

is terminated, effective July 1, 1995. A corporation whose existence is terminated pursuant to this subsection may be reinstated. When the reinstatement is effective, it relates back to and takes effect as of the effective date of the termination of its corporate existence as if such termination had never occurred. The secretary of state shall adopt rules governing the reinstatement of a corporation pursuant to this subsection.

Sec. 27. Chapter 504 is repealed.

Approved April 6, 1990

---

## CHAPTER 1165

### COMMERCIAL FEED

*H.F. 534*

**AN ACT** relating to the regulation of commercial feed and providing for the increase of fees.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 198.1, Code 1989, is amended to read as follows:

198.1 SHORT TITLE.

This chapter shall be known as the "Iowa Commercial Feed Law of 1974."

Sec. 2. Section 198.3, subsection 1, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

1. "Distribute" means either of the following:

- a. To offer for sale, sell, exchange, or barter commercial feed.
- b. To supply, furnish, or otherwise provide commercial feed to a contract feeder.

Sec. 3. Section 198.3, subsection 17, Code 1989, is amended to read as follows:

17. "Pet food" means any commercial feed prepared and distributed for consumption by pets dogs or cats.

Sec. 4. Section 198.3, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 21. "Broker" means a person, other than a licensed manufacturer, who distributes commercial feed or commercial feed ingredients to a manufacturer.

Sec. 5. Section 198.4, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

198.4 LICENSES.

1. A person who manufactures a commercial feed, a customer-formula feed, or whose name appears on the label of a commercial or customer-formula feed, shall not distribute a commercial feed in this state without first obtaining a license from the secretary issued on forms provided by the secretary. The forms must identify the name, place of business, and location of each manufacturing facility in this state.

A broker shall not distribute a commercial feed in this state without first obtaining a license from the secretary issued on forms provided by the secretary. The forms must identify the broker's name and place of business.

2. A person obtaining a license under this section shall pay to the secretary a license fee of ten dollars. Fees relating to the issuance of licenses shall be paid by July 1 of each year.

Sec. 6. Section 198.5, subsection 1, paragraph d, Code 1989, is amended to read as follows:

d. ~~The An ingredient statement containing the common or usual name of each ingredient used in the manufacture of the commercial feed, provided, that. However,~~ the secretary by rule may permit the use of a collective term for a group of ingredients which perform a similar

function, or the secretary may exempt such commercial feeds, or any group thereof of them, from this requirement of an ingredient statement if the secretary finds that such a statement is not required in the interest of consumers.

Sec. 7. Section 198.5, subsection 2, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. g. If a drug containing product is used, information relating to the purpose of the medication in the form of a claim statement, plus the established name of each active drug ingredient and the level of each drug used in the final mixture.

Sec. 8. Section 198.6, subsection 4, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

4. If it is not a commercial feed as defined in section 198.3.

Sec. 9. Section 198.7, subsection 1, Code 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. If it is, or it bears or contains a new animal drug which is unsafe within the meaning of the federal Food, Drug and Cosmetics Act, 21 U.S.C. § 512.

Sec. 10. Section 198.8, subsection 5, Code 1989, is amended to read as follows:

5. Fail or refuse to register obtain a license in accordance with section 198.4.

Sec. 11. Section 198.9, subsection 1, Code 1989, is amended by striking the subsection and inserting in lieu thereof the following:

1. An inspection fee to be fixed annually by the secretary at a rate of not more than sixteen cents per ton, shall be paid on commercial feed distributed in this state by the person who first distributes the commercial feed, subject to the following:

a. The inspection fee is not required on the first distribution, if made to a qualified buyer who, with approval from the secretary, shall become responsible for the fee.

b. A fee shall not be paid on a commercial feed if the payment has been made by a previous distributor.

c. A fee shall not be paid on customer-formula feeds if the inspection fee is paid on the commercial feeds which are used as components of the customer-formula feeds.

d. A minimum semiannual fee shall be twenty dollars.

e. A licensed manufacturer shall pay the inspection fee on commercial feed that is fed to livestock owned by the licensee.

In the case of a pet food or specialty pet food, which is distributed in this state in packages of ten pounds or less, each product shall be registered and an annual registration fee of fifty dollars for each product shall be paid by January 1 of each year in lieu of the per ton rate as provided in this subsection. The inspection fee shall apply to those same products distributed in packages of more than ten pounds.

Sec. 12. Section 198.9, subsection 2, paragraph a, Code 1989, is amended to read as follows:

a. File, not later than the last day of January and July of each year, a semiannual statement, setting forth the number of net tons of commercial feeds distributed in this state during the preceding six months and upon filing ~~such the~~ statement shall pay the inspection fee at the rate stated in subsection 1. Inspection fees which are due and owing and have not been remitted to the secretary within fifteen days following the due date shall have a delinquency fee of ten percent of the amount due or five ~~fifty~~ dollars, whichever is greater, added to the amount due when payment is finally made. The assessment of this delinquency fee ~~shall does~~ not prevent the department from taking other actions as provided in this chapter.

Sec. 13. Section 198.9, subsection 3, unnumbered paragraph 2, Code 1989, is amended to read as follows:

If there is an unencumbered balance of funds in the commercial feed fund on June 30 of any fiscal year equal to or exceeding ~~three one~~ hundred fifty thousand dollars, the secretary of

agriculture shall reduce the per ton fee provided for in subsection 1 for the next fiscal year in such amount as will result in an ending estimated balance for June 30 of the next fiscal year of ~~three~~ one hundred ~~fifty~~ thousand dollars.

Sec. 14. Section 198.9, subsection 3, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The secretary shall publish a report not later than September 1 of each year. The report shall provide a detailed accounting of all sources of revenue and all dispositions of funds utilized by the commercial feed trust fund. The report shall detail full-time equivalent positions used in fulfilling the requirements of this chapter. The report shall also indicate to what extent any full-time equivalent positions are shared with other programs. Copies of the report issued by the secretary pursuant to this section shall be delivered each year to the members of the house of representatives and senate standing committees on agriculture.

Sec. 15. Section 198.10, subsection 1, unnumbered paragraph 1, and paragraph b, Code 1989, are amended to read as follows:

The secretary may ~~promulgate such~~ adopt rules for commercial feeds and pet foods as are specifically authorized in this chapter and ~~such~~ other reasonable rules as ~~may be necessary for in order to carry out the purpose and intent of this chapter or to secure the efficient enforcement of this chapter.~~ In the interest of uniformity the secretary shall by rule adopt, unless the secretary determines that they are inconsistent with the ~~provisions~~ of this chapter or are not appropriate to conditions which exist in this state, the following:

b. Any rule ~~promulgated~~ adopted pursuant to the authority of the ~~federal~~ Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ~~section~~ § 301, et seq., provided, ~~that the secretary would have~~ has the authority under this chapter to ~~promulgate~~ adopt such rules.

Sec. 16. Section 198.11, subsection 7, Code 1989, is amended to read as follows:

7. The results of all analyses of official samples shall be forwarded by the secretary to the person named on the label. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded and upon request within thirty days following receipt of the analysis the secretary shall furnish to the ~~registrant~~ licensee a portion of the sample concerned.

Sec. 17. Section 331.756, subsection 37, Code 1989, is amended to read as follows:

37. Prosecute violations of the Iowa commercial feed law ~~of 1974~~ as provided in section 198.13, subsection 3.

Approved April 16, 1990