

Senate Study Bill 3031 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
AGRICULTURE AND LAND
STEWARDSHIP BILL)

A BILL FOR

1 An Act relating to meat and poultry inspection, by providing
2 an exception for certain establishments engaged in the
3 slaughter of poultry and the preparation of poultry products
4 on a custom basis.

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

1 Section 1. Section 189A.4, Code 2024, is amended to read as
2 follows:

3 **189A.4 Exemptions.**

4 1. In order to accomplish the objectives of **this chapter**,
5 the secretary may exempt the following types of operations from
6 inspection:

7 ~~1.~~ a. Slaughtering and preparation by any person of
8 livestock and poultry of the person's own raising exclusively
9 for use by the person and members of the person's household,
10 and the person's nonpaying guests and employees.

11 ~~2.~~ b. Any other operations which the secretary may
12 determine would best be exempted to further the purposes of
13 this chapter, to the extent such exemptions conform to the
14 federal Meat Inspection Act and the federal Poultry Products
15 Inspection Act and the regulations thereunder.

16 2. The secretary may allow a poultry establishment at
17 which inspection is maintained to engage in custom operations,
18 and exempt from inspection any poultry slaughtered or any
19 poultry or poultry products otherwise prepared on such custom
20 basis, provided that any carcasses, parts thereof, poultry, or
21 poultry products wherever handled on a custom basis, or any
22 containers or packages containing such articles, are separated
23 at all times from carcasses, parts thereof, poultry, or poultry
24 products prepared for sale, and that all such articles prepared
25 on a custom basis, or any containers or packages containing
26 such articles, are plainly marked "Not for Sale" immediately
27 after being prepared and kept so identified until delivered to
28 the owner, and that the establishment conducting the custom
29 operation is maintained and operated in a sanitary manner.

30 EXPLANATION

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

33 BACKGROUND. This bill amends Iowa's "Meat and Poultry
34 Inspection Act" (MPIA) (Code chapter 189A), administered and
35 enforced by the department of agriculture and land stewardship

1 (DALS) which regulates (licenses and inspects) a business
2 engaged in the slaughter of livestock or poultry at its
3 premises (establishment). The Code chapter regulates the
4 establishment's processing of livestock or poultry carcasses,
5 and the preparation of meat products or poultry products
6 derived from those carcasses (articles).

7 STATE AND FEDERAL REGULATORY COOPERATION. DALS exercises
8 its regulatory authority under the MPIA on an intrastate
9 basis pursuant to a cooperative agreement with the United
10 States department of agriculture (USDA), which administers and
11 enforces two complementary Acts: the federal Meat Inspection
12 Act as amended by the Wholesome Meat Act (21 U.S.C. ch. 12) and
13 the federal Poultry Products Inspection Act as amended by the
14 Wholesome Poultry Products Act (21 U.S.C. ch. 10) (see Code
15 section 189A.2). In both cases, USDA regulates establishments
16 engaged in interstate or foreign commerce but may regulate any
17 establishment if it determines that the state enforcement of
18 state statutes does not at least equal federal enforcement of
19 the federal Acts.

20 STATE INSPECTION EXCEPTION FOR CERTAIN ESTABLISHMENTS —
21 CUSTOM OPERATIONS. The MPIA provides certain exceptions from
22 state inspection requirements, including for an establishment
23 that constitutes a custom operation engaged in slaughtering
24 and preparing livestock or poultry of a person's own raising
25 exclusively for use by the person and members of the person's
26 household, and the person's nonpaying guests and employees
27 (Code section 189A.4).

28 BILL'S PROVISIONS — NEW CUSTOM OPERATION INSPECTION
29 EXCEPTION FOR STATE-LICENSED POULTRY ESTABLISHMENTS. The
30 bill adds another inspection exemption that also applies to a
31 custom operation, and specifically to a state-licensed poultry
32 establishment. The exemption is subject to certain conditions.
33 First, the articles, whenever handled, and any containers or
34 packages holding such articles, must be kept separate from
35 other areas of the establishment. Second, the containers or

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1 packages must be marked "Not for Sale". Finally, the entire
2 establishment must be maintained and operated in a sanitary
3 manner.