
2 individual as commercial feed for animals. The person would
3 not be required to obtain a permit or comply with inspection
4 requirements as otherwise provided in the "Iowa Grade 'A' Milk
5 Inspection Law" (Code chapter 192). The person also would
6 not be required to obtain a license or comply with inspection
7 requirements under the "Iowa Commercial Feed Law" (Code chapter
8 198). The bill requires that a container holding unpasteurized
9 or ungraded milk or a milk product be conspicuously labeled
10 (Code section 191.2). A person who purchases milk or a milk
11 product for commercial feed for resale is guilty of a simple
12 misdemeanor (new Code section 192.113A). A simple misdemeanor
13 is punishable by confinement for no more than 30 days or a fine
14 of at least \$65 but not more than \$625 or by both.