

House Study Bill 143 - Introduced

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

A BILL FOR

1 An Act providing for programs and regulations related to
2 agriculture, including crop production, animal health,
3 agricultural processing, and agricultural marketing, providing
4 for powers and duties of the department of agriculture and
5 land stewardship, providing fees, and providing penalties.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

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DIVISION I
CROP PRODUCTION
PART A

APPLICATION OF NUTRIENTS

Section 1. Section 6A.21, subsection 1, paragraph b, Code 2025, is amended to read as follows:

b. (1) "Agricultural land" means real property owned by a person in tracts of ten acres or more and not laid off into lots of less than ten acres or divided by streets and alleys into parcels of less than ten acres, and that has been used for the production of agricultural commodities during three out of the past five years. Such use of property includes, but is not limited to, the raising, harvesting, handling, drying, or storage of crops used for feed, food, seed, or fiber; the care or feeding of livestock; the handling or transportation of crops or livestock; the storage, treatment, or disposal of livestock manure; and the application of fertilizers, ~~soil conditioners~~ beneficial substances, pesticides, and herbicides on crops.

~~Agricultural land~~

(2) "Agricultural land" includes land on which is located farm residences or outbuildings used for agricultural purposes and land on which is located facilities, structures, or equipment for agricultural purposes. ~~Agricultural land~~

(3) "Agricultural land" includes land taken out of agricultural production for purposes of environmental protection or preservation.

Sec. 2. Section 190C.22, subsection 3, paragraph b, Code 2025, is amended to read as follows:

b. A sworn statement by the ~~state chemist~~ bureau chief of the Iowa laboratory bureau or the ~~state chemist's~~ bureau chief's deputy stating the results of an analysis of a sample taken from a lot of agricultural products shall constitute prima facie evidence of the correctness of the analysis of that lot in a contested case proceeding or court proceeding.

Sec. 3. Section 200.3, Code 2025, is amended to read as

1 follows:

2 **200.3 Definitions of words and terms.**

3 When As used in this chapter, unless the context otherwise
4 requires:

5 1. "Ammonium nitrate" means a compound that is chiefly
6 composed of ammonium salt of nitric acid which contains not less
7 than thirty-three percent nitrogen, one-half of which is in the
8 ammonium form and one-half in the nitrate form.

9 2. ~~The term "anhydrous ammonia"~~ "Anhydrous ammonia" means
10 the compound formed by the combination of two gaseous elements,
11 nitrogen and hydrogen, in the proportion of one part nitrogen to
12 three parts hydrogen by volume.

13 3. "Anhydrous ammonia plant" means a facility used for
14 the manufacture or distribution of the compound formed by the
15 combination of two gaseous elements, nitrogen and hydrogen, in
16 the proportion of one part nitrogen to three parts hydrogen by
17 volume.

18 4. "Beneficial substance" means any substance or compound,
19 other than primary, secondary, and microplant nutrients, that can
20 be demonstrated by scientific research to be beneficial to one
21 or more species of plants, soils, or media, including any of the
22 following:

23 a. A plant amendment.

24 b. A plant biostimulant.

25 c. A plant inoculant.

26 d. A soil-amending ingredient.

27 e. A soil-amending ingredient form.

28 f. A soil amendment.

29 g. A soil inoculant.

30 5. ~~The term "brand"~~ "Brand" means a term, design, or
31 trademark used in connection with one or several grades
32 of commercial fertilizer, product name, or other specific
33 designation under which a individual beneficial substance or
34 commercial fertilizer is offered for sale.

35 5. ~~The term "bulk fertilizer" shall mean commercial~~

1 ~~fertilizer delivered to the purchaser in the solid, liquid, or~~
2 ~~gaseous state, in a nonpackaged form to which a label cannot be~~
3 ~~attached.~~

4 6. "Bulk" means in a nonpackaged form to which a label cannot
5 be attached.

6 7. The term "commercial fertilizer" "Commercial
7 fertilizer" includes fertilizer and fertilizer materials and
8 fertilizer-pesticide mixtures.

9 7. 8. "Department" means the department of agriculture and
10 land stewardship.

11 9. "Distribute" means to import, consign, manufacture,
12 produce, compound, mix, blend, or offer for sale, sell, barter,
13 or otherwise supply a commercial fertilizer or beneficial
14 substance in this state.

15 8. 10. The term "distributor" "Distributor" means any person
16 who imports, consigns, manufactures, produces, compounds, mixes,
17 or blends commercial fertilizer, or who offers for sale, sells,
18 barters, or otherwise distributes, a commercial fertilizer or
19 beneficial substance in this state.

20 9. 11. a. "Established date of operation" means the date on
21 which an anhydrous ammonia plant commenced operating.

22 b. If the physical facilities of the plant are subsequently
23 expanded, the established date of operation for each expansion
24 is deemed to be a separate and independent "established date
25 of operation" established as of the date of commencement of the
26 expanded operations.

27 c. The commencement of expanded operations does not divest
28 the plant of a previously established date of operation.

29 10. 12. "Established date of ownership" means the date of
30 the recording of an appropriate instrument of title establishing
31 the ownership of real estate.

32 11. 13. The term "fertilizer" "Fertilizer" means any
33 substance containing one or more recognized plant nutrient which
34 is nutrients used for its plant nutrient content and which
35 is designed for use and claimed to have value in promoting

1 plant growth except unmanipulated animal and vegetable manures
2 or calcium and magnesium carbonate materials used primarily for
3 correcting soil acidity.

4 ~~12.~~ 14. The term ~~"fertilizer material"~~ "Fertilizer material"
5 means any substance used as a fertilizer or for compounding
6 a fertilizer containing one or more of the recognized plant
7 nutrients which are used for promoting plant growth or altering
8 plant composition.

9 ~~13.~~ 15. The term ~~"grade"~~ "Grade" means the percentages of
10 total nitrogen, available phosphorus or P_2O_5 or both, and soluble
11 potassium or K_2O or both stated in whole numbers in same terms,
12 order, and percentages as in the ~~"guaranteed analysis"~~
13 guaranteed analysis.

14 ~~14.—Guaranteed analysis:~~

15 16. a. (1) The term ~~"guaranteed analysis"~~ shall mean
16 "Guaranteed analysis" means the minimum percentage of plant
17 nutrients claimed and reported as Total Nitrogen (N), Available
18 Phosphorus (P) or P_2O_5 or both, Soluble Potassium (K) or K_2O or
19 both and in the following form:

20 Total Nitrogen (N) ... percent
21 Available Phosphorus (P) or P_2O_5 or both ... percent
22 Soluble Potassium (K) or K_2O or both ... percent

23 (2) Registration and guarantee of water soluble phosphorus
24 (P) or (P_2O_5) shall be permitted.

25 b. The term ~~"guaranteed analysis"~~ "Guaranteed analysis",
26 in the form specified in paragraph "a", includes all of the
27 following:

28 (1) (a) For unacidulated mineral phosphatic materials and
29 basic slag, both total and available phosphorus or P_2O_5 or both
30 and the degree of fineness.

31 (b) For bone tankage and other organic phosphatic materials,
32 total phosphorus or P_2O_5 or both.

33 (2) When any additional plant nutrient elements contained in
34 a beneficial substance as ~~identified in subsection 10 of this~~
35 ~~section~~, are claimed in writing, they shall be identified in

1 the guarantee, expressed as the element, and shall be subject
2 to inspection and analysis in accordance with the methods and
3 regulations that may be prescribed by the association of official
4 agricultural chemists.

5 17. "Label" means the display of all written, printed,
6 or graphic matter upon the immediate container or statement
7 accompanying a commercial fertilizer or beneficial substance.

8 18. "Labeling" means the advertising or promotion of any
9 commercial fertilizer or beneficial substance including but
10 not limited to any written, printed, graphic, or electronic
11 communication used in promoting the sale of a commercial
12 fertilizer or beneficial substance.

13 ~~15.~~ 19. "Licensee" means a person licensed under section
14 200.4.

15 ~~16.~~ 20. "Nuisance" means public or private nuisance as
16 defined by statute or by the common law.

17 ~~17.~~ 21. "Nuisance action or proceeding" means an action,
18 claim or proceeding brought at law, in equity, or as an
19 administrative proceeding, which is based on nuisance.

20 ~~18.~~ 22. The term "official sample" "Official sample" means
21 any sample of commercial fertilizer taken by the secretary or the
22 secretary's agent.

23 ~~19.~~ "Organic agricultural product" means the same as defined
24 in section 190C.1.

25 ~~20.~~ 23. "Owner" means the person holding record title to
26 real estate, and includes both legal and equitable interest under
27 recorded real estate contracts.

28 ~~21.~~ 24. The term "percent or percentage" "Percent" or
29 "percentage" means the percentage by weight.

30 ~~22.~~ 25. The term "person" "Person" includes an individual,
31 or a type of partnership, limited liability company, corporation,
32 or association, firm, and corporation formed or organized to do
33 business in this state or authorized to do or transact business
34 in this state.

35 ~~23.~~ 26. The term "pesticide" as used in this chapter

1 means "Pesticide" includes insecticides, miticides, nemacides,
2 fungicides, herbicides, and any other substance used in pest
3 control.

4 27. "Plant amendment" means any substance applied to a plant
5 seed which is intended to improve growth, yield, product quality,
6 reproduction, flavor, or other favorable characteristics of a
7 plant except a fertilizer, soil amendment, agricultural liming
8 material, animal manure, vegetable manure, pesticide, plant
9 regulator, or other material which may be exempted by regulation.

10 28. "Plant biostimulant" means a substance, microorganism,
11 or mixture thereof, that, when applied to a seed, plant,
12 the rhizosphere, soil, or other growth media, acts to
13 support a plant's natural nutrition processes independently
14 of the biostimulant's nutrient content and improves nutrient
15 availability, uptake, or use efficiency, tolerance to abiotic
16 stress, and consequent growth, development, quality, or yield.

17 29. "Plant inoculant" means a product consisting of
18 microorganisms to be applied to the plant or soil for the purpose
19 of enhancing the availability or uptake of plant nutrients
20 through the root system.

21 ~~24.~~ 30. "Secretary" means the secretary of agriculture.

22 ~~25.~~ 31. The term "sell" "Sell" or "sale" includes exchange.

23 ~~26.~~ 32. A "soil conditioner" is "Soil amendment" means any
24 substance which when added to the soil or applied to plants will
25 produce a favorable growth, yield or quality of crop or soil
26 flora or fauna or other soil characteristics, other than or a
27 mixture of substances which is intended to improve the physical,
28 chemical, biochemical, biological, or other characteristic of
29 the soil, except a fertilizer, recognized pesticide agricultural
30 liming material, unmanipulated animal and manure, unmanipulated
31 vegetable manures or calcium and magnesium carbonate materials
32 used primarily for correcting soil acidity manure, pesticide, or
33 any other material exempted by regulation.

34 33. "Soil inoculant" means a microbial product that is
35 applied to colonize the soil to benefit the soil chemistry,

1 biology, or structure.

2 34. "Soil-amending ingredient" means any substance which when
3 applied to soil will improve the physical, chemical, biochemical,
4 biological, or other characteristics of the soil.

5 35. "Soil-amending ingredient form" means the chemical
6 compound, such as salt, chelate, oxide, or acid, of an ingredient
7 or the physical form of an ingredient.

8 ~~27.~~ 36. A "specialty fertilizer" is "Specialty fertilizer"
9 means a commercial fertilizer distributed primarily for nonfarm
10 use, such as home gardens, lawns, shrubbery, flowers, golf
11 courses, municipal parks, cemeteries, greenhouses, and nurseries,
12 and may include commercial fertilizers used for research or
13 experimental purposes.

14 ~~28.~~ 37. The term "ton" "Ton" means a net weight of two
15 thousand pounds avoirdupois.

16 ~~29.~~ 38. a. The term "unmanipulated manures" "Unmanipulated
17 manures" means any substances composed primarily of excreta,
18 plant remains, or mixtures of such substances which have not been
19 processed in any manner other than dewatering.

20 b. "Unmanipulated manures" includes unmanipulated animal
21 manure or unmanipulated vegetable manure.

22 ~~30.~~ Words importing the singular number may extend and be
23 applied to several persons or things, and words importing the
24 plural number may include the singular.

25 Sec. 4. Section 200.4, Code 2025, is amended to read as
26 follows:

27 **200.4 License — fee and expiration — mixture requirement.**

28 1. Any person who manufactures, mixes, blends, mixes to
29 customer's order, offers for sale, sells, or distributes any
30 fertilizer or ~~soil conditioner~~ beneficial substance in this state
31 must first obtain a license issued by the secretary and pay
32 a twenty dollar license fee for each place of manufacture or
33 distribution from which fertilizer or ~~soil conditioner~~ beneficial
34 substance products are sold or distributed in this state.

35 The license shall expire on July 1 of the even-numbered year

1 following the date the license is issued. A license may be
2 renewed for a two-year period as provided by the department.

3 2. The licensee shall at all times produce an intimate and
4 uniform mixture of fertilizers or ~~soil conditioners~~ beneficial
5 substances. When two or more fertilizer materials are delivered
6 in the same load, they shall be thoroughly and uniformly mixed
7 unless they are in separate compartments.

8 Sec. 5. Section 200.5, Code 2025, is amended to read as
9 follows:

10 **200.5 Registration.**

11 1. Each brand and grade of commercial fertilizer and each
12 ~~soil conditioner~~ beneficial substance shall be registered before
13 being offered for sale, sold, or otherwise distributed in this
14 state; except that a commercial fertilizer formulated according
15 to special specifications furnished by a consumer to fill the
16 consumer's order shall not be required to be registered, but
17 shall be labeled as provided in section 200.6, subsection 3
18 1, paragraph "c". The application for registration shall be
19 submitted to the secretary on forms furnished by the secretary
20 and shall be accompanied by a label setting forth the guaranteed
21 analysis which shall be the same as that appearing on the
22 registered product.

23 2. All ~~A~~ registration will shall be permanent, provided,
24 however, that the secretary may request a listing of products
25 to be currently manufactured. The application shall include the
26 following information in the following order:

- 27 a. Net weight, if sold in packaged form.
28 b. Name and address of the registrant.
29 c. Name of product.
30 d. Brand.
31 e. Grade, if the product contains a recognized plant food.
32 f. Guaranteed analysis.

33 3. In addition to the information required in subsection 2
34 ~~of this section, applications~~ an application for the registration
35 of ~~soil conditioners~~ a beneficial substance must include the name

1 or chemical designation and percentage of content of each of the
2 active ingredients. Each microbial organism ingredient must be
3 identified with species and genus in colony-forming units per
4 gram for a dry product or per milliliter for a liquid product.
5 Another unit of quantity may be acceptable if an accurate and
6 verifiable guarantee is presented.

7 4. The secretary is authorized, ~~after public hearing,~~
8 ~~following due notice,~~ to adopt rules under chapter 17A regulating
9 the labeling and registration of ~~specialty~~ commercial fertilizers
10 and ~~other fertilizer products~~ beneficial substances, when
11 necessary in the secretary's opinion. The secretary may
12 require any reasonable information in addition to section 200.3,
13 subsection 44 16, which is necessary and useful to the purchasers
14 of ~~specialty fertilizers~~ commercial fertilizers and beneficial
15 substances of this state and to promote uniformity among states.

16 5. The secretary is authorized ~~after public hearing,~~
17 ~~following due notice,~~ to establish adopt rules under chapter 17A
18 establishing minimum acceptable levels of ~~trace and secondary~~
19 ~~elements~~ components recognized as effective to aid crops produced
20 in ~~Iowa~~ this state and to require such warning statements as
21 may be deemed necessary to prevent injury to crops or for user
22 safety.

23 6. The secretary, whenever the secretary deems it necessary
24 in the administration of this chapter, may require the submission
25 of additional data about any article, including a fertilizer,
26 beneficial substance, or other product regulated under this
27 chapter to support the claims made for it. If it appears to
28 the secretary that the composition of the article is such as to
29 warrant the claims made for it, and if the article, its labeling
30 and other material required to be submitted, comply with the
31 requirements of this chapter, the secretary shall register the
32 product.

33 7. If it does not appear to the secretary that the article is
34 such as to warrant the proposed claims for it, or if the article
35 and its labeling and other material required to be submitted ~~does~~

1 do not comply with ~~the~~ a provision of this chapter, the secretary
2 shall notify the registrant of the manner in which the article,
3 labeling, or other material required to be submitted fails to
4 comply with this chapter so as to afford the registrant an
5 opportunity to make the necessary corrections before resubmitting
6 the label.

7 8. It shall be the responsibility of the registrant to submit
8 satisfactory evidence of favorable effects and safety of the
9 product.

10 9. The secretary shall establish minimum requirements for
11 the registration of fertilizers and ~~soil conditioners~~ beneficial
12 substances by efficacy testing or the substantiation of data
13 relevant to Iowa this state's crops and soils.

14 10. A distributor shall not be required to register any brand
15 and grade of commercial fertilizer or beneficial substance which
16 is already registered under this chapter by another person.

17 ~~11. The advisory committee created in section 206.23 shall~~
18 ~~advise and assist the secretary on the registration of a product~~
19 ~~of commercial fertilizer or soil conditioner under the provisions~~
20 ~~of this chapter.~~

21 Sec. 6. Section 200.6, Code 2025, is amended to read as
22 follows:

23 **200.6 Labeling.**

24 1. a. Any commercial fertilizer offered for sale or sold or
25 distributed in this state in bags~~,~~ or other containers~~,~~ shall
26 have placed on or affixed to the container in legibly written
27 or printed form, the information required by section 200.5,
28 subsection 2~~,~~, either on tags affixed to the end of the package
29 or directly on the package.

30 ~~2.~~ b. If distributed in bulk, ~~the~~ a shipment of commercial
31 fertilizer must be accompanied by a written or printed statement
32 giving the purchaser's name and address in addition to the
33 labeling requirement set forth in section 200.5, subsection 2.

34 ~~3.~~ c. A commercial fertilizer formulated according to
35 specifications which are furnished by a consumer prior to mixing

1 shall be labeled to show the net weight, guaranteed analysis,
2 and the name and address of the distributor and may show the
3 net weight and guaranteed analysis of each of the fertilizer
4 materials or soil conditioners used. It is the responsibility of
5 the distributor to mix these materials uniformly and intimately
6 so that when sampled in the prescribed manner the resulting
7 analysis would meet the guarantee.

8 4. d. All bulk bins or intermediate storage of bulk
9 commercial fertilizer where being offered for sale or distributed
10 direct to the consumer shall be labeled showing brand, name, and
11 grade of product.

12 5. e. All fertilizers distributed or stored in bulk, unless
13 in the manufacturers authorized containers, shall be labeled as
14 the responsibility of the possessor.

15 6. 2. ~~Soil conditioners~~ A beneficial substance shall be
16 labeled in accordance with subsection 1 ~~of this section~~ and in
17 addition shall show the name or chemical designation and content
18 or the active ingredients.

19 Sec. 7. Section 200.8, Code 2025, is amended to read as
20 follows:

21 **200.8 Inspection fees.**

22 1. a. There shall be paid by the licensee to the secretary
23 for ~~all any commercial fertilizers and soil conditioners~~
24 fertilizer or beneficial substance sold, or distributed in this
25 state, an inspection fee to be fixed annually by the secretary
26 ~~of agriculture~~ at not more than twenty cents per ton. ~~Sales~~
27 The sale of a commercial fertilizer or beneficial substance
28 for manufacturing purposes only ~~are hereby~~ is exempted from
29 ~~fees~~ an inspection fee but must still be reported showing
30 the manufacturer who purchased same it. Payment of ~~said the~~
31 inspection fee by any licensee shall exempt all other persons,
32 firms, or corporations from the payment thereof.

33 b. On an individual packages package of specialty a
34 commercial fertilizer or beneficial substance containing
35 twenty-five pounds or less, there shall be paid by the

1 manufacturer in lieu of the semiannual inspection fee as set
2 forth in this chapter, an annual registration and inspection
3 fee of one hundred dollars for each brand and grade sold or
4 distributed in the state. In the event that any manufacturer
5 sells ~~specialty~~ a commercial fertilizer or beneficial substance
6 ~~in packages~~ a package of twenty-five pounds or less and also in
7 ~~packages~~ a package of more than twenty-five pounds, this annual
8 registration and inspection fee shall apply only to that portion
9 sold in ~~packages~~ a package of twenty-five pounds or less, and
10 that portion sold in ~~packages~~ a package of more than twenty-five
11 pounds shall be subject to the same inspection fee as fixed by
12 the secretary ~~of agriculture~~ as provided in this chapter.

13 c. Any person other than a manufacturer who annually offers
14 for sale, sells, or distributes specialty fertilizer in the
15 amount of four thousand pounds or more or applies specialty
16 fertilizer for compensation shall pay an annual inspection fee
17 of thirty dollars in lieu of the semiannual inspection fee as set
18 forth in this chapter.

19 2. Every person who is a licensee and any person required to
20 pay an annual registration and inspection fee under this chapter
21 in this state shall do all of the following:

22 a. File not later than the last day of January and July of
23 each year, on forms furnished by the secretary, a semiannual
24 statement setting forth the number of net tons of commercial
25 fertilizer or ~~soil conditioners~~ beneficial substance distributed
26 in this state by grade ~~for each county~~ during the preceding
27 six-month period; ~~and upon~~. Upon filing such the semiannual
28 statement, the person shall pay the inspection fee at the rate
29 stated in subsection 1. However, in lieu of the semiannual
30 statement by grade ~~for each county~~, on individual packages of
31 specialty fertilizer containing twenty-five pounds or less of
32 commercial fertilizer, the registrant shall file not later than
33 the last day of July of each year, on forms furnished by the
34 secretary, an annual statement setting forth the number of net
35 tons of ~~specialty~~ commercial fertilizer distributed in this state

1 by grade during the preceding twelve-month period.

2 b. If the tonnage report is not filed or the payment of
3 inspection fees, or both, is not made within ten days after
4 the last day of January and July of each year as required in
5 paragraph "a" of this subsection, a penalty amounting to ten
6 percent of the amount due, if any, shall be assessed against
7 the licensee. In any case, the penalty shall be no less than
8 fifty dollars. The amount of fees due, if any, and penalty shall
9 constitute a debt and become the basis of a judgment against the
10 licensee.

11 ~~3. If there is an unencumbered balance of funds from the~~
12 ~~amount of the fees deposited in the general fund pursuant to~~
13 ~~sections 200.9 and 201A.11 on June 30 of any fiscal year equal to~~
14 ~~or exceeding three hundred fifty thousand dollars, the secretary~~
15 ~~of agriculture shall reduce the per ton fee provided for in~~
16 ~~subsection 1 and the annual license fee established pursuant to~~
17 ~~section 201A.3 for the next fiscal year in such amount as will~~
18 ~~result in an ending estimated balance of such funds for June 30~~
19 ~~of the next fiscal year of three hundred fifty thousand dollars.~~

20 4. 3. In addition to the fees imposed under subsection 1, a
21 groundwater protection fee shall be imposed upon nitrogen-based
22 fertilizer. The fee shall be based upon the percentage of
23 actual nitrogen contained in the product. An eighty-two percent
24 nitrogen solution shall be taxed at a rate of seventy-five
25 cents per ton. Other nitrogen-based product formulations shall
26 be taxed on the percentage of actual nitrogen contained in
27 the formulations with the eighty-two percent nitrogen solution
28 serving as the base. The fee shall be paid by each licensee
29 registering to sell fertilizer to the secretary of agriculture.
30 The fees collected shall be deposited in the agriculture
31 management account of the groundwater protection fund. The
32 secretary of agriculture shall adopt rules for the payment,
33 filing, and collection of groundwater protection fees from
34 licensees in conjunction with the collection of registration
35 and inspection fees. The secretary shall, by rule, allow an

1 exemption to the payment of this fee for fertilizers which
2 contain trace amounts of nitrogen.

3 Sec. 8. Section 200.10, Code 2025, is amended to read as
4 follows:

5 **200.10 Inspection, sampling, and analysis.**

6 1. It shall be the duty of the secretary, who may act through
7 an authorized agent, to sample, inspect, make analysis of,
8 and test commercial fertilizers or ~~soil conditioners~~ beneficial
9 substances distributed within this state at time and place and to
10 such an extent as the secretary may deem necessary, to determine
11 whether such commercial fertilizers and ~~soil conditioners~~ or
12 beneficial substances are in compliance with the provisions of
13 this chapter. In the performance of the foregoing duty, the
14 secretary ~~shall counsel~~ may consult with the director of the
15 Iowa agricultural experimental station in respect to the time,
16 place, and extent of sampling. The secretary acting individually
17 or through an agent is authorized to enter upon any public or
18 private premises or conveyances during regular business hours in
19 order to have access to ~~a commercial fertilizers~~ fertilizer or
20 ~~soil conditioners~~ beneficial substance subject to the provisions
21 of this chapter and ~~the rules and regulations pertaining thereto~~
22 including in rules adopted by the department under this chapter.
23 ~~It shall be the duty of the~~ The secretary ~~to~~ shall maintain
24 a laboratory with the necessary equipment and to employ such
25 employees as may be necessary to ~~aid~~ assist in the administration
26 and enforcement of this chapter.

27 2. a. The methods of sampling and analysis shall be the
28 official methods of the association of official agricultural
29 chemists in all cases where methods have been adopted by the
30 association.

31 b. The findings of the ~~state chemist or the state chemist's~~
32 bureau chief of the Iowa laboratory bureau, or the bureau chief's
33 deputy, as shown by the sworn statement of the results of
34 analysis of official samples of any brand and grade of commercial
35 fertilizer, fertilizer material, ~~or soil conditioner~~ beneficial

1 substance, shall constitute prima facie evidence of ~~their~~ its
2 correctness in the courts of this state, as to the particular
3 lots sampled and analyzed.

4 3. The secretary, in determining for administrative purposes
5 whether any commercial fertilizer is deficient in plant food,
6 or ~~soil conditioner~~ beneficial substance deficient in guaranteed
7 active ingredients, shall be guided by the official sample as
8 defined in section 200.3, subsection ~~18~~ 22, and obtained and
9 analyzed as provided for in subsection 2 ~~of this section~~.

10 4. The results of official analysis of any commercial
11 fertilizer or ~~soil conditioner~~ beneficial substance which has
12 been found to be in violation of any provision of this chapter,
13 shall be forwarded by the secretary to the registrant. Upon
14 request, the secretary shall furnish to the registrant a portion
15 of any sample.

16 Sec. 9. Section 200.11, Code 2025, is amended to read as
17 follows:

18 **200.11 ~~Filler material~~ Item that is injurious or filler.**

19 ~~It shall be unlawful for any person to~~ A person shall
20 not manufacture, offer for sale, or sell in this state, any
21 commercial fertilizer, or ~~soil conditioner~~ beneficial substance
22 containing any ~~substance used as a filler~~ item that is injurious
23 to crop growth or deleterious to the soil, or to use in such
24 commercial fertilizer, or ~~soil conditioner~~ beneficial substance
25 as a filler any ~~substance~~ item that contains inert or useless
26 plant food material for the purpose or with the effect of
27 deceiving or defrauding the purchaser.

28 Sec. 10. Section 200.12, Code 2025, is amended to read as
29 follows:

30 **200.12 False or misleading statements.**

31 A commercial fertilizer or ~~soil conditioner~~ beneficial
32 substance is misbranded if it does not identify ~~substances~~ items
33 promoting plant growth as ~~defined in section 200.3, subsection~~
34 ~~11~~, or if it carries any false or misleading statement upon or
35 attached to the container or stated on the invoice or delivery

1 ticket, or if the container or on the invoice or delivery
2 ticket or in any advertising matter whatsoever connected with,
3 accompanying, or associated with the commercial fertilizer or
4 ~~soil conditioner~~ beneficial substance. Further, the burden
5 of proof of the desirable effect of the ~~product~~ commercial
6 fertilizer or beneficial substance on plant growth shall be the
7 responsibility of the registrant.

8 Sec. 11. Section 200.14, Code 2025, is amended to read as
9 follows:

10 **200.14 Rules.**

11 1. a. The department may adopt rules pursuant to chapter
12 17A providing minimum general safety standards for the design,
13 construction, location, installation, and operation of equipment
14 for storage, handling, transportation by tank truck or tank
15 trailer, and utilization of ~~fertilizers and soil conditioners~~ a
16 fertilizer or beneficial substance.

17 b. The rules shall be such as are reasonably necessary
18 for the protection and safety of the public and persons using
19 ~~fertilizers or soil conditioners~~ a fertilizer or beneficial
20 substance, and shall be in substantial conformity with the
21 generally accepted standards of safety.

22 c. ~~Fertilizer and soil conditioner~~ or beneficial substance
23 equipment shall be installed and maintained in a safe operating
24 condition and in conformity with rules adopted by the department.

25 2. The department may adopt such reasonable rules as may be
26 necessary in order to carry into effect the purpose, and to
27 secure the efficient administration, of this chapter.

28 3. This chapter does not prohibit the use of storage tanks
29 smaller than transporting tanks nor the transfer of ~~all kinds~~ any
30 kind of fertilizers fertilizer or ~~soil conditioners~~ beneficial
31 substance directly from transporting tanks to implements of
32 husbandry, if proper safety precautions are observed.

33 4. Rules adopted to implement this chapter are not subject to
34 section 17A.7, subsection 2 or 3.

35 Sec. 12. Section 200.15, Code 2025, is amended to read as

1 follows:

2 **200.15 Refusal to register or cancellation of registration**
3 **and licenses.**

4 1. Upon satisfactory evidence that the registrant or licensee
5 has used fraudulent or deceptive practices or has willfully
6 violated any provisions of this chapter or any rules and
7 ~~regulations promulgated~~ adopted under this chapter, the secretary
8 is authorized and empowered to do any of the following:

9 a. Cancel the registration of any product of commercial
10 fertilizer or ~~soil conditioner~~ beneficial substance or license.

11 b. Refuse to register any product of commercial fertilizer or
12 ~~soil conditioner~~ beneficial substance.

13 c. Refuse to license any applicant.

14 2. ~~However,~~ a A registration or license shall not be revoked
15 or refused until the registrant or licensee has been given the
16 opportunity to appear for a hearing by the secretary.

17 Sec. 13. Section 200.16, Code 2025, is amended to read as
18 follows:

19 **200.16 "Stop sale" orders.**

20 The secretary may issue and enforce a written or printed
21 "stop sale, use or removal" order to the owner or custodian of
22 any lot of commercial fertilizer or ~~soil conditioner~~ beneficial
23 substance, if the secretary finds the commercial fertilizer
24 or ~~soil conditioner~~ beneficial substance is being offered or
25 exposed for sale in violation of any of the provisions of this
26 chapter ~~or including any of the rules and regulations promulgated~~
27 rule adopted under this chapter. The secretary may hold the
28 commercial fertilizer or ~~soil conditioner~~ beneficial substance at
29 a designated place until the law has been complied with and the
30 commercial fertilizer or ~~soil conditioner~~ beneficial substance is
31 released in writing by the secretary, or the violation has been
32 otherwise legally disposed of by written authority, and all costs
33 and expenses incurred in connection with the withdrawal have been
34 paid.

35 Sec. 14. Section 200.17, Code 2025, is amended to read as

1 follows:

2 **200.17 Seizure, condemnation, and sale.**

3 Any lot of commercial fertilizer or ~~soil conditioner~~
4 beneficial substance not in compliance with the provisions of
5 this chapter shall be subject to seizure on complaint of the
6 secretary to a court of competent jurisdiction in the county
7 or adjoining county in which the commercial fertilizer or ~~soil~~
8 ~~conditioner~~ beneficial substance is located. In the event
9 the court finds the commercial fertilizer or ~~soil conditioner~~
10 beneficial substance to be in violation of this chapter and
11 ~~orders~~ or an order for the condemnation of the commercial
12 fertilizer or ~~soil conditioner~~ beneficial substance, ~~it the~~
13 commercial fertilizer or beneficial substance shall be disposed
14 of in any manner consistent with the quality of the commercial
15 fertilizer or ~~soil conditioner~~ beneficial substance and the laws
16 of the state. However, ~~in no instance shall~~ the disposition
17 of the commercial fertilizer or ~~soil conditioner~~ beneficial
18 substance shall not be ordered by the court without first giving
19 the claimant an opportunity to apply to the court for release
20 of the commercial fertilizer or ~~soil conditioner~~ beneficial
21 substance or for permission to reprocess or relabel the
22 commercial fertilizer or ~~soil conditioner~~ beneficial substance to
23 bring it into compliance with this chapter.

24 Sec. 15. Section 200.18, subsection 1, Code 2025, is amended
25 to read as follows:

26 1. If it shall appear from the examination of any commercial
27 fertilizer or ~~soil conditioner~~ beneficial substance or any
28 anhydrous ammonia installation, equipment, or operation that ~~any~~
29 ~~of the provisions~~ a provision of this chapter ~~or the rules~~
30 ~~and regulations issued~~, including any rule adopted under this
31 chapter, have been violated, the secretary shall cause notice of
32 the violations to be given to the registrant, distributor, or
33 possessor from whom said sample was taken; ~~any.~~ The person so
34 notified shall be given opportunity to be heard under such rules
35 and regulations as may be prescribed by the secretary. If it

1 appears after such hearing, either in the presence or absence of
2 the person so notified, that any ~~of the provisions~~ provision of
3 this chapter ~~or rules and regulations issued, including a rule~~
4 adopted under this chapter ~~have,~~ has been violated, the secretary
5 may certify the facts to the proper prosecuting attorney.

6 Sec. 16. Section 200.19, Code 2025, is amended to read as
7 follows:

8 **200.19 Exchanges between manufacturers.**

9 Nothing in this chapter shall be construed to restrict or
10 avoid sales or exchanges of commercial fertilizers or soil
11 ~~conditioners~~ beneficial substances to each other by importers,
12 manufacturers, or manipulators who mix fertilizer materials for
13 sale or as preventing the free and unrestricted shipments of
14 commercial fertilizer or soil conditioner to manufacturers or
15 manipulators who have registered their brands as required by the
16 provisions of this chapter.

17 Sec. 17. Section 200.20, subsection 2, Code 2025, is amended
18 to read as follows:

19 2. Subsection 1 ~~shall~~ does not apply to any of the following:

20 a. A specialty fertilizer.

21 b. A fertilizer designed to be applied and ordinarily applied
22 directly to growing plant foliage to stimulate further growth.

23 ~~c. Compost materials to be applied on land, if any of the~~
24 ~~following apply:~~

25 ~~(1) The land is being used to produce an agricultural~~
26 ~~commodity that is an organic agricultural product as provided~~
27 ~~in chapter 190C, including rules adopted by the department under~~
28 ~~that chapter.~~

29 ~~(2) The land is in the transition of being used to produce an~~
30 ~~agricultural commodity that is an organic agricultural product,~~
31 ~~pursuant to rules adopted by the department as provided in~~
32 ~~chapter 190C.~~

33 Sec. 18. Section 200.22, subsection 2, Code 2025, is amended
34 to read as follows:

35 2. The provisions of this chapter and rules adopted by

1 the department pursuant to this chapter shall preempt local
2 legislation adopted by a local governmental entity relating to
3 the use, sale, distribution, storage, transportation, disposal,
4 formulation, labeling, registration, or manufacture of a
5 fertilizer or ~~soil conditioner~~ beneficial substance. A local
6 governmental entity shall not adopt or continue in effect local
7 legislation relating to the use, sale, distribution, storage,
8 transportation, disposal, formulation, labeling, registration,
9 or manufacture of a fertilizer or ~~soil conditioner~~ beneficial
10 substance, regardless of whether a statute or rule adopted
11 by the department applies to preempt the local legislation.
12 Local legislation in violation of this section is void and
13 unenforceable.

14 Sec. 19. Section 200A.2, Code 2025, is amended to read as
15 follows:

16 **200A.2 Purpose.**

17 The purpose of this chapter is to regulate certain bulk
18 dry animal manure for use as a fertilizer or ~~soil conditioner~~
19 beneficial substance, which is unmanipulated and therefore not
20 subject to regulation under chapter 200.

21 Sec. 20. Section 202.1, subsection 12, Code 2025, is amended
22 to read as follows:

23 12. "Produce" means to do any of the following:

24 a. Provide feed or services ~~relating to~~ as part of the
25 livestock's care and feeding ~~of livestock~~. If the livestock is
26 dairy cattle, "produce" includes milking the dairy cattle and
27 storing raw milk at the contract producer's contract livestock
28 facility.

29 b. Provide for planting, raising, harvesting, and storing a
30 crop. "Produce" includes preparing the soil for planting and
31 nurturing the crop by the application of ~~fertilizers~~ a fertilizer
32 or ~~soil conditioners~~ beneficial substance as defined in section
33 200.3 or ~~pesticides~~ a pesticide as defined in section 206.2.

34 Sec. 21. Section 206.12, subsection 1, paragraph a, Code
35 2025, is amended to read as follows:

1 a. For the purpose of this chapter, ~~fertilizers~~ a fertilizer
2 in a mixed fertilizer-pesticide formulations formulation or
3 a beneficial substance in a beneficial substance-pesticide
4 formulation shall be considered as an inert ingredients
5 ingredient.

6 Sec. 22. Section 321.1, subsection 1, Code 2025, is amended
7 to read as follows:

8 1. a. "Agricultural hazardous material" means a hazardous
9 material, other than hazardous waste, whose end use directly
10 supports the production of an agricultural commodity, including,
11 but not limited to, ~~a fertilizer, pesticide, soil conditioner~~
12 beneficial substance, or fuel.

13 b. "Agricultural hazardous material" is limited to material
14 in class 3, 8, or 9, division 2.1, 2.2, 5.1, or 6.1, or an ORM-D
15 material as defined in 49 C.F.R. §171.8.

16 Sec. 23. Section 403.17, subsection 3, Code 2025, is amended
17 to read as follows:

18 3. a. "Agricultural land" means real property owned by a
19 person in tracts of ten acres or more and not laid off into
20 lots of less than ten acres or divided by streets and alleys
21 into parcels of less than ten acres, and that has been used
22 for the production of agricultural commodities during three out
23 of the past five years. Such use of property includes, but is
24 not limited to, the raising, harvesting, handling, drying, or
25 storage of crops used for feed, food, seed, or fiber; the care
26 or feeding of livestock; the handling or transportation of crops
27 or livestock; the storage, treatment, or disposal of livestock
28 manure; and the application of fertilizers, ~~soil conditioners~~
29 beneficial substances, pesticides, and herbicides on crops.

30 ~~Agricultural land~~

31 b. "Agricultural land" includes land on which is located farm
32 residences or outbuildings used for agricultural purposes and
33 land on which is located facilities, structures, or equipment for
34 agricultural purposes. ~~Agricultural land~~

35 c. "Agricultural land" includes land taken out of

1 agricultural production for purposes of environmental protection
2 or preservation.

3 Sec. 24. Section 455B.411, subsection 3, paragraph b,
4 subparagraph (1), Code 2025, is amended to read as follows:

5 (1) Agricultural wastes, including manures and crop residues
6 that are returned to the soil as fertilizers or ~~soil conditioners~~
7 beneficial substances.

8 Sec. 25. Section 455E.11, subsection 2, paragraph b,
9 unnumbered paragraph 1, Code 2025, is amended to read as follows:

10 An agriculture management account. Moneys collected from the
11 groundwater protection fee levied pursuant to section 200.8,
12 subsection 4 3, the portion of the fees collected pursuant
13 to section 206.8, subsection 2, and section 206.12, subsection
14 3, and other moneys designated for the purpose of agriculture
15 management shall be deposited in the agriculture management
16 account. The agriculture management account shall be used for
17 the following purposes:

18 Sec. 26. Section 579B.1, subsection 14, paragraph b, Code
19 2025, is amended to read as follows:

20 b. Provide for planting, raising, harvesting, and storing a
21 crop. "Produce" includes preparing the soil for planting and
22 nurturing the crop by the application of ~~fertilizers~~ a fertilizer
23 or ~~soil conditioners~~ beneficial substance as defined in section
24 200.3 or ~~pesticides~~ a pesticide as defined in section 206.2.

25 Sec. 27. Section 716.11, subsection 2, Code 2025, is amended
26 to read as follows:

27 2. a. "Critical infrastructure sabotage" means an
28 unauthorized and overt act intended to cause and having the
29 means to cause, and in substantial furtherance of causing,
30 a substantial and widespread interruption or impairment of a
31 fundamental service rendered by the critical infrastructure.
32 ~~However, "critical infrastructure sabotage"~~

33 b. "Critical infrastructure sabotage" does not include an
34 accidental interruption or impairment of service to the critical
35 infrastructure caused by a person in the performance of the

1 person's work duties or caused by a person's lawful activity. In
2 addition, "critical infrastructure sabotage" does not include any
3 condition or activity related to the production of farm products
4 as defined in section 554.9102, including but not limited to the
5 discharge of agricultural stormwater; the construction or use of
6 soil or water quality conservation practices or structures; the
7 preparation of agricultural land and the raising, harvesting,
8 drying, or storage of agricultural crops; the application of
9 a fertilizer or beneficial substance as defined in section
10 200.3, ~~pesticides~~ a pesticide as defined in section 206.2, or
11 manure as defined in section 459.102; the installation and use
12 of agricultural drainage tile and systems; the construction,
13 operation, or management of an animal feeding operation as
14 defined in section 459.102; and the care, feeding, or watering
15 of livestock.

16 PART B

17 APPLICATION OF PESTICIDES — CERTIFICATION

18 Sec. 28. Section 206.5, subsection 7, paragraph b,
19 subparagraph (1), Code 2025, is amended to read as follows:

20 (1) The department ~~shall~~ may adopt by rule criteria for
21 allowing a person required to be certified to complete either a
22 written or oral examination.

23 DIVISION II

24 ANIMAL HEALTH

25 PART A

26 CONTROL OF INFECTIOUS OR CONTAGIOUS DISEASES AFFLICTING ANIMALS

27 Sec. 29. Section 163.1, subsection 1, Code 2025, is amended
28 by striking the subsection.

29 Sec. 30. Section 163.1, subsection 3, Code 2025, is amended
30 to read as follows:

31 3. Determine and employ the most efficient and practical
32 means for the identification and control of an infectious or
33 contagious disease afflicting animals that may threaten or
34 actually threatens animals in this state.

35 Sec. 31. NEW SECTION. 163.2B Rules.

1 1. The department shall adopt rules pursuant to chapter 17A
2 to administer and enforce this chapter.

3 2. If the department determines that rules described in
4 subsection 1 are required to be adopted and take effect on
5 an emergency basis to prevent or control the outbreak of
6 an infectious or contagious disease afflicting animals, the
7 department may adopt emergency rules under section 17A.4,
8 subsection 3, and section 17A.5, subsection 2, paragraph "b",
9 to administer and enforce this chapter. The rules shall
10 be effective immediately upon filing unless a later date is
11 specified in the rules. Any rules adopted in accordance with
12 this subsection shall also be published as a notice of intended
13 action as provided in section 17A.4.

14 Sec. 32. CODE EDITOR DIRECTIVE.

15 1. The Code editor is directed to make the following
16 transfers:

17 a. Section 163.2A to section 163.3.

18 b. Section 163.2B to section 163.2A.

19 2. The Code editor shall correct internal references in the
20 Code and in any enacted legislation as necessary due to the
21 enactment of this section.

22 Sec. 33. DIRECTIONS TO CODE EDITOR. The Code editor is
23 directed to arrange the provisions of chapter 163, subchapter I,
24 parts 1 and 2, as amended or enacted in this division of this
25 Act, into the following parts:

26 1. Part 1, including sections 163.1 through 163.2A.

27 2. Part 2, including sections 163.3 through 163.5.

28 PART B

29 PRACTICE OF VETERINARY MEDICINE

30 Sec. 34. Section 169.5, subsection 9, Code 2025, is amended
31 to read as follows:

32 9. A person who provides veterinary medical services, owns
33 a veterinary clinic, or practices in this state shall obtain a
34 certificate from the board and be subject to the same standards
35 of conduct, as provided in this chapter and rules adopted by

1 the board, as apply to a licensed veterinarian, unless the board
 2 determines that the same standards of conduct are inapplicable.
 3 The board shall issue, renew, or deny a certificate; adopt rules
 4 relating to the standards of conduct; and take disciplinary
 5 action against the person, including suspension or revocation
 6 of a certificate, in accordance with the procedures established
 7 in section 169.14. Certification fees shall be established
 8 by the board pursuant to subsection 7, paragraph "j". Fees
 9 Certification fees shall be established in an amount sufficient
 10 to fully offset the costs of certification pursuant to this
 11 subsection. ~~For the fiscal year beginning July 1, 2001, and~~
 12 ~~ending June 30, 2002, the department shall retain fees collected~~
 13 ~~to administer the program of certifying veterinary clinics and~~
 14 ~~the fees retained are appropriated to the department for the~~
 15 ~~purposes of this subsection. For the fiscal year beginning~~
 16 ~~July 1, 2001, and ending June 30, 2002, notwithstanding section~~
 17 ~~8.33, fees which remain unexpended at the end of the fiscal~~
 18 ~~year shall not revert to the general fund of the state but~~
 19 ~~shall be available for use for the following fiscal year to~~
 20 ~~administer the program. For the fiscal year beginning July 1,~~
 21 ~~2002, and succeeding fiscal years, certification Certification~~
 22 fees shall be deposited in the general fund of the state and are
 23 appropriated to the department to administer the certification
 24 provisions of this subsection. This subsection shall not apply
 25 to an animal shelter, as defined in section 162.2, that provides
 26 veterinary medical services to animals in the custody of the
 27 shelter.

28 Sec. 35. Section 169.13, Code 2025, is amended to read as
 29 follows:

30 **169.13 Discipline of licensees.**

31 1. The board of veterinary medicine, after due notice and
 32 hearing, may ~~revoke or suspend a license to practice veterinary~~
 33 ~~medicine~~ take disciplinary action against a licensee if it
 34 determines that a veterinarian licensed to practice veterinary
 35 medicine is guilty of violating any of the ~~following acts or~~

1 ~~offenses:~~ grounds for discipline in this section.

2 2. The board is authorized to discipline licensees in any of
3 the following ways:

4 a. Impose a civil penalty against the licensee in an amount
5 not to exceed ten thousand dollars. If the board imposes a civil
6 penalty, all of the following apply:

7 (1) The collection of the civil penalty may be enforced in
8 a civil action brought by the attorney general on behalf of the
9 board.

10 (2) Moneys collected in civil penalties shall be deposited in
11 the general fund of the state.

12 b. Revoke or suspend a license to practice veterinary
13 medicine.

14 3. Any of the following actions or offenses constitutes
15 grounds for discipline:

16 a. Knowingly making a misleading, deceptive, untrue, or
17 fraudulent representation in the practice of the profession.

18 b. Being convicted of a felony in ~~the courts~~ a court of
19 this state or another state, territory, or country. Conviction
20 as used in this paragraph includes a conviction of an offense
21 which if committed in this state would be deemed a felony without
22 regard to its designation elsewhere, or a criminal proceeding in
23 which a finding or verdict of guilt is made or returned, but
24 the adjudication or guilt is either withheld or not entered. A
25 certified copy of the final order or judgment of conviction or
26 plea of guilty in this state or in another state is conclusive
27 evidence.

28 c. Violating a statute or law of this state, another state,
29 or the United States, without regard to its designation as either
30 felony or misdemeanor, ~~which~~ if the statute or law relates to the
31 practice of veterinary medicine.

32 d. Having the person's license to practice veterinary
33 medicine revoked or suspended, or having other disciplinary
34 action taken by a licensing authority of another state,
35 territory, or country. A certified copy of the record or

1 order of the suspension, revocation, or disciplinary action is
2 conclusive or prima facie evidence.

3 e. Knowingly aiding, assisting, procuring, or advising a
4 person to unlawfully practice veterinary medicine.

5 f. Being adjudged mentally incompetent by a court of
6 competent jurisdiction. The adjudication shall automatically
7 suspend a license for the duration of the license unless the
8 board orders otherwise.

9 g. Being guilty of a willful or repeated departure from, or
10 ~~the~~ a failure to conform to, the minimal standard of acceptable
11 and prevailing practice of veterinary medicine as defined in
12 rules adopted by the board, in which proceeding actual injury
13 to an animal need not be established; or the committing by a
14 veterinarian of an act contrary to honesty, justice, or good
15 morals, whether the act is committed in the course of the
16 practice or otherwise, and whether committed within or without
17 this state.

18 h. ~~Inability~~ Demonstrating an inability to practice
19 veterinary medicine with reasonable skill and safety by reason
20 of illness, drunkenness, excessive use of drugs, narcotics,
21 chemicals, or other type of material or as a result of a mental
22 or physical condition.

23 i. ~~Willful~~ Having willfully or ~~repeated violation of~~
24 repeatedly violated lawful rules adopted by the board or
25 violation of a lawful order of the board, previously entered by
26 the board in a disciplinary hearing.

27 ~~2.~~ 4. a. The board, upon probable cause, may compel a
28 veterinarian to submit to a mental or physical examination by
29 designated physicians. Failure of a veterinarian to submit
30 to an examination constitutes an admission to the allegations
31 made against that veterinarian and the finding of fact and
32 decision of the board may be entered without the taking of
33 testimony or presentation of evidence. At reasonable intervals,
34 a veterinarian shall be afforded an opportunity to demonstrate
35 that the veterinarian can resume the competent practice of

1 veterinary medicine with reasonable skill and safety to animals.
2 b. A person licensed to practice veterinary medicine who
3 ~~makes application~~ applies for the renewal of the person's license
4 as required by section 169.12 gives consent to submit to a
5 mental or physical examination as provided by this paragraph
6 when directed in writing by the board. All objections shall
7 be waived as to the admissibility of the examining physician's
8 testimony or examination reports on the grounds that they
9 constitute privileged communication. The medical testimony or
10 examination reports shall not be used against a veterinarian in
11 another proceeding and are confidential except for other actions
12 filed against a veterinarian to revoke or suspend that person's
13 license.

14 PART C

15 COURT-ORDERED MANAGEMENT OF LIVESTOCK IN IMMEDIATE NEED OF
16 SUSTENANCE

17 Sec. 36. Section 717.4A, Code 2025, is amended to read as
18 follows:

19 **717.4A Livestock in immediate need of sustenance — livestock**
20 **remediation fund.**

21 The department may utilize the moneys deposited into the
22 livestock remediation fund pursuant to section 459.501 to pay
23 for any expenses associated with providing sustenance to or
24 the disposition of the livestock pursuant to a court order
25 entered pursuant to section 717.3 or 717.5. The department
26 shall utilize moneys from the fund only to the extent that
27 the department determines that expenses cannot be timely paid
28 by utilizing the available provisions of sections 717.4 and
29 717.5. The department shall deposit any unexpended and
30 unobligated moneys in the fund. ~~The department shall pay to~~
31 ~~the fund the proceeds from the disposition of the livestock and~~
32 ~~associated products less expenses incurred by the department in~~
33 ~~providing for the sustenance and disposition of the livestock,~~
34 as provided in section 717.5 If there are proceeds remaining
35 after the disposition of the livestock or associated products

1 and satisfaction of the department's expenses, and the department
2 has utilized moneys from the livestock remediation fund, the
3 department shall repay the fund from the proceeds.

4 Sec. 37. Section 717.5, subsection 1, Code 2025, is amended
5 by adding the following new paragraph:

6 NEW PARAGRAPH. d. If the court orders the disposition of
7 the livestock that involves the livestock's sale or transfer,
8 the order shall be deemed as occurring by a receiver appointed
9 pursuant to section 680.4.

10 Sec. 38. Section 717.5, subsection 3, Code 2025, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. d. If any moneys remain after satisfying the
13 costs of the local authority or department, such moneys shall be
14 distributed pursuant to the process and priorities contained in
15 chapter 680.

16 DIVISION III

17 AGRICULTURAL PROCESSING

18 Sec. 39. NEW SECTION. **189A.1A Objective.**

19 1. It is the objective of this chapter to provide for
20 meat and poultry products inspection programs that will impose
21 and enforce requirements with respect to intrastate operations
22 and commerce that are at least equal to those imposed and
23 enforced under the federal Meat Inspection Act and the federal
24 Poultry Products Inspection Act with respect to operations and
25 transactions in interstate commerce.

26 2. The secretary is directed to administer this chapter so
27 as to accomplish this objective. The bureau chief of the
28 meat and poultry inspection bureau shall be designated as the
29 secretary's delegate to be the appropriate state official to
30 cooperate with the secretary of agriculture of the United States
31 in administration of this chapter.

32 Sec. 40. Section 189A.2, Code 2025, is amended by adding the
33 following new subsections:

34 NEW SUBSECTION. 5A. "Department" means the department of
35 agriculture and land stewardship.

1 NEW SUBSECTION. 29A. "Secretary" means the secretary of
2 agriculture.

3 Sec. 41. Section 189A.3, Code 2025, is amended to read as
4 follows:

5 **189A.3 License — fee.**

6 1. a. A person shall not operate an establishment without
7 first obtaining a license from the department.

8 b. Paragraph "a" does not apply to any of the following:

9 (1) A food establishment as defined in section 137F.1.

10 (2) A home food processing establishment as defined in
11 section 137D.1.

12 ~~(2)~~ (3) A person who slaughters, processes, or prepares
13 livestock or poultry of the person's own raising, exclusively for
14 the person's household, nonpaying guests, or nonpaying employees.

15 2. a. The license fee for each establishment ~~per year or any~~
16 ~~part of a year~~ shall be as follows:

17 ~~a.~~ (1) For all meat and poultry slaughtered or otherwise
18 prepared not exceeding twenty thousand pounds per year for sale,
19 resale, or custom, ~~twenty-five~~ fifty dollars.

20 ~~b.~~ (2) For all meat and poultry slaughtered or otherwise
21 prepared in excess of twenty thousand pounds per year for sale,
22 resale, or custom, ~~fifty~~ one hundred dollars.

23 b. A license fee collected by the department shall be
24 retained by the department as appropriated receipts for
25 administration of this chapter.

26 3. a. ~~The moneys shall be deposited with the department.~~
27 The A license year shall be from July 1 to June 30 shall expire
28 on July 1 of each odd-numbered year. Applications

29 b. An application for licenses a license shall be in writing
30 on forms a form prescribed by the department.

31 ~~4. It is the objective of this chapter to provide for~~
32 ~~meat and poultry products inspection programs that will impose~~
33 ~~and enforce requirements with respect to intrastate operations~~
34 ~~and commerce that are at least equal to those imposed and~~
35 ~~enforced under the federal Meat Inspection Act and the federal~~

1 ~~Poultry Products Inspection Act with respect to operations~~
2 ~~and transactions in interstate commerce; and the secretary is~~
3 ~~directed to administer this chapter so as to accomplish this~~
4 ~~purpose. A director of the meat and poultry inspection service~~
5 ~~shall be designated as the secretary's delegate to be the~~
6 ~~appropriate state official to cooperate with the secretary of~~
7 ~~agriculture of the United States in administration of this~~
8 ~~chapter.~~

9 Sec. 42. Section 189A.4, subsection 1, unnumbered paragraph
10 1, Code 2025, is amended to read as follows:

11 In order to accomplish the ~~objectives~~ objective of this
12 chapter, the secretary may exempt the following types of
13 operations from inspection:

14 Sec. 43. Section 189A.5, subsection 2, unnumbered paragraph
15 1, Code 2025, is amended to read as follows:

16 In order to accomplish the ~~objectives~~ objective stated in
17 section ~~189A.3~~ 189A.1A, the secretary shall do any of the
18 following:

19 Sec. 44. Section 189A.7, unnumbered paragraph 1, Code 2025,
20 is amended to read as follows:

21 In order to accomplish the objective stated in section ~~189A.3~~
22 189A.1A, the secretary may do any of the following:

23 DIVISION IV

24 MARKETING OF GRAIN AND INDEMNIFICATION OF LOSSES

25 Sec. 45. Section 203.12, subsection 1, Code 2025, is amended
26 to read as follows:

27 1. Upon the cessation of a grain dealer license by
28 revocation, cancellation, or expiration, any claim for the
29 purchase price of grain against the grain dealer shall be made
30 in writing and filed with the grain dealer and with the issuer
31 of a deficiency bond or of an irrevocable letter of credit
32 and with the department within one hundred twenty days after
33 the date of the cessation. A failure to make this timely
34 claim relieves the issuer and the grain depositors and sellers
35 indemnity fund provided in ~~chapter 203D~~ section 203D.6 or 203D.6A

1 of all obligations to the claimant.

2 Sec. 46. Section 203C.14, subsection 2, paragraph a, Code
3 2025, is amended to read as follows:

4 a. Upon the cessation of a warehouse operator's license due
5 to revocation, cancellation, or expiration, a claim against the
6 warehouse operator arising under this chapter shall be made in
7 writing with the warehouse operator, with the issuer of a bond on
8 agricultural products other than bulk grain, a deficiency bond,
9 or an irrevocable letter of credit, and, if the claim relates to
10 bulk grain, with the department. The claim must be made within
11 one hundred twenty days after the cessation of the license. The
12 failure to make a timely claim relieves the issuer and, if the
13 claim relates to bulk grain, the grain depositors and sellers
14 indemnity fund provided in ~~chapter 203D~~ section 203D.6 or 203D.6A
15 of all obligations to the claimant.

16 Sec. 47. Section 203D.1, Code 2025, is amended by adding the
17 following new subsections:

18 NEW SUBSECTION. 8A. "*Indemnity fees*" or "*fees*" means a
19 participation fee and per-bushel fee as provided in sections
20 203D.3 and 203D.3A.

21 NEW SUBSECTION. 14A. "*Repayment loss*" means the amount of a
22 repayment claim held by a seller for purchased grain that the
23 seller had paid back or is required to pay back to a grain
24 dealer's bankruptcy estate, pursuant to an order issued, judgment
25 entered, settlement agreement approved, or reorganization plan
26 approved by a bankruptcy court, and which amount has not been
27 subsequently recovered through other legal or equitable remedies
28 including the liquidation of assets.

29 Sec. 48. Section 203D.3, subsections 1 and 4, Code 2025, are
30 amended to read as follows:

31 1. The grain depositors and sellers indemnity fund is created
32 in the state treasury as a separate account. The general fund
33 of the state is not liable for claims presented against the fund
34 under section 203D.6 or 203D.6A.

35 4. The moneys collected under this section and deposited in

1 the fund shall be used exclusively to indemnify depositors and
2 sellers as provided in section 203D.6 or 203D.6A and to pay the
3 administrative costs of this chapter.

4 Sec. 49. Section 203D.3A, unnumbered paragraph 1, Code 2025,
5 is amended to read as follows:

6 The department shall collect indemnity fees, including
7 participation fees and per-bushel fees as provided in this
8 section, if ~~established~~ imposed by the board pursuant to section
9 203D.5, at rates determined by the board as provided in that
10 section. ~~A person required to pay a fee shall use licensee shall~~
11 remit indemnity fees and forms and deliver the payment to the
12 department as required by the department.

13 Sec. 50. Section 203D.3A, subsection 1, paragraph a,
14 subparagraph (1), Code 2025, is amended to read as follows:

15 (1) In calculating the amount of the initial participation
16 fee, an applicant for a new license shall be deemed a licensee
17 ~~paying~~ remitting the full annual amount of the participation
18 fee owing on the licensee's first anniversary date ~~as provided~~
19 ~~in paragraph "b"~~. The department must be satisfied that the
20 applicant is calculating the amount due in good faith and using
21 the best information available.

22 (a) For a licensed grain dealer, the anniversary date is the
23 last date to apply for the renewal of the grain dealer's license
24 before the license expires as provided in section 203.5.

25 (b) For a licensed warehouse operator, the anniversary date
26 is the last date to apply for the renewal of the warehouse
27 operator's license before the license expires as provided in
28 section 203C.37.

29 Sec. 51. Section 203D.3A, subsection 1, paragraph b, Code
30 2025, is amended to read as follows:

31 b. A licensee shall ~~pay~~ remit a participation fee in one
32 installment as part of a license renewal application in the
33 same manner provided in paragraph "a". However, the licensee
34 may elect to remit the participation fee on four successive
35 installment dates, with each installment date occurring ~~on~~ in

1 ~~the month succeeding the last date of the fund's~~ assessment
2 quarter as provided in section 203D.3, on December 15, March
3 15, June 15, and September 15. The licensee shall pay remit
4 twenty-five percent of the total participation fee assessed on
5 each installment date. However, nothing in this subsection
6 prevents a licensee from paying the participation fee on an
7 accelerated basis. A licensee shall pay the first installment
8 on the last date of the fund's assessment quarter immediately
9 following the licensee's anniversary date.

10 (1) ~~For a licensed grain dealer, the anniversary date is the~~
11 ~~last date to apply for the renewal of the grain dealer's license~~
12 ~~before the license expires as provided in section 203.5.~~

13 (2) ~~For a licensed warehouse operator, the anniversary date~~
14 ~~is the last date to apply for the renewal of the warehouse~~
15 ~~operator's license before the license expires as provided in~~
16 ~~section 203C.37.~~

17 Sec. 52. Section 203D.3A, subsection 2, Code 2025, is amended
18 to read as follows:

19 2. a. A licensed grain dealer shall remit a per-bushel fee
20 shall be assessed on all purchased grain.

21 b. The licensed grain dealer shall forward remit the
22 per-bushel fee to the department on a quarterly basis in the
23 manner and using the forms a form prescribed by the department.
24 The licensed grain dealer shall remit the per-bushel fee and form
25 on four successive installment dates, with each installment date
26 occurring in the month succeeding the last assessment quarter as
27 provided in section 203D.3, on December 15, March 15, June 15,
28 and September 15.

29 c. A licensee licensed grain dealer is delinquent if the
30 licensee grain dealer fails to submit remit the full quarterly
31 per-bushel fee or quarterly forms and form when due or if,
32 upon examination, an underpayment of the fee is found by the
33 department. The licensed grain dealer is subject to a penalty of
34 ten dollars for each day the licensed grain dealer is delinquent
35 or an amount equal to the amount of the deficiency, whichever

1 is less. However, a licensee licensed grain dealer who fails to
2 ~~submit~~ remit the full quarterly per-bushel fee or ~~quarterly forms~~
3 form when due, is subject to a minimum payment of ten dollars.
4 The department may establish and apply a margin of error in
5 determining whether a licensed grain dealer is delinquent. The
6 ~~per-bushel fee shall be collected only once on each bushel of~~
7 ~~grain.~~

8 ~~e.~~ d. The per-bushel fee shall not be collected more than
9 once on each bushel of grain. A licensed grain dealer may ~~choose~~
10 ~~to~~ pass on the cost of a per-bushel fee to the sellers by an
11 itemized discount noted on the settlement sheet. However, if the
12 per-bushel fee is not in effect, ~~no~~ a licensed grain dealer shall
13 not make such a discount on the purchase of grain. A discount
14 made nominally for the per-bushel fee while the per-bushel fee is
15 not in effect is grounds for a license suspension or revocation
16 under chapter 203.

17 Sec. 53. Section 203D.5, subsection 1, unnumbered paragraph
18 1, Code 2025, is amended to read as follows:

19 The board shall annually review the debits of and credits
20 to the grain depositors and sellers indemnity fund created
21 in section 203D.3 and shall determine whether to impose the
22 participation fee and per-bushel fee as provided in section
23 203D.3A, make adjustments to the indemnity fees effective on the
24 previous September 1, or waive the indemnity fees as necessary to
25 comply with this section. The board shall make the determination
26 not later than May 1 of each year. The board shall impose
27 the indemnity fees or adjust the indemnity fees effective on
28 the previous September 1 in accordance with chapter 17A. The
29 imposition or adjustment of the indemnity fees shall become
30 effective as follows:

31 Sec. 54. Section 203D.6, subsection 8, Code 2025, is amended
32 to read as follows:

33 8. *Payment of claims.* Upon a determination that the claim
34 is eligible for payment, the board shall provide for payment of
35 ninety percent of the loss, as determined under subsection 5, but

1 not more than three hundred thousand dollars per claimant. If at
2 any time the board determines that there are insufficient funds
3 moneys to make payment of all claims under this section and all
4 repayment claims under section 203D.6A, the board may order that
5 payment be deferred on specified claims. The department, upon
6 the board's instruction, shall hold ~~these~~ the claims for deferred
7 payment until the board determines that the fund again contains
8 sufficient assets.

9 Sec. 55. NEW SECTION. **203D.6A Repayment claims against**
10 **fund.**

11 1. A separate indemnity claim process is established to
12 provide for the indemnification of a repayment loss incurred by a
13 seller against a grain dealer who is a debtor in bankruptcy under
14 the protections provided in Tit. 11 of the United States Code.

15 a. A repayment claim shall be filed with the department in
16 the manner prescribed by the department.

17 b. A seller may file an eligible claim for a loss under
18 section 203D.6 and an eligible repayment claim for a repayment
19 loss under this section.

20 2. To be timely, a seller must file a repayment claim with
21 the department not later than thirty days after the repayment
22 loss is finalized by a bankruptcy court, whether by an order
23 issued, judgment entered, settlement agreement approved, or
24 reorganization plan approved by a bankruptcy court.

25 3. The department may provide notice of the repayment claim
26 process to a seller that may become or has become subject to
27 an order issued, judgment entered, settlement agreement approved,
28 or reorganization plan approved by a bankruptcy court that
29 requires the seller to pay back amounts previously received for
30 purchased grain in the bankruptcy of a grain dealer. If the
31 department chooses to provide a notice to the seller, it shall
32 have discretion to determine any reasonable method and manner of
33 providing such notice. A failure by the department to provide a
34 notice or a failure by a seller to receive a notice under this
35 subsection, does not relieve the seller of the requirement to

1 timely file a repayment claim.

2 4. The board shall determine that a repayment claim is
3 eligible for payment from the fund if the board finds all of the
4 following:

5 a. The repayment claim was timely filed.

6 b. The repayment claimant qualifies as a seller.

7 c. The repayment claim derives from a covered transaction.
8 For purposes of this paragraph, a claim derives from a covered
9 transaction if the claimant is a seller who transferred title
10 to purchased grain to a licensed grain dealer other than by
11 credit-sale contract within six months of the incurrence date as
12 provided in section 203D.6.

13 d. The seller submits adequate proof to establish the
14 repayment claim and the amount of the repayment loss.

15 e. A claim has not been paid for the same repayment loss.

16 5. A seller is not entitled to indemnify a claim for a
17 repayment loss if the repayment loss is incurred as a result of a
18 fraudulent transfer or conveyance in the bankruptcy proceeding.

19 6. The dollar value of a repayment claim is the amount a
20 seller is required to pay back that was previously received for
21 purchased grain as a result of an order issued, judgment entered,
22 or settlement agreement approved by a bankruptcy court and which
23 has not been recovered through other legal or equitable remedies
24 including the liquidation of assets.

25 7. The department acting on behalf of the board shall deliver
26 a notice to a seller filing a claim under this section. The
27 notice must include the board's determination of the seller's
28 eligibility and the value of the seller's repayment loss. Within
29 twenty days of delivering the notice, the seller may request
30 a hearing for the review of either determination. The request
31 shall be made in the manner provided by the board. The hearing
32 and any further appeal shall be conducted as a contested case
33 subject to chapter 17A. A seller whose repayment claim has been
34 refused by the board may appeal the refusal to either the
35 district court of Polk county or the district court of the county

1 in which the seller resides.

2 8. Upon a determination that the claim is eligible for
3 indemnification, the board shall provide for payment of ninety
4 percent of the repayment loss, as determined by the board, but
5 not more than three hundred thousand dollars. If at any time
6 the board determines that there are insufficient moneys in the
7 fund to make payment of all claims under section 203D.6 and
8 this section, the board may order that payment be deferred on
9 specified claims. The department, upon the board's instruction,
10 shall hold the claims for deferred payment until the board
11 determines that the fund again contains sufficient assets.

12 9. In the event of the payment of a repayment loss under this
13 section, the fund is subrogated to the extent of the amount of
14 any payments to all rights, powers, privileges, and remedies of
15 the seller against any person regarding the repayment loss. The
16 seller shall render all necessary assistance to the department
17 and the board in securing the rights granted in this section. No
18 action or claim initiated by a seller and pending at the time of
19 payment from the fund shall be compromised or settled without the
20 consent of the board.

21 10. a. A repayment claim shall expire if five years after
22 the board determines that the repayment claim is eligible, and
23 the claimant has failed to do any of the following:

24 (1) Provide for the fund's subrogation or render all
25 necessary assistance to the department and the board in securing
26 the department's rights of subrogation as required in this
27 section.

28 (2) Provide necessary documentation or information required
29 by the board in order to process the repayment claim.

30 b. The fund is not liable for the payment of an expired
31 repayment claim.

32 EXPLANATION

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

35 GENERAL. This bill provides for the administration of a number

1 of programs and regulations relating to agriculture, including
2 crop production, and specifically the application of soil inputs
3 such as fertilizers and soil conditioners (Code chapters 200
4 and 200A) and pesticides (Code chapter 206); animal health, and
5 specifically the control of infectious or contagious diseases
6 afflicting animals (Code chapter 163), the practice of veterinary
7 medicine (Code chapter 169), and the court-ordered management
8 of livestock in immediate need of sustenance (Code chapter
9 717); agricultural processing, and specifically the slaughter and
10 processing of meat and poultry products (Code chapter 189A); and
11 the marketing of grain and the indemnification of losses by grain
12 depositors and sellers (Code chapters 203, 203C, and 203D).

13 CROP PRODUCTION — APPLICATION OF NUTRIENTS — BACKGROUND. The
14 department of agriculture and land stewardship (DALs) regulates
15 the composition of soil inputs, including nutrients such as
16 fertilizers which are manufactured to achieve optimum plant
17 growth under the Iowa fertilizer law (Code section 200.1), which
18 includes a number of definitions (Code section 200.3). DALs
19 also regulates fertilizing material which is a substance used to
20 compound a fertilizer, and a commercial fertilizer which refers
21 to a fertilizer, fertilizing material, and a fertilizer-pesticide
22 mixture. A secondary input is referred to as a soil conditioner
23 which is a substance other than a fertilizer that improves the
24 condition or structure of the soil and is also used to improve
25 plant growth. DALs licenses persons who manufacture, offer for
26 sale, sell, or distribute a fertilizer or soil conditioner.
27 The person is also subject to a license fee (Code section
28 200.4). Each brand or grade of commercial fertilizer or soil
29 conditioner must be registered with DALs (Code section 200.5). A
30 fertilizer or soil conditioner is subject to label requirements
31 (Code section 200.6). DALs imposes an inspection fee upon
32 a licensee (Code section 200.8). DALs must sample, inspect,
33 make analysis of, and test a commercial fertilizer or soil
34 conditioner distributed within the state (Code section 200.10).
35 A person is prohibited from manufacturing, offering for sale,

1 or selling a commercial fertilizer or soil conditioner that
2 is injurious to crop growth or deleterious to the soil (Code
3 section 200.11). A person selling a commercial fertilizer or
4 soil conditioner must identify substances promoting its use in
5 a manner that is not deceptive (Code section 200.12). DALS
6 must adopt rules regulating equipment used in storing, handling,
7 and transporting fertilizers and soil conditioners (Code section
8 200.14). DALS is authorized to take administrative action
9 against a licensee or registrant acting in violation of the
10 law, including by canceling the license or registration (Code
11 section 200.15), issuing a stop order (Code section 200.16),
12 or seizing a commercial fertilizer or soil conditioner (Code
13 section 200.17). A county, city, or other political subdivision
14 is prohibited from passing or enforcing local legislation that
15 regulates the use, sale, distribution, storage, transportation,
16 disposal, formulation, labeling, registration, or manufacture
17 of a fertilizer or soil conditioner (Code section 200.22). A
18 person registering a pesticide must account for formulations of
19 a fertilizer (Code section 206.12). A number of Code sections
20 include a reference to soil conditioners: the definition of
21 agricultural land for purposes of eminent domain (Code section
22 6A.21) and urban renewal (Code section 403.17) each include such
23 a reference. A transportation regulation involving hazardous
24 materials includes soil conditioners (Code section 321.1). A
25 commodity production contract lien (Code section 579B.1) covers
26 the use of a soil conditioner. An exception to the criminal
27 offense of critical infrastructure sabotage includes the use of
28 a soil conditioner (Code section 716.11).

29 CROP PRODUCTION — APPLICATION OF NUTRIENTS — BILL. The bill
30 replaces the term soil conditioner with beneficial substance
31 which is defined as a substance or compound that is beneficial
32 to one or more species of plants, soil, or media. It
33 includes a plant amendment, plant biostimulant, plant inoculant,
34 soil-amending ingredient, soil-amending form, soil amendment, and
35 soil inoculant. The bill changes references to the state chemist

1 to the bureau chief of the Iowa laboratory bureau (Code sections
2 190C.22 and 200.10).

3 APPLICATION OF PESTICIDES — CERTIFICATION — BACKGROUND. DAL
4 is responsible for the administration and enforcement of the
5 "Pesticide Act of Iowa" (Code chapter 206), which in part
6 regulates the use of a pesticide by a commercial applicator,
7 public applicator, or private applicator (Code section 206.2).
8 Generally, a person acting as a commercial applicator or public
9 applicator must be certified to apply any pesticide, and a
10 person acting as a commercial applicator, public applicator, or
11 private applicator (e.g., a farmer) must be certified to apply a
12 restricted use pesticide (Code section 206.5). The designation
13 "restricted use" is determined by DAL (Code section 206.20) and
14 is generally based on a pesticide so classified by the United
15 States environmental protection agency (40 C.F.R. §152.160 et
16 seq.). DAL is required to administer an educational program
17 in cooperation with the Iowa cooperative extension service in
18 agriculture and home economics of Iowa state university of
19 science and technology. In order to be certified, a person must
20 participate in the educational program by passing an examination
21 for an initial certification and pass an examination or attend
22 instructional hours every three years for the renewal of the
23 certification (Code section 206.5).

24 APPLICATION OF PESTICIDES — CERTIFICATION — BILL. The bill
25 removes a requirement that DAL adopt by rule criteria allowing a
26 person required to be certified to complete either a written or
27 oral examination. The bill provides that DAL has discretion to
28 adopt such rules.

29 ANIMAL HEALTH — CONTROL OF INFECTIOUS OR CONTAGIOUS DISEASES
30 AFFLICTING ANIMALS — BACKGROUND. DAL is granted authority to
31 provide for the health of animals and specifically the control
32 of an infectious or contagious disease (disease) afflicting
33 livestock populations (Code chapter 163). The term "control"
34 refers to prevention, suppression, or eradication efforts (Code
35 section 163.2).

1 ANIMAL HEALTH — CONTROL OF INFECTIOUS OR CONTAGIOUS DISEASES
2 AFFLICTING ANIMALS — BILL. The bill provides that DALs may
3 determine and employ the most efficient and practical means to
4 identify and control a possible, imminent, or actual threat to an
5 animal population caused by a disease.

6 The bill provides that DALs may adopt any necessary rules for
7 the control of an infectious disease affecting animals within
8 the state by emergency rulemaking. When a statute authorizes
9 emergency rulemaking, an agency may adopt a rule immediately
10 without going through the periods of the rulemaking process
11 known as regulatory analysis (Code section 17A.4A) and notice
12 of intended action (Code section 17A.4(3)). The bill requires
13 that such emergency rulemaking be "double barreled". Under
14 the process known as double-barreled rulemaking, when an agency
15 files an emergency rule, it also files the same rule as a
16 notice of intended action that will follow the regular rulemaking
17 process. Normally, a rule cannot be effective prior to 35 days
18 after its filing with the administrative rules coordinator and
19 publication in the Iowa administrative bulletin. Under emergency
20 rulemaking, a rule can be made effective on the date of filing
21 and acceptance by the administrative rules coordinator or any
22 subsequent date, as specified by the agency in the filing (Code
23 section 17A.5(2)(b)(1)).

24 ANIMAL HEALTH — PRACTICE OF VETERINARY MEDICINE —
25 BACKGROUND. Veterinarians are regulated by the board of
26 veterinary medicine (veterinary board) which is responsible
27 for licensing and imposing disciplinary action, including the
28 suspension or revocation of a license for cause following a
29 notice and hearing before the veterinary board. The basis
30 for disciplinary action includes making a false representation,
31 being convicted of a felony in Iowa or another jurisdiction,
32 violating a statute or law of Iowa or another jurisdiction,
33 being subject to disciplinary action in another state, assisting
34 in the unlawful practice of veterinary medicine, being adjudged
35 as mentally incompetent, failing to conform with an acceptable

1 practice of veterinary medicine, and being unable to practice
2 veterinary medicine with reasonable skill and safety (amended
3 Code section 169.13).

4 ANIMAL HEALTH — PRACTICE OF VETERINARY MEDICINE — BILL. The
5 bill provides that, in addition to imposing disciplinary action,
6 the veterinary board may assess a civil penalty. The amount
7 of the civil penalty cannot exceed \$10,000 per violation. The
8 attorney general may initiate a claim to collect a civil penalty
9 and any amount collected must be deposited in the general fund of
10 the state.

11 ANIMAL HEALTH — COURT-ORDERED MANAGEMENT OF LIVESTOCK IN
12 IMMEDIATE NEED OF SUSTENANCE — BACKGROUND. DALS is granted the
13 authority to petition a court to conduct a hearing regarding
14 the condition of livestock. If the court determines that the
15 livestock are in immediate need of sustenance, it must issue
16 an order directing DALS to assume supervision of the livestock
17 (Code section 717.3). The order creates a super-priority lien
18 attached to the livestock, proceeds from the sale of livestock,
19 and any associated unmanufactured products, for the benefit of
20 DALS. DALS may also petition a court to order the disposition
21 of the specified livestock. The proceeds from the sale of
22 the livestock are to be used to reimburse DALS according to
23 the lien's super-priority status. DALS may also utilize moneys
24 deposited in the livestock remediation fund (remediation fund)
25 (Code section 459.501) to pay for costs of providing for
26 sustenance to livestock as provided in the court order (Code
27 section 717.4A).

28 ANIMAL HEALTH — COURT-ORDERED MANAGEMENT OF LIVESTOCK IN
29 IMMEDIATE NEED OF SUSTENANCE — BILL. The bill rewrites a
30 provision requiring DALS to repay the remediation fund any
31 proceeds that DALS receives from the disposition of the livestock
32 less expenses in providing for the sustenance and disposition.
33 The bill provides that if the court orders the disposition of the
34 livestock, the order shall be deemed as acting in response to a
35 petition by a receiver appointed by a court in Code chapter 680.

1 AGRICULTURAL PROCESSING — SLAUGHTER AND PROCESSING OF MEAT
2 AND POULTRY PRODUCTS — LICENSURE — BILL. The bill provides
3 that a home food processing establishment licensed by the
4 department of inspections, appeals, and licensing is exempt from
5 DALs licensing requirements (Code chapter 137D). A home food
6 processing establishment refers to a residence in which homemade
7 food items are produced for sale, if consumption is off premises
8 and its business has gross annual sales of less than \$50,000
9 (Code section 137D.1). The bill also provides that the term
10 of a license issued by DALs to a slaughter and processing
11 establishment is extended to a two-year period (from July 1,
12 2025, to June 30, 2027). The licensee fee is doubled from \$25
13 to \$50 and from \$50 to \$100 to reflect the license's biennial
14 term. DALs is required to prorate the license fee for a new
15 establishment. The bill makes various changes in terminology to
16 improve readability.

17 AGRICULTURAL MARKETING — MARKETING OF GRAIN AND
18 INDEMNIFICATION OF LOSSES — BACKGROUND. DALs licenses and
19 regulates grain dealers (dealers) and warehouse operators
20 (operators) (Code chapters 203 and 203C). Both dealers and
21 operators may be required to pay fees into the grain depositors
22 and sellers indemnity fund (indemnity fund) for purposes of
23 indemnifying losses incurred by sellers and depositors as part
24 of a transaction (Code chapter 203D). A participation fee is
25 assessed against a dealer based on purchased grain during the
26 dealer's last fiscal year and against an operator based on
27 warehouse storage capacity. In addition, a dealer may be
28 assessed a per-bushel fee on a quarterly basis. The assessment
29 year in which a participation fee and per-bushel fee is assessed
30 is from September 1 to August 31. The assessment year is divided
31 into four three-month quarters. The last date of the quarter
32 is referred to as an installment date which is when a quarterly
33 participation payment is due. The fees are deposited in the
34 indemnity fund. When the balance in the fund reaches \$8 million,
35 the participation fee and per-bushel fees are automatically

1 waived. The fees are reinstated if the balance in the fund
2 reaches \$3 million or less (Code section 203D.5).

3 The indemnity fund is established as an insurance pool to
4 pay a depositor who has stored grain with a licensed warehouse
5 operator for a loss resulting from the depositor's right to
6 receive possession of the grain, and a seller who sells grain
7 to a licensed grain dealer for a loss resulting from a failure
8 to receive payment for that grain (Code section 203D.6). The
9 indemnity fund is administered by the Iowa grain indemnity fund
10 board (indemnity board) in cooperation with DALs. A depositor or
11 seller must file a claim against the indemnity fund within 120
12 days of an incurrence date which is the date that the license of
13 the operator or dealer ceases to be valid (e.g., by revocation)
14 or the date that an operator or dealer files a petition in
15 bankruptcy. The claim must derive from a covered transaction,
16 meaning that the claimant who is a depositor must have delivered
17 the grain to an operator or a claimant who is a seller must
18 have transferred title to the grain to a dealer other than by
19 credit-sale contract within six months of the incurrence date.
20 A credit-sale contract is a contract for the sale of grain if
21 the sale price for that grain is to be paid more than 30 days
22 after the delivery of the grain to the buyer (also referred to
23 as a deferred-payment contract, deferred-pricing contract, and
24 price-later contract). A depositor or seller who timely files
25 an eligible claim is entitled to be paid from the indemnity fund
26 for 90 percent of a loss up to \$300,000. If the indemnity board
27 determines that there are insufficient moneys in the indemnity
28 fund to make payment on all claims, the indemnity board may order
29 that payment on specified claims be deferred. Other procedures
30 that apply include a right to appeal the indemnity board's
31 decision, subrogation rights, and a five-year expiration period
32 for unresolved claims.

33 AGRICULTURAL MARKETING — MARKETING OF GRAIN AND
34 INDEMNIFICATION OF LOSSES — FEES — BILL. The bill provides
35 that a dealer or operator may remit the participation fee in

1 one installment as part of the license renewal or on four
2 successive installment dates on December 15, March 15, June 15,
3 and September 15. The bill provides that the dealer may pay the
4 per-bushel fee on the same installment dates.

5 AGRICULTURAL MARKETING — MARKETING OF GRAIN AND
6 INDEMNIFICATION OF LOSSES — REPAYMENT CLAIMS — BILL. The bill
7 allows a seller to file a special repayment claim against the
8 fund as a result of the grain dealer's bankruptcy. The special
9 repayment process allows such a seller to recover the amount of
10 the grain dealer payment that the seller was forced to repay to
11 the grain dealer's bankruptcy estate. To be timely, a seller
12 must file a repayment claim with DALs not later than 30 days
13 after the repayment loss is finalized by a bankruptcy court.
14 DALs may provide notice of the repayment claim process to a
15 seller who may file a repayment claim. If DALs chooses to
16 provide a notice to the seller, DALs has discretion to determine
17 a reasonable method and manner of providing such notice. The
18 indemnity board must determine that a repayment claim is eligible
19 for payment from the indemnity fund, including whether the
20 repayment claim derives from a covered transaction. DALs is
21 required to deliver notice to a seller filing a repayment claim
22 regarding the indemnity board's determination in the same manner
23 as for an ordinary loss. Like an ordinary loss, the seller
24 is entitled to receive 90 percent of a loss but not more than
25 \$300,000, a deferral of payments based on insufficient moneys
26 in the indemnity fund, subrogation, and a five-year expiration
27 period.