

House File 2581 - Introduced

HOUSE FILE 2581

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2572)

(SUCCESSOR TO HF 2439)

(SUCCESSOR TO HSB 673)

A BILL FOR

1 An Act providing for programs and regulations administered
2 and enforced by the department of agriculture and land
3 stewardship, providing fees, providing penalties, and making
4 penalties applicable.

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

DIVISION I

CHOOSE IOWA PROMOTIONAL PROGRAM

Section 1. Section 159.20, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. The department shall establish and administer a choose Iowa promotional program as provided in part 2 of this subchapter, in order to provide consumers a choice in purchasing food items that originate as an agricultural commodity produced on Iowa farms.

Sec. 2. NEW SECTION. 159.26 **Definitions.**

As used in this part:

1. "*Food item*" means any of the following:

a. A perishable item derived from an agricultural commodity, or processed from an agricultural commodity, that is fit for human consumption.

b. Honey produced from bees in a managed beehive.

2. "*Iowa farm*" means land in this state used to produce an agricultural commodity.

3. "*Process*" means to prepare a food item in a manner that allows it to be fit for human consumption.

4. "*Program*" means the choose Iowa promotional program established in section 159.29.

Sec. 3. NEW SECTION. 159.28 **Administration.**

The department shall administer the provisions of this part, including by adopting rules pursuant to chapter 17A as it determines are necessary or desirable.

Sec. 4. NEW SECTION. 159.29 **Choose Iowa promotional program.**

1. The department shall establish and administer a choose Iowa promotional program to advertise for sale on a retail basis a food item that originates as an agricultural commodity produced on an Iowa farm, and that may include any of the following:

a. An agricultural commodity, except that it may be prepared for sale by washing or packaging in this state.

1 *b.* A product, if it is processed in this state and any of
2 its ingredients originate as an agricultural commodity produced
3 on an Iowa farm.

4 2. *a.* The department may adopt rules further defining
5 an Iowa farm and describing how an agricultural commodity
6 originates on an Iowa farm.

7 *b.* The department may adopt rules providing for the
8 acceptable use of ingredients originating from agricultural
9 commodities not produced on Iowa farms. In adopting the
10 rules, the department may consider whether the ingredient is
11 an incidental additive or other component that the department
12 determines is insignificant.

13 Sec. 5. NEW SECTION. 159.30 Choose Iowa logo.

14 1. As part of the program, the department may establish
15 a choose Iowa logo to identify a food item originating as an
16 agricultural commodity produced on an Iowa farm.

17 2. The department may register the choose Iowa logo as a
18 mark with the secretary of state under chapter 548. If allowed
19 under federal law, the department may also register the logo as
20 a trademark with the United States patent and trademark office
21 or as a copyright with the United States copyright office.

22 3. This section does not require the department to
23 incorporate the name "choose Iowa" as part of a mark,
24 trademark, or copyright, if such name is already protected by
25 state or federal law.

26 4. If the department registers a mark with the secretary
27 of state, registers a trademark with the United States patent
28 and trademark office, or registers a copyright with the United
29 States copyright office under this section, the state of
30 Iowa shall be named as the owner of the mark, trademark, or
31 copyright.

32 5. The use of a choose Iowa logo does not do any of the
33 following:

34 *a.* Provide an express or implied guarantee or warranty
35 concerning the safety, fitness, merchantability, or use of a

1 food item.

2 *b.* Supersede, revise, or replace a state or federal labeling
3 requirement, including but not limited to a provision in the
4 federal Fair Packaging and Labeling Act, 15 U.S.C. §1451 et
5 seq.

6 *c.* Indicate the grade, specification, standard, or value of
7 any food item.

8 Sec. 6. NEW SECTION. 159.31 Choose Iowa licensing agreement
9 — fees.

10 1. A person may apply to the department to participate in
11 the choose Iowa promotional program according to procedures
12 established by rules adopted by the department. The department
13 shall evaluate and approve or disapprove applications based
14 on criteria established by rules adopted by the department.
15 The department may disapprove an application if the department
16 determines the applicant's use of the choose Iowa logo would be
17 associated with the consumption of an adulterated or illegal
18 food item.

19 2. The department may enter into a licensing agreement
20 with a person participating in the program. The participating
21 person may use the choose Iowa logo to advertise a food item
22 originating as an agricultural commodity produced on an Iowa
23 farm, subject to terms and conditions required by rules adopted
24 by the department. A licensing agreement shall not be for more
25 than one year.

26 3. The department shall establish application and license
27 fees by rules adopted by the department.

28 Sec. 7. NEW SECTION. 159.31A Choose Iowa fund.

29 1. A choose Iowa fund is established in the state treasury
30 under the management and control of the department.

31 2. The fund shall include moneys collected as fees by the
32 department as provided in section 159.31, moneys appropriated
33 by the general assembly, and other moneys available to and
34 obtained or accepted by the department, including moneys from
35 public or private sources.

1 3. Moneys in the fund are appropriated to the department
2 and shall be used exclusively to carry out the provisions of
3 this part as determined and directed by the department, and
4 shall not require further special authorization by the general
5 assembly.

6 4. *a.* Notwithstanding section 12C.7, interest or earnings
7 on moneys in the fund shall be credited to the fund.

8 *b.* Notwithstanding section 8.33, moneys in the fund that
9 remain unencumbered or unobligated at the end of a fiscal year
10 shall not revert.

11 Sec. 8. DIRECTIONS TO CODE EDITOR — TRANSFER.

12 1. The Code editor is directed to make the following
13 transfer:

14 Section 159.27 to section 159.25.

15 2. The Code editor shall correct internal references in the
16 Code and in any enacted legislation as necessary due to the
17 enactment of this section.

18 Sec. 9. DIRECTIONS TO CODE EDITOR — PARTS. The Code editor
19 is directed to divide the provisions in chapter 159, subchapter
20 II, as amended, enacted, or transferred in this division of
21 this Act, into parts as follows:

22 1. Part 1, including sections 159.20 through 159.25.

23 2. Part 2, including sections 159.26 through 159.31A.

24 DIVISION II

25 REGULATION OF PESTICIDES

26 Sec. 10. Section 206.12, subsection 3, Code 2022, is amended
27 to read as follows:

28 3. The registrant, before selling or offering for sale any
29 pesticide for use in this state, shall register each brand and
30 grade of such pesticide with the secretary upon forms furnished
31 by the secretary, and the secretary shall set the registration
32 fee annually at ~~one-fifth of one percent of gross sales within~~
33 ~~this state with a minimum fee of two hundred fifty dollars and~~
34 ~~a maximum fee of three thousand~~ hundred dollars for each and
35 every brand and grade to be offered for sale in this state

1 ~~except as otherwise provided. The annual registration fee for~~
2 ~~products with gross annual sales in this state of less than~~
3 ~~one million five hundred thousand dollars shall be the greater~~
4 ~~of two hundred fifty dollars or one-fifth of one percent of~~
5 ~~the gross annual sales as established by affidavit of the~~
6 ~~registrant. The secretary shall adopt by rule exemptions to~~
7 ~~the minimum fee. Fifty dollars of each fee collected shall be~~
8 ~~deposited in the general fund of the state, shall be subject~~
9 ~~to the requirements of section 8.60, and shall be used only~~
10 ~~for the purpose of enforcing the provisions of this chapter~~
11 ~~and the remainder of each fee collected shall be placed in the~~
12 ~~agriculture management account of the groundwater protection~~
13 ~~fund.~~

14 Sec. 11. Section 206.19, subsection 5, paragraph b, Code
15 2022, is amended to read as follows:

16 *b.* ~~The amount of the civil penalty that may be assessed~~
17 ~~for each violation committed by a commercial applicator or~~
18 ~~private applicator shall not exceed five hundred dollars for~~
19 each offense.

20 DIVISION III

21 REGULATION OF MOTOR FUELS

22 Sec. 12. Section 214A.1, subsections 2, 5, and 13, Code
23 2022, are amended to read as follows:

24 2. ~~"A.S.T.M. ASTM international"~~ means the American society
25 for testing and materials international.

26 5. ~~"Biodiesel"~~ means a renewable fuel comprised of
27 mono-alkyl esters of long-chain fatty acids derived from
28 vegetable oils or animal fats, which is manufactured by the
29 use of a transesterification reaction, and which meets the
30 standards provided in section 214A.2.

31 13. ~~"E-85 gasoline"~~ or ~~"E-85"~~ means ethanol blended gasoline
32 formulated with a percentage of between ~~seventy~~ sixty-eight
33 ~~and eighty-five~~ eighty-three percent by volume of ethanol, if
34 the formulation excludes a denaturant, and which meets the
35 standards provided in section 214A.2.

1 Sec. 13. NEW SECTION. 214A.1A Administration and
2 enforcement.

3 This chapter shall be administered and enforced by the
4 department which may adopt rules under chapter 17A to carry out
5 the provisions of this chapter.

6 Sec. 14. Section 214A.2, Code 2022, is amended to read as
7 follows:

8 214A.2 ~~Tests and standards~~ Standards and classifications.

9 1. a. The department shall adopt rules pursuant to chapter
10 17A for carrying out ~~this chapter~~. The rules may include but
11 are not limited to specifications establishing departmental
12 standards relating to motor fuel, including but not limited to
13 ~~renewable fuel such as ethanol blended gasoline, biobutanol~~
14 ~~blended gasoline, biodiesel, biodiesel blended fuel,~~ fuels and
15 motor fuel components such as an oxygenate.

16 b. In the interest of uniformity, the department shall
17 adopt by reference ~~other~~ in part or in whole, as some of its
18 departmental standards described in paragraph "a", applicable
19 ~~specifications relating to tests and standards for motor fuel,~~
20 ~~including renewable fuel and motor fuel components,~~ adopted by
21 ASTM international and applicable requirements established by
22 the United States environmental protection agency and ~~A.S.T.M.~~
23 ~~international~~.

24 2. Octane number shall conform to the average of values
25 obtained from the ~~A.S.T.M.~~ ASTM international D2699 research
26 method and the ~~A.S.T.M.~~ ASTM international D2700 motor method.

27 a. Octane number for regular grade unleaded gasoline shall
28 follow the specifications of ~~A.S.T.M.~~ ASTM international but
29 shall not be less than eighty-seven.

30 b. Octane number for premium grade unleaded gasoline shall
31 follow the specifications of ~~A.S.T.M.~~ ASTM international but
32 shall not be less than ~~ninety~~ ninety-one.

33 3. a. For motor fuel advertised for sale or sold as
34 gasoline by a dealer, the motor fuel must meet requirements
35 for that type of motor fuel and its additives established by

1 the United States environmental protection agency including as
2 provided under 42 U.S.C. §7545.

3 **b.** If the motor fuel is advertised for sale or sold as
4 ethanol blended gasoline, the motor fuel must ~~comply with~~ meet
5 departmental standards ~~which shall meet all of the following~~
6 requirements including as follows:

7 (1) Ethanol must be an agriculturally derived ethyl alcohol
8 that meets ~~A.S.T.M.~~ departmental standards based in part or in
9 whole on ASTM international specification D4806 for denatured
10 fuel ethanol for blending with gasoline for use as automotive
11 spark-ignition engine fuel, or a successor A.S.T.M. ASTM
12 international specification, as established by rules adopted
13 by the department rule.

14 (2) Gasoline blended with ethanol must meet ~~requirements~~
15 ~~established by rules adopted~~ departmental standards based
16 in part or in whole based on A.S.T.M. ASTM international
17 specification D4814, or a successor ASTM international
18 specification, established by rule.

19 (3) (a) For ethanol blended gasoline, at least nine
20 percent by volume must be fuel grade ethanol. ~~In addition, the~~
21 ~~following applies:~~

22 ~~(a)~~ (b) For the period beginning on September 16 and
23 ending on May 31 of each year, the state grants a waiver of
24 one pound per square inch from the ~~A.S.T.M.~~ ASTM international
25 D4814 specification for Reid vapor pressure requirement, or
26 a successor ASTM international specification, established by
27 rule.

28 ~~(b) For the period beginning on June 1 and ending on~~
29 ~~September 15 of each year the United States environmental~~
30 ~~protection agency must grant a one pound per square inch waiver~~
31 ~~for ethanol blended conventional gasoline with at least nine~~
32 ~~but not more than ten percent by volume of ethanol pursuant to~~
33 ~~40 C.F.R. §80.27.~~

34 (4) For standard ethanol blended gasoline, it must be
35 ethanol blended gasoline classified as any of the following:

1 (a) From E-9 up to but not higher than E-15, if the ethanol
2 blended gasoline meets the departmental standards for that
3 classification as otherwise provided in this paragraph "b".

4 (b) Higher than E-15 but not E-85 gasoline, if the
5 classification is authorized by the department pursuant to
6 approval for the use of that classification of ethanol blended
7 gasoline in this state by the United States environmental
8 protection agency, by granting a waiver or the adoption of
9 regulations.

10 (5) E-85 gasoline must be an agriculturally derived ethyl
11 alcohol that meets ~~A.S.T.M.~~ departmental standards based in
12 part or in whole on ASTM international specification D5798,
13 described as a fuel blend for use in ground vehicles with
14 automotive spark-ignition engines, or a successor ~~A.S.T.M.~~ ASTM
15 international specification, ~~as established by rules adopted~~
16 ~~by the department~~ rule.

17 c. If the motor fuel is advertised for sale or sold as
18 biobutanol blended gasoline, the motor fuel must ~~comply~~
19 ~~with~~ meet departmental standards ~~which shall meet all of the~~
20 ~~following requirements~~ as follows:

21 (1) Biobutanol must be an agriculturally derived isobutyl
22 or n-butyl alcohol that meets ~~A.S.T.M.~~ ASTM international
23 specification D7862 for butanol for blending with gasoline for
24 use as automotive spark-ignition engine fuel, or a successor
25 ~~A.S.T.M.~~ ASTM international specification, ~~as established by~~
26 ~~rules adopted by the department~~ rule.

27 (2) Gasoline blended with biobutanol must meet ~~requirements~~
28 ~~established by rules adopted~~ departmental standards based
29 in part or in whole ~~based on~~ A.S.T.M. ASTM international
30 specification D4814, or a successor ASTM international
31 specification, established by rule.

32 4. a. For motor fuel advertised for sale or sold as diesel
33 fuel by a dealer, the motor fuel must meet requirements for
34 that type of motor fuel and its additives established by the
35 United States environmental protection agency including as

1 provided under 42 U.S.C. §7545.

2 *b.* If the motor fuel is advertised for sale or sold as
3 biodiesel or biodiesel blended fuel, the motor fuel must ~~comply~~
4 ~~with~~ meet departmental standards ~~which shall comply with~~ based
5 in part or in whole on specifications adopted by A.S.T.M. ASTM
6 international for biodiesel or biodiesel blended fuel, to
7 every extent applicable, ~~as determined by rules adopted by the~~
8 ~~department.~~ the department, subject to the following:

9 (1) Biodiesel must ~~conform to A.S.T.M.~~ meet departmental
10 standards based in whole or in part on ASTM international
11 specification D6751, or a successor ~~A.S.T.M.~~ ASTM international
12 specification, ~~as established by rules adopted by the~~
13 ~~department~~ rule. The specification shall apply to biodiesel
14 before it leaves its place of manufacture.

15 (2) At least ~~one~~ five percent of biodiesel blended fuel by
16 volume must be biodiesel.

17 (3) The biodiesel may be blended with diesel fuel whose
18 sulfur, aromatic, lubricity, and cetane levels do not comply
19 with ~~A.S.T.M.~~ ASTM international specification D975 grades
20 1-D or 2-D, low sulfur 1-D or 2-D, or ultra-low sulfur grades
21 1-D or 2-D, provided that the finished biodiesel blended fuel
22 meets ~~A.S.T.M. international specification D975 or a successor~~
23 ~~A.S.T.M. international specification as established by rules~~
24 ~~adopted by the department~~ departmental standards as required in
25 subparagraph (1).

26 (4) Biodiesel blended fuel classified as B-6 or higher
27 but not higher than B-20 must ~~conform to A.S.T.M.~~ meet
28 departmental standards based in whole or in part on ASTM
29 international specification D7467, or a successor ~~A.S.T.M.~~ ASTM
30 international specification, ~~as established by rules adopted~~
31 ~~by the department~~ rule.

32 5. Motor fuel shall be classified as follows:

33 *a.* (1) Ethanol shall be classified as E-100.

34 (2) Ethanol blended gasoline formulated with a percentage
35 of between sixty-eight and eighty-three percent by volume of

1 ethanol shall be classified as E-85.

2 (3) Ethanol blended gasoline, other than ethanol blended
3 gasoline classified as E-85, shall be ~~designated~~ classified as
4 E-xx where "xx" is the volume percent of ethanol in the ethanol
5 blended gasoline.

6 b. (1) Biobutanol shall be classified as Bu-100.

7 (2) Biobutanol blended gasoline shall be ~~designated~~
8 classified as Bu-xx where "xx" is the volume percent of
9 biobutanol in the biobutanol blended gasoline.

10 c. (1) Biodiesel shall be classified as B-100.

11 (2) Biodiesel blended fuel shall be ~~designated~~ classified
12 as B-xx where "xx" is the volume percent of biodiesel.

13 6. Motor fuel shall not contain more than trace amounts of
14 MTBE, as provided in [section 214A.18](#).

15 Sec. 15. Section 214A.2A, subsection 1, Code 2022, is
16 amended to read as follows:

17 1. Fuel which is sold or is kept, offered, or exposed for
18 sale as kerosene shall be labeled as kerosene. The label shall
19 include the word "kerosene" or the designation "K1 kerosene",
20 and shall indicate that the kerosene is in compliance with the
21 standard specification adopted by ~~A.S.T.M.~~ ASTM international
22 specification D3699 ~~(1982)~~, or a successor ASTM international
23 specification, established by rules adopted by the department.

24 Sec. 16. Section 214A.2B, Code 2022, is amended to read as
25 follows:

26 **214A.2B Laboratory for motor fuel and biofuels.**

27 A laboratory for motor fuel and biofuels is established at
28 a community college which is engaged in biofuels testing on
29 July 1, 2007, and which testing includes but is not limited to
30 B-20 biodiesel fuel testing for motor trucks and the ability of
31 biofuels to meet ~~A.S.T.M.~~ ASTM international standards. The
32 laboratory shall conduct testing of motor fuel sold in this
33 state and biofuel which is blended in motor fuel in this state
34 to ensure that the motor fuel or biofuels meet the requirements
35 in [section 214A.2](#).

1 Sec. 17. Section 214A.3, Code 2022, is amended to read as
2 follows:

3 **214A.3 Advertising.**

4 ~~1. For all motor fuel, a~~ A person shall not knowingly do any
5 of the following:

6 ~~a. 1. Advertise the~~ for sale of any motor fuel ~~which that~~
7 does not meet the standards provided in [section 214A.2](#).

8 ~~b. 2. Falsely advertise~~ for sale the quality, type, or kind
9 of any motor fuel or a component of motor fuel.

10 ~~c. 3. Add a coloring matter to the motor fuel which~~
11 misleads a person who is purchasing the motor fuel about the
12 quality of the motor fuel.

13 4. Falsely advertise for sale the classification of a motor
14 fuel as provided in section 214A.2.

15 ~~2. For a renewable fuel, all of the following apply:~~

16 ~~a. A person shall not knowingly falsely advertise that a~~
17 ~~motor fuel is a renewable fuel or is not a renewable fuel.~~

18 ~~b. (1) Ethanol blended gasoline sold by a dealer shall~~
19 ~~be designated according to its classification as provided in~~
20 ~~[section 214A.2](#). However, a person advertising E-9 or E-10~~
21 ~~gasoline may only designate it as ethanol blended gasoline. A~~
22 ~~person advertising ethanol blended gasoline formulated with a~~
23 ~~percentage of between seventy and eighty-five percent by volume~~
24 ~~of ethanol shall designate it as E-85. A person shall not~~
25 ~~knowingly falsely advertise ethanol blended gasoline by using~~
26 ~~an inaccurate designation in violation of this subparagraph.~~

27 ~~(2) A person shall not knowingly falsely advertise~~
28 ~~biobutanol blended gasoline by using an inaccurate designation~~
29 ~~as provided in [section 214A.2](#).~~

30 ~~(3) A person shall not knowingly falsely advertise~~
31 ~~biodiesel fuel by using an inaccurate designation as provided~~
32 ~~in [section 214A.2](#).~~

33 Sec. 18. Section 214A.5, subsection 2, Code 2022, is amended
34 to read as follows:

35 2. A wholesale dealer selling ethanol blended gasoline,

1 biobutanol blended gasoline, or biodiesel blended fuel to
2 a purchaser shall provide the purchaser with a statement
3 indicating its ~~designation~~ classification as provided in
4 section 214A.2. The statement may be on the sales slip
5 provided in [this section](#) or a similar document, including but
6 not limited to a bill of lading or invoice.

7 Sec. 19. Section 214A.16, Code 2022, is amended to read as
8 follows:

9 **214A.16 Notice of renewable fuel — decal.**

10 ~~1. a. If ethanol blended gasoline is sold from a motor
11 fuel pump, the motor fuel pump shall have affixed a decal
12 identifying the ethanol blended gasoline.~~

13 ~~b. If the motor fuel pump dispenses ethanol blended gasoline
14 classified as E-11 to E-15 for use in gasoline-powered vehicles
15 not required to be flexible fuel vehicles, the motor fuel pump
16 shall have affixed a decal as prescribed by the United States
17 environmental protection agency.~~

18 ~~c. 1. a. If the motor fuel pump dispenses ethanol blended
19 gasoline classified as higher than standard ethanol blended
20 gasoline pursuant to [section 214A.2](#) is advertised for sale or
21 sold at a retail motor fuel site, the motor fuel dispenser
22 dispensing the ethanol blended gasoline shall be affixed with a
23 decal shall contain language stating that the classification
24 of the ethanol blended gasoline is for use in flexible fuel
25 vehicles.~~

26 ~~d. b. If biobutanol blended gasoline is advertised for sale
27 or sold from at a retail motor fuel site, the motor fuel pump,
28 the motor fuel pump dispenser dispensing the biobutanol blended
29 gasoline shall have be affixed with a decal identifying the
30 classification of biobutanol blended gasoline.~~

31 ~~e. If biodiesel fuel is sold from a motor fuel pump, the
32 motor fuel pump shall have affixed a decal identifying the
33 biodiesel fuel as provided in [16 C.F.R. pt. 306](#).~~

34 2. The design and location of the decal shall be prescribed
35 by rules adopted by the department. A decal identifying a

1 renewable fuel shall be consistent with standards adopted
2 pursuant to [section 159A.6](#). The department may approve an
3 application to place a decal in a special location on a ~~pump~~
4 dispenser or container or use a decal with special lettering
5 or colors, if the decal appears clear and conspicuous to the
6 consumer. The application shall be made in writing pursuant to
7 procedures adopted by the department.

8 Sec. 20. Section 452A.12, subsection 2, Code 2022, is
9 amended to read as follows:

10 2. A person while transporting motor fuel or undyed special
11 fuel from a refinery or marine or pipeline terminal in this
12 state or from a point outside this state over the highways
13 of this state in service other than that under subsection
14 1 shall carry in the vehicle a loading invoice showing the
15 name and address of the seller or consignor, the date and
16 place of loading, and the kind and quantity of motor fuel or
17 special fuel loaded, together with invoices showing the kind
18 and quantity of each delivery and the name and address of each
19 purchaser or consignee. An invoice carried pursuant to this
20 subsection for ethanol blended gasoline or biodiesel blended
21 fuel shall state its ~~designation~~ classification as provided in
22 section 214A.2.

23 Sec. 21. Section 455G.31, subsection 1, paragraph b, Code
24 2022, is amended to read as follows:

25 *b.* Ethanol blended gasoline shall be ~~designated~~ classified
26 in the same manner as provided in [section 214A.2](#).

27 DIVISION IV

28 IOWA SHEEP AND WOOL PROMOTION BOARD

29 Sec. 22. Section 182.5, Code 2022, is amended to read as
30 follows:

31 **182.5 Composition of board.**

32 The Iowa sheep and wool promotion board established
33 ~~under [this chapter](#)~~ pursuant to section 182.4 shall be
34 composed of nine producers, ~~one from each district~~. The
35 dean of the college of agriculture and life sciences of Iowa

1 state university of science and technology or the dean's
2 representative and the secretary or the secretary's designee
3 shall serve as ex officio nonvoting members of the board. The
4 board shall annually elect a chairperson from its membership.
5 Sec. 23. Section 182.7, Code 2022, is amended to read as
6 follows:

7 **182.7 Notice of election for ~~directors~~ membership positions.**

8 1. Notice of the initial election for ~~directors~~
9 membership positions on the board shall be given by the
10 secretary by publication in a newspaper of general circulation
11 in the state at least five days prior to the date of the
12 election and in any other reasonable manner as determined
13 by the secretary. The notice shall set forth the period of
14 time for voting, voting places, and other information as the
15 secretary deems necessary.

16 2. Notice of a subsequent elections ~~a~~ election for the a
17 membership position ~~for a district~~ on the board shall be
18 given by the board by publication in a newspaper of general
19 circulation in the ~~district~~ state and in any other reasonable
20 manner ~~as determined~~ established by the board and. The notice
21 shall set forth the period of time for voting, voting places,
22 and other information as the board deems necessary.

23 Sec. 24. Section 182.8, Code 2022, is amended to read as
24 follows:

25 **182.8 Terms.**

26 The term of office for members of the board shall be
27 three years ~~and no member shall serve more than two complete~~
28 ~~consecutive terms~~. The producers members on the initial board
29 shall determine their terms by lot, so that three producers
30 members shall serve a one-year term, three producers members
31 shall serve a two-year term, and three producers members shall
32 serve a three-year term. A member elected to the initial board
33 shall not serve more than two complete consecutive terms. A
34 member subsequently elected to the board shall not serve more
35 than a certain number of consecutive terms if, and as may be,

1 established by the board.

2 Sec. 25. Section 182.9, Code 2022, is amended to read as
3 follows:

4 **182.9 Subsequent membership — nominations — election.**

5 After the appointment of the initial board, the board shall
6 administer subsequent elections for members of the board with
7 the assistance of the secretary. Before the expiration of a
8 member's term of office, the board shall ~~appoint a nominating~~
9 ~~committee for the district represented by the member. The~~
10 ~~nominating committee shall consist of five producers who~~
11 ~~are residents of the district from which a member must be~~
12 ~~elected. The nominating committee shall nominate two resident~~
13 any number of producers as candidates for the membership
14 position for which an election is to be held. The board shall
15 nominate candidates based on criteria established by the board.
16 Additional candidates may be nominated by a written petition
17 of signed by twenty-five resident producers. ~~The board shall~~
18 ~~provide by rule and shall publish procedures governing the time~~
19 ~~and place of filing the nominations~~ The petition shall be in a
20 form and delivered to the board as required by the board.

21 Sec. 26. Section 182.10, Code 2022, is amended to read as
22 follows:

23 **182.10 Vacancies.**

24 The board shall by appointment fill an unexpired term if
25 a vacancy occurs on the board. The board shall select an
26 ~~appointee shall be a resident producer in the district having a~~
27 ~~vacaney~~ based on the criteria established by the board.

28 DIVISION V

29 LOCAL FOOD AND FARM PROGRAM

30 Sec. 27. Section 267A.2, Code 2022, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 5. "*Secretary*" means the secretary of
33 agriculture.

34 Sec. 28. Section 267A.3, subsections 2 and 3, Code 2022,
35 are amended by striking the subsections and inserting in lieu

1 thereof the following:

2 2. The council shall be composed of the following voting
3 members:

4 a. The secretary or the secretary's designee.

5 b. The following persons appointed by the secretary:

6 (1) Four farmers each of whom shall produce an agricultural
7 commodity in this state used to prepare or process a local
8 food. A farmer must be actively engaged in the on-farm
9 preparation or processing of an agricultural commodity into
10 local food. The farmer must offer the local food for sale in
11 this state directly to consumers. The secretary must appoint
12 farmers actively engaged in producing each of the following:

13 (a) Livestock used to produce meat products.

14 (b) Poultry used to produce poultry products.

15 (c) Dairy animals used to produce milk and dairy products.

16 (d) Fruit or vegetables to be washed or to be produced, cut,
17 canned, or otherwise processed into products.

18 (2) Two managers of firms each of whom shall represent
19 different types of processors of agricultural commodities doing
20 business in this state. A manager shall be actively engaged
21 in the purchase of agricultural commodities from farmers, the
22 preparation or processing of those commodities into local food,
23 and the resale of the local food to distributors on a wholesale
24 basis in this state. The secretary must appoint managers
25 actively engaged in the sale of the following:

26 (a) Meat products, poultry products, or milk or dairy
27 products.

28 (b) Fruits or vegetables, fruit products, or vegetable
29 products.

30 (3) One manager of a wholesale distributor of local
31 food doing business in this state. The manager must be
32 actively engaged in the purchase of local food prepared or
33 processed from agricultural commodities by processors, and
34 in the marketing of local food on a wholesale basis to food
35 establishments in this state.

1 (4) Three managers of food establishments doing business
2 in this state. Each manager must be actively engaged in the
3 purchase of local food prepared or processed from agricultural
4 commodities produced in this state, the purchase of the
5 local food from wholesale distributors, and the marketing or
6 distribution of the local food to consumers in this state.
7 The secretary must appoint managers actively engaged in the
8 operation of the following:

9 (a) A grocery store.

10 (b) A food service provider distributing food to any of the
11 following:

12 (i) Students attending a public or private school from
13 kindergarten through grade twelve.

14 (ii) Children attending a center for early education.

15 (c) A food service provider distributing local food to an
16 institution not attended by children.

17 (5) Two heads of local or regional community food
18 organizations doing business in this state. Each head must be
19 actively engaged in promoting the well-being of Iowans through
20 the distribution of local food prepared or processed from
21 agricultural commodities produced in this state.

22 (6) An attorney practicing in areas of food and agricultural
23 law.

24 (7) An employee of a government entity who specializes in
25 nutrition programs.

26 3. The secretary may invite interested organizations to
27 submit nominations of candidates eligible to be appointed to
28 the council. A designee of the secretary or a member appointed
29 by the secretary serves at the pleasure of the secretary.

30 Sec. 29. Section 267A.6, Code 2022, is amended to read as
31 follows:

32 **267A.6 Local food and farm program.**

33 1. The local food and farm program coordinator, with advice
34 from the local food and farm program council, shall develop and
35 administer a local food and farm program necessary to carry out

1 the purpose and goals of this chapter as provided in section
2 267A.1, ~~including but not limited to by improving any of the~~
3 ~~following~~.

4 ~~1.~~ 2. In administering the program, the coordinator may
5 sponsor and fund projects that do any of the following:

6 a. Communication Improve communication and cooperation
7 between and among farmers, food entrepreneurs, and consumers.

8 ~~2.~~ b. Coordination Improve communication between and
9 among government agencies, public universities and community
10 colleges, organizations, and private-sector firms working on
11 local food and farm-related issues.

12 c. Demonstrate the value of processing, distributing, and
13 marketing local foods. A demonstration project must be capable
14 of being replicated on a statewide basis.

15 EXPLANATION

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

18 GENERAL. This bill provides for programs and regulations
19 administered and enforced by the department of agriculture and
20 land stewardship (DALs).

21 CHOOSE IOWA PROMOTIONAL PROGRAM. The bill requires DALs
22 to establish and administer a choose Iowa promotional program
23 (program) in order to provide consumers a choice in purchasing
24 a food item originating as an agricultural commodity produced
25 on an Iowa farm (amended Code section 159.20). This includes
26 either (1) an agricultural commodity produced on an Iowa farm
27 or (2) a product processed in this state, if the product is
28 an agricultural commodity that has been prepared in Iowa, or
29 any of the product's ingredients are agricultural commodities
30 produced on an Iowa farm (new Code section 159.29). DALs is
31 provided discretion to further define what constitutes an Iowa
32 farm and describe how an agricultural commodity originates on
33 an Iowa farm.

34 CHOOSE IOWA LOGO. As part of the program, DALs may establish
35 a choose Iowa logo (logo) to identify a food item originating

1 as an agricultural commodity produced on an Iowa farm. DAL
2 may register the logo as a mark with the secretary of state.
3 DAL may also register the logo as a trademark with the United
4 States patent and trademark office or as a copyright with the
5 United States copyright office. The use of the logo does not
6 create an express or implied warranty; involve state or federal
7 labeling requirements; or indicate the grade, specification,
8 standard, or value of a food item (new Code section 159.30).

9 CHOOSE IOWA PROMOTIONAL PROGRAM — LICENSING AGREEMENTS AND
10 FEES. DAL may enter into a licensing agreement (agreement)
11 with a person who applies to use the logo. An agreement cannot
12 be for more than five years. DAL must evaluate and approve or
13 disapprove applications based on criteria established by rule.
14 DAL may also establish application and license fees by rule.

15 CHOOSE IOWA FUND. A choose Iowa fund (fund) is established
16 in the state treasury under DAL's management and control. The
17 fund includes moneys that DAL collects in fees or otherwise
18 receives, including by appropriation or gift. DAL must use
19 the moneys exclusively to carry out the provisions of the bill.

20 PESTICIDE REGULATION. The bill amends Code chapter 206,
21 "the Pesticide Act of Iowa" (Code section 206.1) which in part
22 regulates commercial and private applicators. Before selling
23 or offering for sale any pesticide for use in this state, a
24 person must register each brand and grade of that pesticide
25 with DAL. Registration fees are based on a percentage
26 of gross sales of that brand or grade in this state with a
27 minimum fee of \$250 and a maximum fee of \$3,000 (Code section
28 206.12(3)). The bill replaces that method of calculating the
29 registration fee with a flat fee of \$300. Generally, a person
30 in business as a commercial applicator (applying pesticides to
31 another person's land) must be certified and licensed (Code
32 sections 206.5 and 206.6). A private applicator (e.g., a
33 farmer) applying a restricted use pesticide must be certified
34 (Code section 206.5). During the last regular session, the
35 general assembly enacted SF 482 (2021 Acts, chapter 28) which

1 in part provides that a private applicator is subject to the
2 same civil penalty as a commercial applicator for violating a
3 provision of the Code chapter (amended Code section 206.19).
4 The Act provided that the amount for each violation committed
5 by a commercial applicator or private applicator cannot exceed
6 \$500 for each violation. The bill amends the provision by
7 changing the term from "violation" back to "offense".

8 MOTOR FUEL REGULATION — BACKGROUND. DALS regulates persons
9 advertising for sale or selling motor fuel on a wholesale
10 or retail basis (Code chapter 214A) as well as motor fuel
11 infrastructure used to store and dispense motor fuel at a
12 retail motor fuel site owned or operated by a retail dealer
13 and, in particular, metered motor fuel pumps located at a
14 retail motor fuel site (Code chapter 214). Three types of
15 motor fuel are regulated by DALS, including gasoline and diesel
16 fuel (Code section 214A.2), and kerosene (Code sections 214A.2
17 and 214A.2A) as well as their respective components. A biofuel
18 is a component used to formulate a motor fuel and is closely
19 associated with formulations of both gasoline and diesel fuel.
20 A renewable fuel is a term which refers to either a biofuel
21 or a motor fuel blended with a biofuel. A biofuel includes
22 ethanol which is grain alcohol (e.g., derived from corn) used
23 to produce ethanol blended gasoline, biobutanol which is
24 isobutyl or n-butyl alcohol (derived from the same feedstocks
25 as ethanol but includes corn stover) used to produce biobutanol
26 blended gasoline, and biodiesel which is often a vegetable oil
27 (e.g., derived from soybeans) used to produce biodiesel blended
28 fuel. DALS establishes standards for these motor fuels and
29 their components based on two outside sources of authority:
30 (1) specifications recommended by ASTM international, a
31 private globally recognized organization, and (2) requirements
32 adopted by the United States environmental protection agency
33 (EPA). The EPA and the United States federal trade commission
34 (FTC) also regulate the labeling of motor fuel dispensers by
35 requiring information about the motor fuel to be dispensed,

1 such as the octane level of gasoline and the percentage content
2 of any biofuel component (42 U.S.C. §7545 and 40 C.F.R. pt.
3 1090, 15 U.S.C. §2801 et seq., 42 U.S.C. §17021, 16 C.F.R.
4 pt. 306, and 40 C.F.R. §80.1501(a)). DALS' regulation of a
5 renewable fuel depends upon its classification expressed as an
6 abbreviation identifying the renewable fuel according to type
7 followed by a number representing the biofuel percentage by
8 volume usually measured by gallon. The designation "xx" is
9 used as a stand-in designation for the actual percentage of a
10 biofuel percentage threshold (amended Code section 214A.2(5))
11 depending upon the Code provision (e.g., the E-15 plus gasoline
12 promotion tax credit in Code section 422.11Y). One special
13 exception is E-85 gasoline which is based on a percentage range
14 of between 70 and 85 percent by volume of ethanol.

15 MOTOR FUEL REGULATION — REVISION OF TERMS. The bill revises
16 certain terms, including by changing "A.S.T.M. international"
17 to "ASTM international" and defining "biodiesel" by referring
18 to its production method (amended Code section 214A.1).
19 The bill provides for the consistent use of certain terms,
20 including "specifications" which refers to recommendations
21 adopted by ASTM international, "requirements" which refers to
22 EPA regulations, and "standards" which refers to departmental
23 rules (amended Code section 214A.2). The bill also provides
24 for the consistent use of the term "standard" which is
25 occasionally referred to as "designation" (amended Code
26 sections 214A.2A, 214A.3, 214A.5, 452A.12, and 455G.31). The
27 bill provides that a label is to be placed on a "motor fuel
28 dispenser" rather than a "motor fuel pump" (amended Code
29 section 214A.16).

30 MOTOR FUEL REGULATION — DEPARTMENTAL STANDARDS. The
31 bill provides that the minimum octane rating for premium
32 grade gasoline is changed from 90 to 91 (amended Code
33 section 214A.2(2)). For all three types of motor fuel,
34 departmental standards may be based in part or in whole on
35 ASTM international specifications, and may include successor

1 specifications. The bill eliminates a requirement recognizing
2 that EPA must grant a seasonal waiver from its requirements
3 before a retail dealer may advertise for sale or sell ethanol
4 blended gasoline (amended Code section 214A.2(3)). The
5 threshold for biodiesel blended fuel is increased from B-1 to
6 B-5 (amended Code section 214A.2(4)).

7 MOTOR FUEL REGULATION — CLASSIFICATIONS. The bill
8 adds subclassifications for biofuels including for ethanol
9 classified as E-100, biobutanol classified as Bu-100, and
10 biodiesel classified as B-100. The bill also recognizes E-85
11 according to its revised percentage range, which is 68 to 83
12 percent.

13 MOTOR FUEL REGULATION — ADVERTISING. The bill revises
14 a provision which prohibits a person from knowingly falsely
15 advertising for sale motor fuel (amended Code section 214A.3).
16 The bill replaces a provision that prohibits a person from
17 falsely advertising that a motor fuel is or is not a renewable
18 fuel with a provision that prohibits a person from falsely
19 advertising the classification of a renewable fuel. The bill
20 also eliminates a requirement that a motor fuel pump (motor
21 fuel dispenser) be affixed with a label that identifies the
22 dispensed gasoline as ethanol blended gasoline (e.g., E-10),
23 that identifies ethanol blended gasoline classified from E-11
24 to E-15, or that identifies dispensed diesel fuel as biodiesel
25 blended fuel. The bill retains a state requirement that a
26 motor fuel dispenser identify gasoline classified as higher
27 than E-15 (e.g., E-85) or any classification of biobutanol
28 blended gasoline. The bill does not affect federal labeling
29 requirements.

30 MOTOR FUEL REGULATION — APPLICABLE PENALTIES. A person
31 who violates a provision of Code chapter 214A is guilty of
32 a serious misdemeanor. A serious misdemeanor is punishable
33 by confinement for no more than one year and a fine of at
34 least \$430 but not more than \$2,560. However, the state
35 may initiate a substitute civil enforcement action as an

1 administrative action by DALS or as a judicial proceeding by
2 the attorney general upon referral by DALS. The civil penalty
3 must be for at least \$100 but not more than \$1,000 for each
4 violation and each day of a continuing violation constitutes a
5 separate offense (Code section 214A.11).

6 IOWA SHEEP AND WOOL PROMOTION BOARD. The bill amends
7 provisions establishing the Iowa sheep and wool promotion
8 board (board) which includes members residing in each official
9 crop reporting district (district) as published by the United
10 States department of agriculture (Code sections 182.1, 182.7,
11 182.9, and 182.10). A board member serves for a term of three
12 years (Code section 182.8). The bill eliminates requirements
13 relating to members residing in districts and allows the board
14 to nominate candidates and establish term limits.

15 LOCAL FOOD AND FARM PROGRAM. The local food and farm
16 program (program) is established to improve communication and
17 cooperation between and among farmers, food entrepreneurs,
18 and consumers and coordination among government agencies,
19 public universities and community colleges, organizations, and
20 private-sector firms working on local food and farm-related
21 issues (Code section 267A.1). The program is administered
22 by a local food and farm program coordinator (Code section
23 267A.4) who acts in consultation with a local food and farm
24 program council (Code section 267A.3). The bill replaces the
25 council's membership. The current membership includes the
26 secretary of agriculture (secretary) or a designee; a member
27 appointed by the Iowa farmers union and a member appointed
28 by the Iowa farmers market association; and three members
29 appointed by the governor, including a person associated with a
30 resource conservation and development office, a person actively
31 engaged in the production, processing, and distribution of food
32 products; and a person from the regional food systems working
33 group (Code section 267A.3).

34 Under the bill, the secretary or secretary's designee
35 remains on the council but other members are replaced by 14

1 persons appointed by the secretary. The membership must
2 include four farmers engaged in producing agricultural
3 commodities (livestock, poultry, dairy, vegetables, and
4 fruits). The farmers must be engaged in the on-farm processing
5 of the commodities into food products for retail sale. The
6 membership must also include two managers of processing firms
7 engaged in processing agricultural commodities into food
8 products for sale to distributors on a wholesale basis, a
9 manager of a distributor involved in the sale of food products
10 to food establishments on a wholesale basis, three managers of
11 food establishments distributing food products to consumers,
12 two heads of local or regional community organizations
13 interested in providing food services to individuals, an
14 attorney practicing agricultural or food law, and an employee
15 of a government entity interested in nutrition programs.
16 Finally, the bill expands the program by allowing the
17 coordinator in consultation with the council to fund projects
18 that demonstrate the value of processing, distributing, and
19 marketing local foods.