

House File 2044 - Introduced

HOUSE FILE _____
BY SCHULTZ

A BILL FOR

1 An Act relating to persons who operate dairy farms where milk
2 or milk products are produced for sale to individuals.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5165YH (13) 83
5 da/nh

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1 1 Section 1. Section 191.2, subsection 5, unnumbered
1 2 paragraph 1, Code Supplement 2009, is amended to read as
1 3 follows:
1 4 ~~All~~ Except as provided in subsection 5A, bottles,
1 5 containers, and packages enclosing milk or milk products shall
1 6 be conspicuously labeled or marked with the following:
1 7 Sec. 2. Section 191.2, Code Supplement 2009, is amended by
1 8 adding the following new subsection:
1 9 NEW SUBSECTION. 5A. A person who operates a dairy farm
1 10 as provided in chapter 192 is not required to label or mark
1 11 a container containing milk or a milk product, regardless of
1 12 whether the milk or milk product is raw or pasteurized, if the
1 13 person sells the milk or milk product to an individual.
1 14 Sec. 3. Section 192.103, Code 2009, is amended to read as
1 15 follows:
1 16 192.103 Sale of grade "A" milk to final consumer ==
1 17 impoundment of adulterated or misbranded milk.
1 18 1. Only grade "A" pasteurized milk and milk products
1 19 shall be sold to the final consumer, or to restaurants, soda
1 20 fountains, grocery stores, or similar establishments, except
1 21 ~~in~~ as follows:
1 22 a. In an emergency, the sale of pasteurized milk and milk
1 23 products which have not been graded, or the grade of which is
1 24 unknown, may be authorized by the secretary, in which case,
1 25 such products shall be labeled "ungraded".
1 26 b. A person who operates a dairy farm may sell milk or a
1 27 milk product regardless of whether the milk or milk product is
1 28 unpasteurized or ungraded, if it is produced by that dairy farm
1 29 and sold to an individual. The person operating the dairy farm
1 30 may deliver or cause to be delivered such milk or milk product
1 31 to a location specified by the individual. An individual who
1 32 purchases the milk or milk product shall not resell it.
1 33 2. No person shall within the state produce, provide, sell,
1 34 offer, or expose for sale, or have in possession with intent

1 35 to sell, any milk or milk product which is adulterated or
2 1 misbranded; except, in an emergency, the sale of pasteurized
2 2 milk and milk products which have not been graded, or the grade
2 3 of which is unknown, may be authorized by the secretary, in
2 4 which case such products shall be labeled "ungraded".

2 5 3. Any adulterated or misbranded milk or milk product
2 6 may be impounded by the secretary or authorized municipal
2 7 corporation and disposed of in accordance with applicable laws
2 8 or regulations.

2 9 Sec. 4. NEW SECTION. 192.108A Permit and inspection
2 10 requirements == exception for dairy farms.

2 11 A person who operates a dairy farm is not required to be
2 12 issued a permit or be inspected as otherwise provided in this
2 13 chapter, if any of the following applies:

- 2 14 1. The person does not sell milk or a milk product.
- 2 15 2. The person only sells milk or a milk product to an
2 16 individual.

2 17 EXPLANATION

2 18 BACKGROUND. This bill amends provisions affecting
2 19 persons who operate dairy farms where milk or milk products
2 20 are produced for sale to individuals. The provisions are
2 21 administered and enforced by the department of agriculture
2 22 and land stewardship. The affected provisions include Code
2 23 chapter 191 which governs labeling and Code chapter 192, the
2 24 "Iowa Grade 'A' Milk Inspection Law" (Code section 192.101),
2 25 and departmental rules all based on the "Grade 'A' Pasteurized
2 26 Milk Ordinance" (Code section 192.101A). Milk is the lacteal
2 27 secretion of cows, sheep, or goats, and a dairy farm is any
2 28 place where one or more cows, sheep, or goats are kept for the
2 29 production of milk (21 IAC 68.40).

2 30 LABELING. All food offered or exposed for sale must be
2 31 labeled (Code section 191.1). This includes labeling the milk
2 32 or milk product as "raw" (Code section 191.2(5)(e)). The bill
2 33 provides an exception from this requirement for a person who
2 34 operates a dairy farm, if the person sells the milk or milk
2 35 product to an individual.

3 1 SALE. All milk must be sold on the basis of grade (Code
3 2 section 194.10) and only grade "A" pasteurized milk and milk
3 3 products can be sold to the final consumer (Code section
3 4 192.103). Grade "B" milk may be sold for manufacturing
3 5 purposes (21 IAC 68.2). All dairy farms selling grade "A"
3 6 or grade "B" milk must be issued a permit by the department
3 7 (21 IAC 68.2). The bill provides that a person who operates
3 8 a dairy farm may sell milk or a milk product regardless of
3 9 whether the milk or milk product is unpasteurized or ungraded,
3 10 if it is produced by that dairy farm and sold to an individual.
3 11 The person operating the dairy farm may deliver such milk or
3 12 milk product to a location specified by the individual.

3 13 PERMIT AND INSPECTION. A person who operates a dairy farm
3 14 is required to obtain a permit from the department and is
3 15 subject to departmental inspection (Code section 192.107). The
3 16 bill provides that a person who operates a dairy farm is not
3 17 required to be issued a permit or be subject to inspections by
3 18 the department under either of two conditions: (1) the person
3 19 does not sell milk or milk products, or (2) the person only
3 20 sells milk or milk products to individuals.

<http://coolice.legis.state.ia.us/Cool-ICE/default.asp?Category=Lobbyist&Service=DspReport&ga=83&type=b&hbill=HF2044>

LOBBYISTS DECLARATION RESULTS

FEBRUARY 11, 2010 07:23:20
83rd General Assembly

HF 2044

A bill for an act relating to persons who operate dairy farms where milk or milk products are produced for sale to individuals.

Hanna DeGroot

Against IA. State Assn. of Counties
FEBRUARY 5, 2010 13:28:10

Linda Hinton

Against IA. State Assn. of Counties
FEBRUARY 5, 2010 13:28:10

MaryBeth Mellick

Against IA. State Assn. of Counties
FEBRUARY 5, 2010 13:28:10

Nathan Bonnett

Against IA. State Assn. of Counties
FEBRUARY 5, 2010 13:28:10

William Peterson

Against IA. State Assn. of Counties
FEBRUARY 5, 2010 13:28:10

Drue Sander

Against IA. Institute for Cooperatives
FEBRUARY 3, 2010 08:33:50

Kayla Lyon

Against IA. Institute for Cooperatives
FEBRUARY 3, 2010 08:34:22

Beverly Zylstra

Against IA. Dept. of Inspections and Appeals
JANUARY 29, 2010 08:55:04

Dean Lerner

Against IA. Dept. of Inspections and Appeals
JANUARY 29, 2010 08:54:55

Steven Mandernach

Against IA. Dept. of Inspections & Appeals
JANUARY 29, 2010 08:54:47

Eric Nemmers

Against IA. Medical Society
JANUARY 28, 2010 16:36:50

Heidi Goodman

Against IA. Medical Society
JANUARY 28, 2010 16:37:22

[Karla Fultz](#)

Against IA. Medical Society
JANUARY 28, 2010 16:35:55

[Jessica Bloomberg](#)

Against IA. State Dairy Assn.
JANUARY 26, 2010 17:38:41

[Mark Truesdell](#)

Against IA. Dairy Foods Assn.
JANUARY 26, 2010 16:52:35

[Drue Sander](#)

Undecided IA. Institute for Cooperatives
JANUARY 25, 2010 10:02:29

[Kayla Lyon](#)

Undecided IA. Institute for Cooperatives
JANUARY 25, 2010 10:08:15

[Brad Epperly](#)

Against IA. Grocery Industry Assn.
JANUARY 21, 2010 13:18:34

[James West](#)

Against IA. Grocery Industry Assn.
JANUARY 21, 2010 13:18:34

[Keith Luchtel](#)

Against IA. Grocery Industry Assn.
JANUARY 21, 2010 13:18:34

[Paula Dierenfeld](#)

Against IA. Grocery Industry Assn.
JANUARY 21, 2010 13:18:34

[Scott Sundstrom](#)

Against IA. Grocery Industry Assn.
JANUARY 21, 2010 13:18:34

[Brad Epperly](#)

Undecided IA. Grocery Industry Assn.
JANUARY 18, 2010 11:37:35

[James West](#)

Undecided IA. Grocery Industry Assn.
JANUARY 18, 2010 11:37:35

[Keith Luchtel](#)

Undecided IA. Grocery Industry Assn.
JANUARY 18, 2010 11:37:35

[Paula Dierenfeld](#)

Undecided IA. Grocery Industry Assn.
JANUARY 18, 2010 11:37:35

[Scott Sundstrom](#)

Undecided IA. Grocery Industry Assn.
JANUARY 18, 2010 11:37:35

[George Appleby](#)

Undecided IA. Veterinary Medical Assn.
JANUARY 15, 2010 17:51:50

[Jennifer Schulte](#)

For IA. Farmers Union
JANUARY 15, 2010 11:43:36

[Jennifer Tyler](#)

Undecided IA. Veterinary Medical Assn.
JANUARY 15, 2010 17:51:50

[Jim Carney](#)

Undecided IA. Veterinary Medical Assn.
JANUARY 15, 2010 17:51:50

[Kent Hartwig](#)

For IA. Farmers Union
JANUARY 15, 2010 11:43:36

[Kyle Frette](#)

For IA. Farmers Union
JANUARY 15, 2010 11:43:36

[Threase Harms](#)

For IA. Farmers Union
JANUARY 15, 2010 11:43:36
