

Senate Study Bill 3171 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON ZUMBACH)

A BILL FOR

1 An Act creating the criminal offense of food operation
2 trespass, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 716.7A Food operation trespass.

2 1. As used in this section, unless the context otherwise
3 requires:

4 a. "Food animal" means an animal belonging to the bovine,
5 caprine, ovine, or porcine species; farm deer as defined in
6 section 170.1; or turkeys, chickens, or other poultry.

7 b. "Food establishment", "food processing plant", and
8 "farmers market" mean the same as defined in section 137F.1.

9 c. "Food operation" means any of the following:

10 (1) A location where a food animal is produced.

11 (2) A location other than as described in subparagraph (1)
12 where a food animal is kept, including a livestock market,
13 vehicle or trailer attached to a vehicle, fair, exhibition, or
14 a business operated by a person licensed to practice veterinary
15 medicine pursuant to chapter 169.

16 (3) A location where a meat food product or poultry product
17 is prepared for human consumption, including a food processing
18 plant, a slaughtering establishment operating under the
19 provisions of 21 U.S.C. §451 et seq. or 21 U.S.C. §601 et seq.;
20 or a slaughtering establishment subject to state inspection as
21 provided in chapter 189A.

22 (4) A food establishment or farmers market that sells or
23 offers for sale a meat product or poultry product.

24 d. "Meat food product", "poultry product", and "prepared"
25 mean the same as defined in section 189A.2.

26 2. A person commits food operation trespass by entering
27 or remaining on the property of a food operation without the
28 consent of a person who has real or apparent authority to allow
29 the person to enter or remain on the property.

30 3. Subsection 2 does not apply to any of the following:

31 a. A person passing over a right-of-way, if the person has
32 not been notified or requested by posted signage or other means
33 to abstain from entering onto the right-of-way or to vacate the
34 right-of-way.

35 b. A person having lawful authority to enter onto the

1 property of the food operation, including but not limited to a
2 federal, state, or local government official.

3 c. A person who is conferred legal status to enter onto or
4 remain on the property of the food operation.

5 d. A person employed by a food operation while acting in the
6 course of employment.

7 Sec. 2. Section 716.8, Code 2020, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 8. A person who commits food operation
10 trespass commits an aggravated misdemeanor.

11 EXPLANATION

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

14 This bill creates the criminal offense of food operation
15 trespass. A person commits the offense by entering or
16 remaining on the property of a food operation without the
17 consent of a person who has real or apparent authority over the
18 property. A food operation is a location where a food animal
19 is produced or kept, the location where a meat or poultry
20 product is prepared (e.g., processed and packaged) for human
21 consumption, or a food establishment, such as a restaurant or
22 farmers market that sells or offers for sale a meat product or
23 poultry product. A person who commits food operation trespass
24 commits an aggravated misdemeanor. An aggravated misdemeanor
25 is punishable by confinement for no more than two years and a
26 fine of at least \$625 but not more than \$6,250.