

**House File 209 - Introduced**

HOUSE FILE 209

BY HEARTSILL and BRANHAGEN

**A BILL FOR**

1 An Act providing for the sale of unpasteurized or ungraded milk  
2 or milk products produced at a dairy farm to an individual  
3 for use as commercial feed for animals and making penalties  
4 applicable.

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

1 Section 1. Section 191.2, subsection 5, unnumbered  
2 paragraph 1, Code 2015, is amended to read as follows:

3 ~~All~~ Except as provided in subsection 5A, all bottles,  
4 containers, and packages enclosing milk or milk products shall  
5 be conspicuously labeled or marked with all of the following:

6 Sec. 2. Section 191.2, Code 2015, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 5A. A bottle, container, or package  
9 containing milk or a milk product that is unpasteurized or  
10 ungraded and sold for commercial feed as provided in section  
11 192.103 shall be conspicuously labeled or marked with the  
12 following:

13 "It is not legal to sell raw milk for human consumption  
14 in Iowa. This product is intended to be used solely for  
15 commercial feed to be consumed by animals."

16 Sec. 3. Section 192.103, Code 2015, is amended to read as  
17 follows:

18 **192.103 Sale of grade "A" milk to final consumer —**  
19 **impoundment of adulterated or misbranded milk — exceptions.**

20 1. Only grade "A" pasteurized milk and milk products  
21 shall be sold to the final consumer, or to restaurants, soda  
22 fountains, grocery stores, or similar establishments; except in  
23 an emergency, the sale of pasteurized milk and milk products  
24 which have not been graded, or the grade of which is unknown,  
25 may be authorized by the secretary, in which case, such  
26 products shall be labeled "ungraded".

27 2. No person shall within the state produce, provide, sell,  
28 offer, or expose for sale, or have in possession with intent  
29 to sell, any milk or milk product which is adulterated or  
30 misbranded; except, in an emergency, the sale of pasteurized  
31 milk and milk products which have not been graded, or the grade  
32 of which is unknown, may be authorized by the secretary, in  
33 which case such products shall be labeled "ungraded".

34 3. Any adulterated or misbranded milk or milk product  
35 may be impounded by the secretary or authorized municipal

1 corporation and disposed of in accordance with applicable laws  
2 or regulations.

3 4. a. Notwithstanding subsections 1 through 3, a person  
4 who operates a dairy farm may sell milk or a milk product that  
5 is unpasteurized or ungraded, if it is produced by that dairy  
6 farm and sold to an individual as commercial feed for animals  
7 as provided in chapter 198. The person must label the bottle,  
8 container, or package containing milk or a milk product as  
9 provided in section 191.2. The person may deliver or cause to  
10 be delivered such milk or milk product to a location specified  
11 by the individual. An individual who purchases the milk or  
12 milk product shall not resell it.

13 b. As used in paragraph "a", "sale" means a transfer of  
14 title or possession, exchange or barter, in any manner or by  
15 any means or agreement. "Sale" includes any transaction that  
16 involves the transfer of milk or a milk product or the right to  
17 acquire milk or a milk product through barter or contractual  
18 arrangement or in exchange for any other form of compensation  
19 including but not limited to the sale of shares or interest in  
20 a cow, goat, or other lactating animal or herd.

21 **Sec. 4. NEW SECTION. 192.113A Penalty — persons purchasing**  
22 **milk or milk products for commercial feed.**

23 A person who purchases milk or a milk product for commercial  
24 feed and resells the milk or milk product is guilty of a simple  
25 misdemeanor as provided in section 189.21.

26 **Sec. 5. NEW SECTION. 192.114 Exception — dairy farms**  
27 **selling milk or milk products for commercial feed.**

28 A person who operates a dairy farm is not required to obtain  
29 a permit or to comply with inspection requirements as otherwise  
30 provided in this chapter, if the person produces milk or a  
31 milk product at that dairy farm for sale to an individual as  
32 commercial feed as provided in section 192.103. However, this  
33 exception does not apply to the extent that the person or the  
34 person's dairy farm also operates to produce milk or a milk  
35 product other than for commercial feed as provided in that

1 section.

2 Sec. 6. Section 192.122, Code 2015, is amended to read as  
3 follows:

4 **192.122 Milk bottles to be marked.**

5 1. Bottles or jars used for the sale of milk shall have  
6 clearly blown or permanently marked in the side of the bottle,  
7 the capacity of the bottle, and on the bottom of the bottle  
8 the name, initials, or certification mark of the manufacturer.  
9 The designating number shall be furnished by the department on  
10 request.

11 2. Subsection 1 does not apply to bottles or jars used for  
12 the sale of milk that is unpasteurized or ungraded and sold for  
13 commercial feed as provided in section 192.103.

14 Sec. 7. NEW SECTION. **198.16 Milk and milk product**  
15 **exception.**

16 This chapter does not apply to a person who operates a dairy  
17 farm and who sells milk or a milk product to an individual as  
18 commercial feed as provided in section 192.103.

19 EXPLANATION

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

22 This bill provides that a person who operates a dairy farm  
23 may sell milk or a milk product that is unpasteurized or  
24 ungraded, if it is produced at that dairy farm and sold to an  
25 individual as commercial feed for animals. The person would  
26 not be required to obtain a permit or comply with inspection  
27 requirements as otherwise provided in the "Iowa Grade 'A' Milk  
28 Inspection Law" (Code chapter 192). The person also would  
29 not be required to obtain a license or comply with inspection  
30 requirements under the "Iowa Commercial Feed Law" (Code chapter  
31 198). The bill requires that a container holding unpasteurized  
32 or ungraded milk or a milk product be conspicuously labeled. A  
33 person who purchases milk or a milk product for commercial feed  
34 for resale is guilty of a simple misdemeanor (new Code section  
35 192.113A). A simple misdemeanor is punishable by confinement

H.F. 209

1 for no more than 30 days or a fine of at least \$65 but not more  
2 than \$625 or by both.