

Substitutes for SF456
3-26-01
(p. 827)

REPRINTED

FEB 6 2001
Place On Calendar

HOUSE FILE 502
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 163)

(p. 803)
Passed House, Date 3-21-01
Vote: Ayes 96 Nays 2

(p. 1284)
Passed Senate, Date 4/24/01
Vote: Ayes 42 Nays 7

(p. 1621) Re-Passed 4-27-01
92-0
Approved May 7, 2001

A BILL FOR

1 An Act relating to agricultural production, by prohibiting acts
2 relating to facilities or operations, making penalties
3 applicable, and providing penalties and civil liability.

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

HF 502

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. NEW SECTION. 717A.0A DEFINITIONS.

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

4 1. "Agricultural animal" means any of the following:

5 a. An animal that is maintained for its parts or products
6 having commercial value, including but not limited to its
7 muscle tissue, organs, fat, blood, manure, bones, milk, wool,
8 hide, pelt, feathers, eggs, semen, embryos, or honey.

9 b. An animal belonging to the equine species, including
10 horse, pony, mule, jenny, donkey, or hinny.

11 2. "Agricultural production" means any activity related to
12 maintaining an agricultural animal at an animal facility or a
13 crop on crop operation property.

14 3. "Animal" means a warm-blooded or cold-blooded animal,
15 including but not limited to an animal belonging to the
16 bovine, canine, feline, equine, ovine, or porcine species;
17 farm deer as defined in section 189A.2; ostriches, rheas, or
18 emus; an animal which belongs to a species of poultry or fish;
19 mink or other pelt-bearing mammals; any invertebrate; or honey
20 bees.

21 4. "Animal facility" means any of the following:

22 a. A location where an agricultural animal is maintained
23 for agricultural production purposes, including but not
24 limited to a location dedicated to farming as defined in
25 section 9H.1, a livestock market, exhibition, or a vehicle
26 used to transport the animal.

27 b. A location where an animal is maintained for
28 educational or scientific purposes, including an institution
29 as defined in section 145B.1, a research facility as defined
30 in section 162.2, an exhibition, or a vehicle used to
31 transport the animal.

32 c. A location operated by a person licensed to practice
33 veterinary medicine pursuant to chapter 169.

34 d. A pound as defined in section 162.2.

35 e. An animal shelter as defined in section 162.2.

1 f. A pet shop as defined in section 162.2.

2 g. A boarding kennel as defined in section 162.2.

3 h. A commercial kennel as defined in section 162.2.

4 5. "Consent" means express or apparent assent by a person
5 authorized to provide such assent.

6 6. a. "Crop" means any plant maintained for its parts or
7 products having commercial value, including but not limited to
8 stalks, trunks and branches, cuttings, grafts, scions, leaves,
9 buds, fruit, vegetables, roots, bulbs, or seeds, if the plant
10 is any of the following:

11 (1) A plant produced from an agricultural seed or
12 vegetable seed as defined in section 199.1, including any
13 plant producing a commodity listed in section 210.10.

14 (2) A plant which is a tree, shrub, vine, berry plant,
15 greenhouse plant, or flower.

16 b. A plant produced from a noxious weed seed as defined in
17 section 199.1 is not a crop unless the plant is produced as a
18 research crop.

19 7. "Crop operation" means a commercial enterprise where a
20 crop is maintained on the property of the commercial
21 enterprise.

22 8. "Crop operation property" means any of the following:

23 a. Real property that is a crop field, orchard, nursery,
24 greenhouse, garden, elevator, seedhouse, barn, warehouse, any
25 other associated land or structures located on the land, and
26 personal property located on the land including machinery or
27 equipment, that is part of a crop operation.

28 b. A vehicle used to transport a crop that was maintained
29 on the crop operation property.

30 9. "Deprive" means to do any of the following:

31 a. For an animal maintained at an animal facility or
32 property belonging to an animal facility, "deprive" means to
33 do any of the following:

34 (1) Withhold the animal or property for a period of time
35 sufficient to significantly reduce the value or enjoyment of

1 the animal or property.

2 (2) Withhold the animal or property for ransom or upon
3 condition to restore the animal or property in return for
4 compensation.

5 (3) Dispose of the animal or property in a manner that
6 makes recovery of the animal or property by its owner
7 unlikely.

8 b. For crops maintained on crop operation property or for
9 crop operation property, "deprive" means to do any of the
10 following:

11 (1) Occupy any part of a crop operation property for a
12 period of time sufficient to prevent access to the crop or
13 crop operation property.

14 (2) Dispose of a crop maintained on the crop operation
15 property or belonging to the crop operation in a manner that
16 makes recovery of the crop or crop operation property by its
17 owner unlikely.

18 10. "Maintain" means to do any of the following:

19 a. Keep and provide for the care and feeding of any
20 animal, including any activity relating to confining,
21 handling, breeding, transporting, or exhibiting the animal.

22 b. Keep and preserve any crop, by planting, nurturing,
23 harvesting, and storing the crop.

24 11. "Owner" means any of the following:

25 a. A person, including a public or private entity, who has
26 a legal interest in an animal or property belonging to an
27 animal facility or who is authorized by the holder of the
28 legal interest to act on the holder's behalf in maintaining
29 the animal.

30 b. A person, including a public or private entity, who has
31 a legal interest in a crop or crop operation property or who
32 is authorized by the holder of the legal interest to act on
33 the holder's behalf in maintaining the crop.

34 12. "Research crop" means a crop that is maintained for
35 purposes of scientific research regarding the study or

1 alteration of the genetic characteristics of a plant or
2 associated seed, including its deoxyribonucleic acid, which is
3 accomplished by breeding or by using biotechnological systems
4 or techniques.

5 Sec. 2. Section 717A.1, subsection 1, Code 2001, is
6 amended by striking the subsection.

7 Sec. 3. Section 717A.1, subsection 5, Code 2001, is
8 amended to read as follows:

9 5. a. This section does not prohibit any conduct of a
10 person holding a legal interest in an animal or property which
11 is superior to the interest held by a person suffering from
12 damages resulting from the conduct.

13 b. The section does not apply to ~~activities of a~~
14 governmental agency that is taking lawful action against an
15 animal or animal facility.

16 Sec. 4. NEW SECTION. 717A.2 CROPS OR CROP OPERATION
17 PROPERTY DAMAGE -- CIVIL ACTION -- CRIMINAL PENALTIES.

18 1. A person shall not, without the consent of the owner,
19 do any of the following:

20 a. Willfully destroy a crop maintained on crop operation
21 property or crop operation property.

22 b. Exercise control over a crop maintained on crop
23 operation property or crop operation property with an intent
24 to deprive the owner of the crop or crop operation property.

25 c. Enter onto or remain on crop operation property, if the
26 person has notice that the property is not open to the public,
27 and the person has an intent to do one of the following:

28 (1) Disrupt agricultural production conducted on the crop
29 operation property, if the agricultural production directly
30 relates to the maintenance of crops.

31 (2) Destroy a crop or any portion of a crop maintained on
32 the crop operation property.

33 A person has notice that a crop operation property is not
34 open to the public if the person is provided notice
35 prohibiting entry before the person enters onto the crop

1 operation property, or the person refuses to immediately
2 depart from the crop operation property after being notified
3 to leave. The notice may be in the form of a written or
4 verbal communication by the owner, a fence or other enclosure
5 designed to exclude intruders, or a sign posted which is
6 reasonably likely to come to the attention of an intruder and
7 which indicates that entry is prohibited.

8 2. a. A person suffering damages resulting from an act
9 which is in violation of this section may bring an action in
10 the district court against the person causing the damage to
11 recover all of the following:

12 (1) For damages that are not to a research crop, an amount
13 equaling three times all actual and consequential losses.

14 (2) For damages to a research crop, all of the following:

15 (a) Twice the amount of damages directly incurred by
16 market losses, based on the lost market value of the research
17 crop due to the damage, assuming that the research crop would
18 have matured undamaged and been sold in normal commercial
19 channels. If the research crop has no market value, the
20 damages shall be twice the amount of actual damages incurred
21 in producing, harvesting, and storing the damaged research
22 crop.

23 (b) Twice the amount of damages directly incurred by
24 developmental losses, based on the losses associated with the
25 research crop's expected scientific value. The research
26 crop's scientific value shall be determined by calculating the
27 amount expended in developing the research crop, including
28 costs associated with researching, testing, breeding, or
29 engineering. However, such damages shall not be awarded to
30 the extent that the losses are mitigated by undamaged research
31 crops that have been identically developed.

32 b. A prevailing plaintiff in an action brought under this
33 section shall be awarded court costs and reasonable attorney
34 fees, which shall be taxed as part of the costs of the action.

35 3. A person who damages a research crop or crop operation

1 property where a research crop is maintained is guilty of the
2 following:

3 a. For a violation of subsection 1, paragraph "a", the
4 following:

5 (1) A class "C" felony if the damage to research crops or
6 research crop operation property exceeds fifty thousand
7 dollars.

8 (2) A class "D" felony if the damage to research crops or
9 research crop operation property exceeds five hundred dollars
10 but does not exceed fifty thousand dollars.

11 (3) An aggravated misdemeanor if the damage to research
12 crops or research crop operation property exceeds one hundred
13 dollars but does not exceed five hundred dollars.

14 (4) A serious misdemeanor if the damage to research crops
15 or research crop operation property exceeds fifty dollars but
16 does not exceed one hundred dollars.

17 (5) A simple misdemeanor if the damage to research crops
18 or research crop operation property does not exceed fifty
19 dollars.

20 b. For a violation of subsection 1, paragraph "b", the
21 person is guilty of a class "D" felony.

22 c. For a violation of subsection 1, paragraph "c", the
23 person is guilty of an aggravated misdemeanor.

24 4. A person who damages a crop other than a research crop
25 or crop operation property where a research crop is not
26 maintained is guilty of the following:

27 a. For a violation of subsection 1, paragraph "a", the
28 following:

29 (1) A class "C" felony if the damage to crops or crop
30 operation property exceeds fifty thousand dollars.

31 (2) A class "D" felony if the damage to crops or crop
32 operation property exceeds ten thousand dollars but does not
33 exceed fifty thousand dollars.

34 (3) An aggravated misdemeanor if the damage to crops or
35 crop operation property exceeds five thousand dollars but does

1 not exceed ten thousand dollars.

2 (4) A serious misdemeanor if the damage to crops or crop
3 operation property exceeds five hundred dollars but does not
4 exceed five thousand dollars.

5 (5) A simple misdemeanor if the damage to crops or crop
6 operation property does not exceed five hundred dollars.

7 b. For a violation of subsection 1, paragraph "b", the
8 person is guilty of an aggravated misdemeanor.

9 c. For a violation of subsection 1, paragraph "c", the
10 person is guilty of a serious misdemeanor.

11 5. a. This section does not prohibit any conduct of a
12 person holding a legal interest in a crop operation that is
13 superior to the interest held by a person suffering from
14 damages resulting from the conduct.

15 b. This section does not apply to a governmental agency
16 that is taking lawful action against a crop or crop operation
17 property.

18 EXPLANATION

19 This bill amends Code chapter 717A, which currently
20 includes one section, Code section 717A.1, which prohibits a
21 person from interfering with the operations of a facility used
22 to keep animals. The section specifically prohibits a person,
23 without the consent of the owner, to willfully destroy
24 property of an animal facility, or injure an animal maintained
25 there. It prohibits such a person from exercising control
26 over an animal facility or an animal maintained there with
27 intent to deprive the animal facility of an animal or
28 property. It also prohibits a person from entering onto or
29 into an animal facility related to agricultural production,
30 educational or scientific purposes, or veterinary care, or
31 from remaining there, if the person has notice that the
32 facility is not open to the public and the person has an
33 intent to disrupt its operations. A person convicted under
34 the section is subject to a range of criminal penalties
35 ranging from a class "C" felony to a simple misdemeanor. A

1 person suffering damages resulting from a criminal violation
2 has a cause of action against the violator for an amount
3 equaling three times all actual and consequential damages plus
4 court costs and reasonable attorney fees.

5 Code section 717A.1 currently defines an animal broadly to
6 mean a warm-blooded or cold-blooded animal. It specifically
7 names a number of types of animals including livestock, fish,
8 and invertebrates. An animal facility is defined to include a
9 location where an animal is maintained for agricultural
10 production. Agricultural production is not defined.

11 The bill makes two fundamental changes. First it amends a
12 number of definitions relating to animal facilities. It
13 provides that an animal specifically includes pelt-bearing
14 mammals and honey bees. It also provides a definition for
15 agricultural production that refers to the maintenance of
16 agricultural animals, which the bill defines as an animal
17 maintained for its parts or products having commercial value
18 or any animal classified as part of the equine species.

19 Secondly, the bill prohibits persons from disrupting crop
20 operations. The provisions are similar to those applying to
21 animal facilities. The new provisions specifically apply to
22 land used as part of a crop operation.

23 The bill expands the scope of chapter 717A to include crops
24 maintained on crop operation property and crop operation
25 property. The bill defines "crop" to mean grain and forage
26 crops but also trees, shrubs, vines, berry plants, and
27 greenhouse plants that are maintained on crop operation
28 property. "Crop operation property" means a crop field,
29 orchard, nursery, greenhouse, garden, elevator, seedhouse,
30 barn, warehouse, or a vehicle used to transport the crop. The
31 bill also provides for research produced for purposes of
32 scientific research regarding the study or alteration of its
33 genetic characteristics (either through conventional breeding
34 or biotechnology). The bill follows the provisions applying
35 to animals in the current law by prohibiting persons from

1 disrupting research crop operations or destroying crops.

2 The bill prohibits a person acting without the consent of
3 the owner from willfully destroying a crop or crop operation
4 property. The bill prohibits a person from exercising control
5 over a crop or crop operation property with an intent to
6 deprive the owner of the crop or crop operation property.

7 Finally, the bill prohibits a person from entering onto or
8 remaining on crop operation property, if the person has notice
9 that the property is not open to the public, and the person
10 has an intent to disrupt the operation or destroy the crop.

11 The criminal penalties are different based on whether the
12 offense relates to research crops and related operations or
13 other crops and related operations. For the offense of
14 willful destruction of crops or crop operation property, a
15 person is subject to a range of penalties ranging from a
16 simple misdemeanor (imprisonment for not more than 30 days and
17 a fine of \$50 to \$500) to a class "C" felony (imprisonment of
18 not more than 10 years and a fine of \$1,000 to \$10,000), based
19 on the dollar amount of the damages. The schedule for
20 criminal penalties is different based on whether a research
21 crop operation or other crop operation is involved. For the
22 offense of exercising control over a crop or crop operation
23 property, a person is subject to a class "D" felony
24 (imprisonment of not more than five years and a fine of
25 between \$750 to \$7,500) if it involves a research crop
26 operation, and an aggravated misdemeanor (imprisonment of not
27 more than two years and a fine of between \$500 to \$5,000) if
28 it is another type of crop operation. For the offense of
29 entering onto or remaining on crop operation property with an
30 intent to disrupt agricultural operations or destroy a crop, a
31 person is guilty of an aggravated misdemeanor if it involves a
32 research crop operation or a serious misdemeanor (imprisonment
33 of not more than one year and a fine of \$250 to \$1,500) if it
34 does not.

35 The bill provides for a private right of action by a person

1 injured by a person acting in violation of the bill's
2 prohibition similar to the private right of action provided to
3 a person suffering damages resulting from an offense involving
4 an animal facility. Under the provisions of the bill, the
5 person's recovery is dependent upon the type of property
6 damaged. If the damages are not to a research crop, the
7 person may recover an amount equaling three times actual and
8 consequential losses. If the damages are to a crop, the
9 injured party may receive twice the amount of damages directly
10 incurred by market losses and twice the amount of damages
11 directly incurred by developmental losses based on the
12 research crop's expected scientific value. The prevailing
13 plaintiff shall also be awarded court costs and reasonable
14 attorney fees.

15 For both animal facilities and research crop operations,
16 the bill's provisions do not apply to activities involving law
17 enforcement activities.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 502

H-1246

1 Amend House File 502 as follows:

2 1. Page 6, by striking lines 4 through 19 and
3 inserting the following: "person is guilty of
4 criminal mischief as provided in section 716.1, and
5 commits the same class of offense as provided in
6 sections 716.3 through 716.6 based on the amount of
7 damage to the research crop or crop operation property
8 where the research crop is maintained."

9 2. By striking page 6, line 28 through page 7,
10 line 6, and inserting the following: "person is
11 guilty of criminal mischief as provided in section
12 716.1, and commits the same class of offense as
13 provided in sections 716.3 through 716.6 based on the
14 amount of damage to the crop or crop operation
15 property where the crop is maintained."

By BAUDLER of Adair

KREIMAN of Davis

H-1246 FILED MARCH 19, 2001

Adopted

3-21-01

(P. 802)

HOUSE FILE 502

H-1249

1 Amend House File 502 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 199.1, Code 2001, is amended
5 by adding the following new subsections:

6 NEW SUBSECTION. 5A. "Contamination" means the
7 unintended presence of a plant or plant part
8 transferred from an originating area to an area
9 without the presence of the plant or plant part that
10 alters the genetic characteristics of a plant.

11 NEW SUBSECTION. 5B. "Crop" means any plant
12 produced from an agricultural seed or vegetable seed,
13 or any harvested part of the plant.

14 NEW SUBSECTION. 6A. "Field" means an originating
15 field or a neighboring field.

16 NEW SUBSECTION. 6B. "Genetically modified" means
17 to alter the genetic characteristics of a plant by
18 modifying the deoxyribonucleic acid of the plant's
19 seed in a manner other than by breeding or
20 pollination.

21 NEW SUBSECTION. 19A. "Seed dealer" means a person
22 who sells or offers for sale agricultural seed or
23 vegetable seed to persons on a retail basis.

24 NEW SUBSECTION. 19B. "Seed labeler" means a
25 person required to label agricultural seed or
26 vegetable seed as provided in section 199.3 or 199.4.

27 Sec. _____. Section 199.3, subsection 1, Code 2001,
28 is amended by adding the following new paragraph:

29 NEW PARAGRAPH. f. The label shall include an
30 identification of genetically modified agricultural
31 seed or vegetable seed included in the container. If
32 the agricultural seed or vegetable seed is genetically
33 modified, the label shall comply with sections 199.22
34 and 199.23.

35 Sec. _____. Section 199.8, Code 2001, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 4. A person shall not sell, offer
38 for sale, or expose for sale agricultural seed or
39 vegetable seed that has been genetically modified, if
40 the person has represented that that agricultural seed
41 or vegetable seed is not genetically modified.

42 Sec. _____. Section 199.13, Code 2001, is amended to
43 read as follows:

44 199.13 PENALTY.

45 1. a. A violation of person who violates this
46 chapter is guilty of a simple misdemeanor.

47 b. A person who violates subchapter 2 is subject
48 to a civil penalty of not more than one thousand
49 dollars. Civil penalties collected under this
50 paragraph shall be deposited in the general fund of

H-1249

H-1249

Page 2

1 the state.

2 2. The department may institute criminal or civil
3 proceedings in a court of competent jurisdiction in
4 order to enforce this chapter. When in the
5 performance of the ~~secretary's~~ department's duties in
6 enforcing this chapter the ~~secretary~~ department
7 applies to a court for a temporary or permanent
8 injunction restraining a person from violating or
9 continuing to violate any of the provisions of this
10 chapter or rules adopted under this chapter, the
11 injunction is to be issued without bond and the person
12 restrained by the injunction shall pay the costs made
13 necessary by the procedure.

14 SUBCHAPTER 2

15 GENETICALLY MODIFIED AGRICULTURAL SEED

16 Sec. ____ . NEW SECTION. 199.21 APPLICABILITY.

17 The department, in consultation with the attorney
18 general, shall provide an exception from a requirement
19 in this subchapter as applied to any type of
20 genetically modified agricultural seed or genetically
21 modified vegetable seed that is sold or offered for
22 sale or transported in this state, if the department
23 determines that the requirement as applied to that
24 type of agricultural seed or vegetable seed has been
25 preempted by federal statute or regulation. The
26 department shall establish the exceptions by rule
27 adopted pursuant to chapter 17A. If an exception is
28 not provided for by rule, the department shall
29 establish the exception by declaratory order as
30 provided in section 17A.9, upon receipt of a petition
31 as provided for in that section.

32 Sec. ____ . NEW SECTION. 199.22 NOTICE
33 REQUIREMENTS.

34 1. A seed labeler shall provide notice of an
35 agricultural seed or vegetable seed that is
36 genetically modified on the label of a container
37 holding the agricultural seed or vegetable seed as
38 provided in section 199.3 or on a placard as provided
39 in section 199.4. A seed dealer shall provide the
40 same notice in a disclosure statement to a person
41 purchasing the agricultural seed or vegetable seed on
42 a retail basis prior to or at the time of the
43 purchase. The disclosure statement may be contained
44 on a separate form or part of an invoice or bill of
45 sale evidencing a transaction. The seed dealer shall
46 not sell agricultural seed or vegetable seed that has
47 been genetically modified, unless the purchaser signs
48 the disclosure statement acknowledging that the
49 purchaser has read the statement. The seed dealer
50 shall maintain a copy of the acknowledged disclosure

H-1249

H-1249

Page 3

1 statement as part of the seed dealer's business
2 records.

3 2. The form of the disclosure statement shall be
4 prescribed by rules adopted by the department. The
5 notice shall appear in a printed bold-faced font in at
6 least ten point type. The notice shall appear in the
7 following form:

8 NOTICE

9 GENETICALLY MODIFIED AGRICULTURAL OR
10 VEGETABLE SEED

11 This agricultural or vegetable seed is genetically
12 modified. Please consult the label appearing on this
13 package or the pamphlet required to be attached to the
14 container or accompanying the bulk sale of
15 agricultural or vegetable seed, regarding important
16 production information, including possible
17 restrictions, about the production and marketing of a
18 crop grown from this agricultural or vegetable seed.

19 Sec. ____ . NEW SECTION. 199.23 PRODUCTION
20 INFORMATION REQUIREMENTS.

21 1. A seed labeler shall provide production
22 information for agricultural seed or vegetable seed
23 that has been genetically modified as required in this
24 section to the extent that the production information
25 is known by the seed labeler. The production
26 information shall appear on the label as provided in
27 section 199.3 or in a pamphlet attached to the
28 container or accompanying agricultural seed or
29 vegetable seed that is sold in bulk as provided in
30 section 199.4. A seed dealer shall not sell
31 agricultural seed or vegetable seed that the seed
32 labeler identifies as genetically modified, unless the
33 seed dealer provides the purchaser of agricultural
34 seed or vegetable seed with the production
35 information. The production information shall include
36 all of the following:

37 a. A brief description of the consequences of the
38 genetic modification, including but not limited to any
39 consequences affecting hardiness, growth rate, yield,
40 resistance, adaptability, appearance, or intrinsic
41 qualities such as oil content.

42 b. Sound management practices required to minimize
43 the risk of transferring gene characteristics to other
44 varieties of plants. The sound management practices
45 shall consist of requirements for planting
46 agricultural seed or vegetable seed that has been
47 genetically modified and methods to maintain the
48 separated area in order to prevent a significant risk
49 of contamination occurring from any of the following:

50 (1) The transfer of gene characteristics to crops

H-1249

H-1249

Page 4

1 planted on a neighboring area by pollination,
2 including the pollination of crops or the pollination
3 of other related plants inhabiting the neighboring
4 area.

5 (2) The transfer of agricultural seed or vegetable
6 seed that has been genetically modified to a
7 neighboring area.

8 c. A notice, if necessary, regarding any financial
9 risks associated with marketing the crop, including
10 but not limited to restrictions regarding all of the
11 following:

12 (1) The handling and storage of the crop,
13 including segregation requirements.

14 (2) The sale of the crop in domestic and foreign
15 markets, including import restrictions imposed by
16 other nations.

17 (3) The use of the crop, including restrictions
18 regarding human consumption of the crop or products
19 processed using the crop.

20 2. The language used in the production information
21 shall comply with standard rules of spelling, grammar,
22 punctuation, and usage. The production information
23 shall be printed in a type size of not less than ten
24 points. The production information shall use terms
25 that are commonly understood by a reasonable person of
26 average intelligence, education, and experience who
27 regularly produces crops originating from the same
28 type of agricultural seed or vegetable seed that has
29 been genetically modified that the person is
30 purchasing.

31 Sec. ____ . NEW SECTION. 199.24 FOOD CROPS NOT
32 APPROVED FOR HUMAN CONSUMPTION -- COLOR-CODED SEEDS OR
33 SECURITY PLAN.

34 1. As used in this section, "designated seed"
35 means agricultural seed or vegetable seed producing a
36 crop that may be processed into a food product, but is
37 not approved for human consumption by an agency of the
38 federal government, including but not limited to the
39 United States food and drug administration, because
40 the agricultural seed or vegetable seed is genetically
41 modified.

42 2. a. A person shall not sell, offer for sale, or
43 transport designated seed in this state, unless any of
44 the following applies:

45 (1) The designated seed is artificially colored
46 solid blaze orange.

47 (2) The department approves a security plan, or
48 amendments to an approved security plan, submitted by
49 the person producing a crop from designated seed,
50 according to rules adopted by the department. The

H-1249

H-1249

Page 5

1 security plan shall provide for sound management
2 practices used to ensure that there is no risk of
3 contamination, and for harvesting, storing,
4 transporting, processing, marketing, and utilizing
5 crops or goods processed from those crops in a manner
6 that provides no risk that the crops or goods
7 processed from the crops will be utilized for human
8 consumption. The security plan shall be accompanied
9 by all necessary certifications by persons who will
10 harvest, store, transport, process, or market the crop
11 or goods processed from the crop, as required by the
12 department. The department may approve amendments to
13 the security plan.

14 b. A person shall not sell, offer for sale, or
15 transport agricultural seed or vegetable seed in this
16 state that is artificially colored solid blaze orange,
17 unless it is designated seed. A person shall not
18 knowingly use management practices, or harvest, store,
19 transport, process, or market crops or goods processed
20 from those crops in violation of the security plan.

21 Sec. ____ . NEW SECTION. 199.25 LIABILITY.

22 1. a. A person who produces a crop produced from
23 agricultural seed or vegetable seed that is
24 genetically modified shall not be found liable for
25 damages caused by contamination, if the crop is
26 produced in accordance with sound management practices
27 as provided in section 199.23.

28 b. A seed dealer who sells agricultural seed or
29 vegetable seed in compliance with sections 199.23 and
30 199.24 shall not be found liable for damages caused by
31 contamination.

32 c. A seed labeler shall be strictly liable for
33 damages caused by contamination, if a person who
34 produces a crop originating from genetically modified
35 agricultural seed or vegetable seed complies with
36 sound management practices provided by the seed
37 labeler as required pursuant to section 199.23.

38 2. A person who is liable for damages caused by
39 the contamination shall be subject to punitive
40 damages."

41 2. Page 7, by inserting after line 17, the
42 following:

43 "Sec. ____ . DIRECTIONS TO CODE EDITOR. The Code
44 editor shall organize chapter 199 in conformance with
45 this Act. The Code editor shall transfer sections
46 199.11 through 199.14 into a new subchapter 3.

47 Sec. ____ . EFFECTIVE DATE. The provisions of this
48 Act amending chapter 199 take effect on September 1,
49 2001."

50 3. Title page, line 3, by striking the words "and

H-1249

H-1249

Page 6

1 providing" and inserting the following: "providing".
2 4. Title page, line 3, by inserting after the
3 word "liability" the following: ", and providing an
4 effective date".

By KUHN of Floyd

H-1249 FILED MARCH 19, 2001

*Let 3/21/01
(p. 801)*

HOUSE FILE 502

H-1258

1 Amend House File 502 as follows:

2 1. Page 3, line 23, by inserting after the word
3 "crop" the following: "; or storing, planting, or
4 nurturing the crop's seed".

5 2. Page 3, line 34, by inserting after the word
6 "crop" the following: ", including the crop's seed,".

7 3. Page 4, line 20, by inserting after the word
8 "destroy" the following: "or damage".

9 4. Page 4, line 30, by inserting after the word
10 "crops." the following: "A person is presumed to
11 intend disruption, if the person moves, removes, or
12 defaces any sign posted on the crop operation property
13 or label used by the owner and the sign or label
14 identifies a crop maintained on the crop operation
15 property."

16 5. Page 4, line 31, by inserting after the word
17 "Destroy" the following: "or damage".

By BAUDLER of Adair

H-1258 FILED MARCH 20, 2001

*Adopted (p.802)
3-21-01*

**HOUSE FILE 502
FISCAL NOTE**

The estimate for **House File 502** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 502 changes the definitions relating to interference with animal facilities and agricultural production. The Bill prohibits persons from destroying property of an animal facility or from injuring animals maintained there. The Bill prohibits persons from disrupting research crop operations. The Bill specifies the penalties for persons interfering with animal facilities or research crops. Penalties can vary from a Class C felony to a simple misdemeanor.

HOUSE FILE 502
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 163)

(As Amended and Passed by the House March 21, 2001)

Passed House, Date ^(P. 1284) 4-24-01 Passed Senate, Date ^(P. 1621) 4-27-01
Vote: Ayes 42 Nays 7 Vote: Ayes 92 Nays 0
Approved May 7, 2001

A BILL FOR

1 An Act relating to agricultural production, by prohibiting acts
2 relating to facilities or operations, making penalties
3 applicable, and providing penalties and civil liability.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5

6

House Amendments _____

-2-

CORRECTIONAL IMPACT

The number of convictions under House File 502 is unknown. However, any correctional impact is expected to be minimal.

FISCAL IMPACT

Due to insufficient information, an accurate fiscal impact for House File 502 cannot be determined. However, the following cost estimates would apply for each person convicted under the following offenses:

Class C Felony:	\$6,700 to \$8,900
Class D Felony:	6,000 to 8,200
Aggravated Misdemeanor:	2,300 to 5,900
Serious Misdemeanor:	1,200 to 3,900
Simple Misdemeanor:	250 to 700

SOURCES

Department of Agriculture and Land Stewardship
Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 1470hv, DFK)

FILED MARCH 19, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 502
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 163)

(As Amended and Passed by the House March 21, 2001)

Passed House, Date ^(P. 1284) 4-24-01 Passed Senate, Date ^(P. 1621) 4-27-01
Vote: Ayes 42 Nays 7 Vote: Ayes 92 Nays 0
Approved May 7, 2001

A BILL FOR

1 An Act relating to agricultural production, by prohibiting acts
2 relating to facilities or operations, making penalties
3 applicable, and providing penalties and civil liability.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6 House Amendments _____
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

1 Section 1. NEW SECTION. 717A.0A DEFINITIONS.

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

4 1. "Agricultural animal" means any of the following:

5 a. An animal that is maintained for its parts or products
6 having commercial value, including but not limited to its
7 muscle tissue, organs, fat, blood, manure, bones, milk, wool,
8 hide, pelt, feathers, eggs, semen, embryos, or honey.

9 b. An animal belonging to the equine species, including
10 horse, pony, mule, jenny, donkey, or hinny.

11 2. "Agricultural production" means any activity related to
12 maintaining an agricultural animal at an animal facility or a
13 crop on crop operation property.

14 3. "Animal" means a warm-blooded or cold-blooded animal,
15 including but not limited to an animal belonging to the
16 bovine, canine, feline, equine, ovine, or porcine species;
17 farm deer as defined in section 189A.2; ostriches, rheas, or
18 emus; an animal which belongs to a species of poultry or fish;
19 mink or other pelt-bearing mammals; any invertebrate; or honey
20 bees.

21 4. "Animal facility" means any of the following:

22 a. A location where an agricultural animal is maintained
23 for agricultural production purposes, including but not
24 limited to a location dedicated to farming as defined in
25 section 9H.1, a livestock market, exhibition, or a vehicle
26 used to transport the animal.

27 b. A location where an animal is maintained for
28 educational or scientific purposes, including an institution
29 as defined in section 145B.1, a research facility as defined
30 in section 162.2, an exhibition, or a vehicle used to
31 transport the animal.

32 c. A location operated by a person licensed to practice
33 veterinary medicine pursuant to chapter 169.

34 d. A pound as defined in section 162.2.

35 e. An animal shelter as defined in section 162.2.

1 f. A pet shop as defined in section 162.2.

2 g. A boarding kennel as defined in section 162.2.

3 h. A commercial kennel as defined in section 162.2.

4 5. "Consent" means express or apparent assent by a person
5 authorized to provide such assent.

6 6. a. "Crop" means any plant maintained for its parts or
7 products having commercial value, including but not limited to
8 stalks, trunks and branches, cuttings, grafts, scions, leaves,
9 buds, fruit, vegetables, roots, bulbs, or seeds, if the plant
10 is any of the following:

11 (1) A plant produced from an agricultural seed or
12 vegetable seed as defined in section 199.1, including any
13 plant producing a commodity listed in section 210.10.

14 (2) A plant which is a tree, shrub, vine, berry plant,
15 greenhouse plant, or flower.

16 b. A plant produced from a noxious weed seed as defined in
17 section 199.1 is not a crop unless the plant is produced as a
18 research crop.

19 7. "Crop operation" means a commercial enterprise where a
20 crop is maintained on the property of the commercial
21 enterprise.

22 8. "Crop operation property" means any of the following:

23 a. Real property that is a crop field, orchard, nursery,
24 greenhouse, garden, elevator, seedhouse, barn, warehouse, any
25 other associated land or structures located on the land, and
26 personal property located on the land including machinery or
27 equipment, that is part of a crop operation.

28 b. A vehicle used to transport a crop that was maintained
29 on the crop operation property.

30 9. "Deprive" means to do any of the following:

31 a. For an animal maintained at an animal facility or
32 property belonging to an animal facility, "deprive" means to
33 do any of the following:

34 (1) Withhold the animal or property for a period of time
35 sufficient to significantly reduce the value or enjoyment of

1 the animal or property.

2 (2) Withhold the animal or property for ransom or upon
3 condition to restore the animal or property in return for
4 compensation.

5 (3) Dispose of the animal or property in a manner that
6 makes recovery of the animal or property by its owner
7 unlikely.

8 b. For crops maintained on crop operation property or for
9 crop operation property, "deprive" means to do any of the
10 following:

11 (1) Occupy any part of a crop operation property for a
12 period of time sufficient to prevent access to the crop or
13 crop operation property.

14 (2) Dispose of a crop maintained on the crop operation
15 property or belonging to the crop operation in a manner that
16 makes recovery of the crop or crop operation property by its
17 owner unlikely.

18 10. "Maintain" means to do any of the following:

19 a. Keep and provide for the care and feeding of any
20 animal, including any activity relating to confining,
21 handling, breeding, transporting, or exhibiting the animal.

22 b. Keep and preserve any crop, by planting, nurturing,
23 harvesting, and storing the crop; or storing, planting, or
24 nurturing the crop's seed.

25 11. "Owner" means any of the following:

26 a. A person, including a public or private entity, who has
27 a legal interest in an animal or property belonging to an
28 animal facility or who is authorized by the holder of the
29 legal interest to act on the holder's behalf in maintaining
30 the animal.

31 b. A person, including a public or private entity, who has
32 a legal interest in a crop or crop operation property or who
33 is authorized by the holder of the legal interest to act on
34 the holder's behalf in maintaining the crop.

35 12. "Research crop" means a crop, including the crop's

1 seed, that is maintained for purposes of scientific research
2 regarding the study or alteration of the genetic
3 characteristics of a plant or associated seed, including its
4 deoxyribonucleic acid, which is accomplished by breeding or by
5 using biotechnological systems or techniques.

6 Sec. 2. Section 717A.1, subsection 1, Code 2001, is
7 amended by striking the subsection.

8 Sec. 3. Section 717A.1, subsection 5, Code 2001, is
9 amended to read as follows:

10 5. a. This section does not prohibit any conduct of a
11 person holding a legal interest in an animal or property which
12 is superior to the interest held by a person suffering from
13 damages resulting from the conduct.

14 b. The section does not apply to ~~activities-of~~ a
15 governmental agency that is taking lawful action against an
16 animal or animal facility.

17 Sec. 4. NEW SECTION. 717A.2 CROPS OR CROP OPERATION
18 PROPERTY DAMAGE -- CIVIL ACTION -- CRIMINAL PENALTIES.

19 1. A person shall not, without the consent of the owner,
20 do any of the following:

21 a. Willfully destroy or damage a crop maintained on crop
22 operation property or crop operation property.

23 b. Exercise control over a crop maintained on crop
24 operation property or crop operation property with an intent
25 to deprive the owner of the crop or crop operation property.

26 c. Enter onto or remain on crop operation property, if the
27 person has notice that the property is not open to the public,
28 and the person has an intent to do one of the following:

29 (1) Disrupt agricultural production conducted on the crop
30 operation property, if the agricultural production directly
31 relates to the maintenance of crops. A person is presumed to
32 intend disruption, if the person moves, removes, or defaces
33 any sign posted on the crop operation property or label used
34 by the owner and the sign or label identifies a crop
35 maintained on the crop operation property.

1 (2) Destroy or damage a crop or any portion of a crop
2 maintained on the crop operation property.

3 A person has notice that a crop operation property is not
4 open to the public if the person is provided notice
5 prohibiting entry before the person enters onto the crop
6 operation property, or the person refuses to immediately
7 depart from the crop operation property after being notified
8 to leave. The notice may be in the form of a written or
9 verbal communication by the owner, a fence or other enclosure
10 designed to exclude intruders, or a sign posted which is
11 reasonably likely to come to the attention of an intruder and
12 which indicates that entry is prohibited.

13 2. a. A person suffering damages resulting from an act
14 which is in violation of this section may bring an action in
15 the district court against the person causing the damage to
16 recover all of the following:

17 (1) For damages that are not to a research crop, an amount
18 equaling three times all actual and consequential losses.

19 (2) For damages to a research crop, all of the following:

20 (a) Twice the amount of damages directly incurred by
21 market losses, based on the lost market value of the research
22 crop due to the damage, assuming that the research crop would
23 have matured undamaged and been sold in normal commercial
24 channels. If the research crop has no market value, the
25 damages shall be twice the amount of actual damages incurred
26 in producing, harvesting, and storing the damaged research
27 crop.

28 (b) Twice the amount of damages directly incurred by
29 developmental losses, based on the losses associated with the
30 research crop's expected scientific value. The research
31 crop's scientific value shall be determined by calculating the
32 amount expended in developing the research crop, including
33 costs associated with researching, testing, breeding, or
34 engineering. However, such damages shall not be awarded to
35 the extent that the losses are mitigated by undamaged research

1 crops that have been identically developed.

2 b. A prevailing plaintiff in an action brought under this
3 section shall be awarded court costs and reasonable attorney
4 fees, which shall be taxed as part of the costs of the action.

5 3. A person who damages a research crop or crop operation
6 property where a research crop is maintained is guilty of the
7 following:

8 a. For a violation of subsection 1, paragraph "a", the
9 person is guilty of criminal mischief as provided in section
10 716.1, and commits the same class of offense as provided in
11 sections 716.3 through 716.6 based on the amount of damage to
12 the research crop or crop operation property where the
13 research crop is maintained.

14 b. For a violation of subsection 1, paragraph "b", the
15 person is guilty of a class "D" felony.

16 c. For a violation of subsection 1, paragraph "c", the
17 person is guilty of an aggravated misdemeanor.

18 4. A person who damages a crop other than a research crop
19 or crop operation property where a research crop is not
20 maintained is guilty of the following:

21 a. For a violation of subsection 1, paragraph "a", the
22 person is guilty of criminal mischief as provided in section
23 716.1, and commits the same class of offense as provided in
24 sections 716.3 through 716.6 based on the amount of damage to
25 the crop or crop operation property where the crop is
26 maintained.

27 b. For a violation of subsection 1, paragraph "b", the
28 person is guilty of an aggravated misdemeanor.

29 c. For a violation of subsection 1, paragraph "c", the
30 person is guilty of a serious misdemeanor.

31 5. a. This section does not prohibit any conduct of a
32 person holding a legal interest in a crop operation that is
33 superior to the interest held by a person suffering from
34 damages resulting from the conduct.

35 b. This section does not apply to a governmental agency

1 that is taking lawful action against a crop or crop operation
2 property.

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

HOUSE FILE 502

S-3279

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 7, the
4 following:

5 "Sec. _____. Section 717A.1, subsection 2, paragraph
6 a, Code 2001, is amended to read as follows:

7 a. Willfully destroy property of an animal
8 facility, or kill or injure an animal maintained at an
9 animal facility, including by an act of violence or
10 the transmission of a disease including but not
11 limited to any disease designated by the department of
12 agriculture and land stewardship pursuant to section
13 163.2.

14 Sec. _____. Section 717A.1, subsection 2, paragraph
15 c, subparagraph (2), Code 2001, is amended to read as
16 follows:

17 (2) ~~Injure~~ Kill or injure an animal maintained at
18 the animal facility."

19 2. Page 4, line 14, by striking the word "The"
20 and inserting the following: "~~The~~ This".

By SANDRA GREINER

S-3279 FILED APRIL 2, 2001

W/D

4-9-01 (P.1012) HOUSE FILE 502

S-3311

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 7, the
4 following:

5 "Sec. _____. Section 717A.1, subsection 2, paragraph
6 a, Code 2001, is amended to read as follows:

7 a. Willfully destroy property of an animal
8 facility, or kill or injure an animal maintained at an
9 animal facility, including by an act of violence or
10 the transmission of a disease including but not
11 limited to any disease designated by the department of
12 agriculture and land stewardship pursuant to section
13 163.2.

14 Sec. _____. Section 717A.1, subsection 2, paragraph
15 c, subparagraph (2), Code 2001, is amended to read as
16 follows:

17 (2) ~~Injure~~ Kill or injure an animal maintained at
18 the animal facility."

19 2. Page 4, line 14, by striking the word "The"
20 and inserting the following: "~~The~~ This".

By SANDRA GREINER

S-3311 FILED APRIL 9, 2001

Adopted

4-18-01

(p. 1184)

HOUSE FILE 502

S-3349

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 13, the
4 following:

5 "_____. "Agricultural seed" means the same as
6 defined in section 199.1."

7 2. Page 2, by inserting after line 3, the
8 following:

9 "_____. "Biotechnological technique" means a
10 practice used to alter the genetic characteristics of
11 a plant by modifying the deoxyribonucleic acid of the
12 plant's seed in a manner other than by using a
13 conventional technique."

14 3. Page 2, by inserting after line 5, the
15 following:

16 "_____. "Contamination" means the unintended
17 presence of a seed or a plant or plant part that
18 originates from a seed, if the seed has been
19 genetically modified by using a biotechnological
20 technique.

21 "_____. "Conventional technique" means a practice
22 used to alter the genetic characteristics of a plant
23 by modifying the deoxyribonucleic acid of the plant's
24 seed by breeding or pollination."

25 4. Page 2, lines 11 and 12, by striking the words
26 and figure "agricultural seed or vegetable seed as
27 defined in section 199.1," and inserting the
28 following: "agricultural seed,".

29 5. Page 2, line 13, by striking the word
30 "commodity" and inserting the following: "crop,
31 including a grain crop, or other commodity as".

32 6. Page 3, by inserting after line 17, the
33 following:

34 "_____. "Designated grain crop" means a grain crop
35 that is produced from designated grain crop seed, as
36 provided in section 717A.2.

37 "_____. "Designated grain crop seed" means
38 agricultural seed used to produce a grain crop, if the
39 genetic characteristics of the agricultural seed have
40 been modified by using a biotechnological technique.

41 "_____. "Grain crop" means a crop that produces grain
42 as defined in section 203.1."

43 7. Page 3, by inserting after line 24, the
44 following:

45 "_____. "Neighboring field" means crop operation
46 property where a grain crop may be planted adjoining
47 or adjacent to an originating field that is owned by a
48 person other than the person who owns the originating
49 field.

50 "_____. "Originating field" means crop operation

S-3349

S-3349

Page 2

1 property where designated grain crop seed has been
2 planted."

3 8. Page 4, lines 4 and 5, by striking the words
4 "breeding or by using biotechnological systems or
5 techniques" and inserting the following: "using a
6 biotechnological technique or conventional technique".

7 9. Page 4, by inserting before line 6, the
8 following:

9 "____. "Seed dealer" means a person who sells or
10 offers for sale agricultural seed to persons on a
11 retail basis.

12 _____. "Seed labeler" means a person required to
13 label agricultural seed as provided in section 199.3
14 or 199.4.

15 _____. "Seed technology provider" means a person who
16 in preparing for sale agricultural seed required to be
17 labeled pursuant to section 199.3 or 199.4 modifies
18 the deoxyribonucleic acid of the agricultural seed by
19 using a biotechnological technique.

20 _____. "Sound maintenance practices" means practices
21 required to maintain a designated grain crop produced
22 from a designated grain crop seed as provided in
23 section 717A.2."

24 10. Page 4, by striking lines 19 and 20, and
25 inserting the following:

26 "____. A person acts in violation of this section
27 as follows:"

28 11. Page 4, line 21, by striking the word
29 "Willfully" and inserting the following: "A person
30 shall not intentionally".

31 12. Page 4, line 22, by inserting after the words
32 "crop operation property" the following: "without the
33 consent of the owner".

34 13. Page 4, line 23, by striking the word
35 "Exercise" and inserting the following: "A person
36 shall not exercise".

37 14. Page 4, line 25, by inserting after the word
38 "property" the following: "and without the consent of
39 the owner".

40 15. Page 4, line 26, by striking the word "Enter"
41 and inserting the following: "A person shall not
42 enter".

43 16. Page 4, line 28, by inserting after the word
44 "person" the following: ", acting without the consent
45 of the owner,".

46 17. Page 5, by inserting after line 12, the
47 following:

48 "d. A seed labeler or seed technology provider
49 shall not sell or offer for sale designated grain crop
50 seed to a person for the production of a designated

S-3349

S-3349

Page 3

1 grain crop, if all of the following applies:

2 (1) The designated grain crop that originates from
3 designated grain crop seed is sold or offered for sale
4 in this state, and on December 1 of the previous year
5 meets any one of the following criteria:

6 (a) Any grain produced from the designated grain
7 crop or any food manufactured from that grain was
8 prohibited from sale or use for human consumption by
9 an agency of the federal government, including but not
10 limited to the United States food and drug
11 administration.

12 (b) All nations that imported a total of ten
13 percent or more of grain produced from a specific
14 species of grain crop prohibited the import of grain
15 produced from that same species of grain crop because
16 it was a designated grain crop according to statistics
17 compiled by the United States department of
18 agriculture or a person recognized by the United
19 States department of agriculture.

20 (2) The seed labeler or seed technology provider
21 of designated grain crop seed fails to provide sound
22 maintenance practices for a designated grain crop
23 produced from the designated grain crop seed as
24 required by rules adopted by the department of
25 agriculture and land stewardship. The sound
26 maintenance practices shall provide for any one of the
27 following:

28 (a) A security plan or amendments to the security
29 plan submitted to and approved by the department as
30 required by the department. The security plan shall
31 ensure a closed system that provides no risk of
32 contamination including contamination occurring
33 because of any of the following:

34 (i) Prior to harvest, the designated grain crop
35 contaminates another crop that is not a designated
36 grain crop, if the other crop is maintained on a
37 neighboring field.

38 (ii) After harvest, the designated grain crop or
39 goods processed from the designated grain crop
40 contaminates a crop that is not a designated grain
41 crop or goods that are not processed from a designated
42 grain crop.

43 The closed system shall provide for maintaining the
44 designated grain crop and for disposing of,
45 transporting, processing, marketing, and utilizing of
46 a designated grain crop or goods processed from the
47 designated grain crop. The security plan shall be
48 accompanied by all necessary certifications by persons
49 who will maintain the designated grain crop or dispose
50 of, transport, process, or market the designated grain

S-3349

S-3349

Page 4

1 crop or goods processed from the designated grain
2 crop.

3 (b) The dissemination of production information by
4 the seed labeler or seed technology provider that
5 shall be made conveniently available to each owner of
6 a crop operation who produces the designated grain
7 crop on an originating field. The production
8 information shall provide requirements for planting
9 the designated grain crop seed a minimum distance from
10 the boundary of a neighboring field, and methods to
11 maintain the separated area in order to prevent a
12 significant risk of contamination occurring from any
13 of the following:

14 (i) The transfer of gene characteristics to
15 another crop planted on a neighboring field by
16 pollination, including by pollination of the crop or
17 the pollination of other related plants inhabiting the
18 neighboring field.

19 (ii) The transfer of designated grain crop seed to
20 the neighboring field.

21 For property that includes a road right-of-way,
22 railroad right-of-way, or an access easement, a
23 field's property line shall not be the boundary line
24 of the right-of-way or easement."

25 18. Page 6, by inserting after line 1, the
26 following:

27 "____. For damages incurred by the owner of a
28 neighboring field because of contamination from an
29 originating field caused by a seed labeler or seed
30 technology provider who sells designated grain crop
31 seed without providing for sound maintenance
32 practices, three times all actual and consequential
33 losses."

34 19. Page 6, by inserting after line 4, the
35 following:

36 "____. a. The owner of a crop operation who
37 produces a designated grain crop shall not be found to
38 be liable for damages caused by contamination, if the
39 designated grain crop is produced in accordance with
40 sound maintenance practices as provided in this
41 section.

42 b. A seed dealer shall not be found liable for
43 damages caused by contamination.

44 A provision in a contract, a waiver, or a condition
45 of a transaction that provides for the liability of a
46 person contrary to this subsection is void and
47 unenforceable."

48 20. Page 6, by striking lines 5 through 7, and
49 inserting the following:

50 "____. A person who violates this section is guilty

S-3349

S-3349

Page 5

1 of the following penalties:"

2 21. Page 6, line 6, by striking the word

3 "research".

4 22. Page 6, line 12, by striking the word

5 "research".

6 23. Page 6, line 13, by striking the word

7 "research".

8 24. Page 6, by inserting after line 17, the

9 following:

10 "____". For a violation of subsection 1, paragraph

11 "d", the person is guilty of an aggravated

12 misdemeanor."

13 25. Page 6, by striking lines 18 through 30.

14 26. By renumbering as necessary.

By MERLIN E. BARTZ

S-3349 FILED APRIL 12, 2001

W/D

4-18-01

(P.1183)

HOUSE FILE 502

S-3363

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 13, the
4 following:

5 "____. "Agricultural seed" means the same as
6 defined in section 199.1."

7 2. Page 2, by inserting after line 3, the
8 following:

9 "____. "Biotechnological technique" means a
10 practice used to alter the genetic characteristics of
11 a plant by modifying the deoxyribonucleic acid of the
12 plant's seed in a manner other than by using a
13 conventional technique."

14 3. Page 2, by inserting after line 5, the
15 following:

16 "____. "Contamination" means the unintended
17 presence of a seed or a plant or plant part that
18 originates from a seed, if the seed has been
19 genetically modified by using a biotechnological
20 technique.

21 "____. "Conventional technique" means a practice
22 used to alter the genetic characteristics of a plant
23 by modifying the deoxyribonucleic acid of the plant's
24 seed by breeding or pollination."

25 4. Page 2, lines 11 and 12, by striking the words
26 and figure "agricultural seed or vegetable seed as
27 defined in section 199.1," and inserting the
28 following: "agricultural seed,".

29 5. Page 2, line 13, by striking the word
30 "commodity" and inserting the following: "crop,
31 including a grain crop, or other commodity as".

32 6. Page 3, by inserting after line 17, the
33 following:

34 "____. "Designated grain crop" means a grain crop
35 that is produced from designated grain crop seed, as
36 provided in section 717A.2.

37 "____. "Designated grain crop seed" means
38 agricultural seed used to produce a grain crop, if the
39 genetic characteristics of the agricultural seed have
40 been modified by using a biotechnological technique.

41 "____. "Grain crop" means a crop that produces grain
42 as defined in section 203.1."

43 7. Page 3, by inserting after line 24, the
44 following:

45 "____. "Neighboring field" means crop operation
46 property where a grain crop may be planted adjoining
47 or adjacent to an originating field that is owned by a
48 person other than the person who owns the originating
49 field.

50 "____. "Originating field" means crop operation

S-3363

-1-

S-3363

Page 2

1 property where designated grain crop seed has been
2 planted."

3 8. Page 4, lines 4 and 5, by striking the words
4 "breeding or by using biotechnological systems or
5 techniques." and inserting the following: "using a
6 biotechnological technique or conventional technique."

7 9. Page 4, by inserting before line 6, the
8 following:

9 "____. "Seed dealer" means a person who sells or
10 offers for sale agricultural seed to persons on a
11 retail basis.

12 _____. "Seed labeler" means a person required to
13 label agricultural seed as provided in section 199.3
14 or 199.4.

15 _____. "Seed technology provider" means a person who
16 in preparing for sale agricultural seed required to be
17 labeled pursuant to section 199.3 or 199.4 modifies
18 the deoxyribonucleic acid of the agricultural seed by
19 using a biotechnological technique.

20 _____. "Sound maintenance practices" means practices
21 required to maintain a designated grain crop produced
22 from a designated grain crop seed as provided in
23 section 717A.2."

24 10. Page 4, by striking lines 19 and 20, and
25 inserting the following:

26 "____. A person acts in violation of this section
27 as follows:"

28 11. Page 4, line 21, by striking the word
29 "Willfully" and inserting the following: "A person
30 shall not intentionally".

31 12. Page 4, line 22, by inserting after the words
32 "crop operation property" the following: "without the
33 consent of the owner".

34 13. Page 4, line 23, by striking the word
35 "Exercise" and inserting the following: "A person
36 shall not exercise".

37 14. Page 4, line 25, by inserting after the word
38 "property" the following: "and without the consent of
39 the owner".

40 15. Page 4, line 26, by striking the word "Enter"
41 and inserting the following: "A person shall not
42 enter".

43 16. Page 4, line 28, by inserting after the word
44 "person" the following: ", acting without the consent
45 of the owner,".

46 17. Page 5, by inserting after line 12, the
47 following:

48 "d. (1) Except as otherwise provided in
49 subparagraph (2), a seed labeler or seed technology
50 provider shall not sell or offer for sale designated

S-3363

S-3363

Page 3

1 grain crop seed to a person for the production of a
2 designated grain crop, if the designated grain crop
3 that originates from designated grain crop seed is
4 sold or offered for sale in this state, and on
5 December 1 of the previous year meets any one of the
6 following criteria:

7 (a) Any grain produced from the designated grain
8 crop or any food manufactured from that grain was
9 prohibited from sale or use for human consumption by
10 an agency of the federal government, including but not
11 limited to the United States food and drug
12 administration.

13 (b) A major nation importer of grain produced from
14 a specific species of grain crop prohibited the import
15 of the grain because it was produced from agricultural
16 seed genetically modified by using biotechnological
17 techniques. The department of agriculture and land
18 stewardship shall adopt rules pursuant to chapter 17A
19 that lists each major nation importer of grain
20 produced from a specific species of grain crop, based
21 on United States exports of the grain to nations that
22 import a substantial quantity of that grain from
23 exporting nations.

24 (2) A seed labeler or seed technology provider may
25 sell or offer for sale designated grain crop seed to a
26 person for the production of a designated grain crop,
27 if the seed labeler or seed technology provider
28 provides sound maintenance practices for the
29 designated grain crop as required by rules adopted by
30 the department of agriculture and land stewardship.
31 The sound maintenance practices shall provide for any
32 one of the following:

33 (a) A security plan or amendments to the security
34 plan submitted to and approved by the department as
35 required by the department. The security plan shall
36 ensure a closed system that provides a minimal risk of
37 contamination including contamination occurring
38 because of any of the following:

39 (i) Prior to harvest, the designated grain crop
40 contaminates another crop that is not a designated
41 grain crop, if the other crop is maintained on a
42 neighboring field.

43 (ii) After harvest, the designated grain crop or
44 goods processed from the designated grain crop
45 contaminates a crop that is not a designated grain
46 crop or goods that are not processed from a designated
47 grain crop.

48 The closed system shall provide for maintaining the
49 designated grain crop and for disposing of,
50 transporting, processing, marketing, and utilizing of

S-3363

-3-

S-3363

Page 4

1 a designated grain crop or goods processed from the
2 designated grain crop. The security plan shall be
3 accompanied by all necessary certifications by persons
4 who will maintain the designated grain crop or dispose
5 of, transport, process, or market the designated grain
6 crop or goods processed from the designated grain
7 crop.

8 (b) The dissemination of production information by
9 the seed labeler or seed technology provider that
10 shall be made conveniently available to each owner of
11 a crop operation who produces the designated grain
12 crop on an originating field. The production
13 information shall provide requirements for planting
14 the designated grain crop seed a minimum distance from
15 the boundary of a neighboring field, and methods to
16 maintain the separated area in order to ensure a
17 minimal risk of contamination occurring from any of
18 the following:

19 (i) The transfer of gene characteristics to
20 another crop planted on a neighboring field by
21 pollination, including by pollination of the crop or
22 the pollination of other related plants inhabiting the
23 neighboring field.

24 (ii) The transfer of designated grain crop seed to
25 the neighboring field.

26 For property that includes a road right-of-way,
27 railroad right-of-way, or an access easement, a
28 field's property line shall not be the boundary line
29 of the right-of-way or easement."

30 18. Page 6, by inserting after line 1, the
31 following:

32 "____. For damages incurred by the owner of a
33 neighboring field because of contamination from an
34 originating field caused by a seed labeler or seed
35 technology provider who sells designated grain crop
36 seed without providing for sound maintenance
37 practices, three times all actual and consequential
38 losses."

39 19. Page 6, by inserting after line 4, the
40 following:

41 "____. a. The owner of a crop operation who
42 produces a designated grain crop shall not be found to
43 be liable for damages caused by contamination, if the
44 designated grain crop is produced in accordance with
45 sound maintenance practices as provided in this
46 section.

47 b. A seed dealer shall not be found liable for
48 damages caused by contamination if any of the
49 following applies:

50 (1) The seed dealer disseminates sound maintenance

S-3363

S-3363

Page 5

1 information to a customer of designated grain crop
2 seed as required as part of a written contract
3 executed by the seed dealer and the seed labeler or
4 seed technology provider.

5 (2) The seed labeler or seed technology provider
6 fails to provide sound maintenance information to a
7 seed dealer. The sound maintenance information may be
8 either a notice that the designated grain crop seed is
9 subject to a security plan filed with the department
10 of agriculture and land stewardship or production
11 information as required in this section.

12 A provision in a contract, a waiver, or a condition
13 of a transaction that provides for the liability of a
14 person contrary to this subsection is void and
15 unenforceable."

16 20. Page 6, by striking lines 5 through 7, and
17 inserting the following:

18 "____. A person who violates this section is guilty
19 of the following penalties:"

20 21. Page 6, line 12, by striking the word
21 "research".

22 22. Page 6, line 13, by striking the word
23 "research".

24 23. Page 6, by inserting after line 17, the
25 following:

26 "____. For a violation of subsection 1, paragraph
27 "d", the person is guilty of an aggravated
28 misdemeanor."

29 24. Page 6, by striking lines 18 through 30.

30 25. By renumbering as necessary.

By MERLIN E. BARTZ

S-3363 FILED APRIL 17, 2001

W/O
4/18/01
(P. 1184)

HOUSE FILE 502**S-3365**

1 Amend the amendment S-3363, to House File 502, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 3, line 31, by striking the word "The"
5 and inserting the following: "As part of the sound
6 maintenance practices, a seed labeler shall provide
7 notice of a designated grain crop seed on the
8 container holding the designated grain crop seed as
9 provided in section 199.3 or on a placard as provided
10 in section 199.4. A seed dealer shall provide the
11 same notice in a disclosure statement to a person
12 purchasing the designated grain crop seed on a retail
13 basis prior to or at the time of the purchase. The
14 disclosure statement may be contained on a separate
15 form or part of an invoice or bill of sale evidencing
16 a transaction. The seed dealer shall not sell
17 designated grain crop seed, unless the purchaser signs
18 the disclosure statement acknowledging that the
19 purchaser has read the statement. The seed dealer
20 shall maintain a copy of the acknowledged disclosure
21 statement as part of the seed dealer's business
22 records. The form of the disclosure statement shall
23 be prescribed by rules adopted by the department. The
24 notice required by this subparagraph shall appear in a
25 printed bold-faced font in at least ten point type.
26 The notice shall appear in the following form:

NOTICE**GENETICALLY MODIFIED SEED**

29 This crop seed has been modified using
30 biotechnological techniques. Please consult a
31 security plan required to be filed with the department
32 of agriculture and land stewardship or production
33 information required to be disseminated to owners of
34 crop operations, as provided in Iowa Code chapter
35 717A. The security plan or production information
36 includes important information, including possible
37 restrictions, about the production and marketing of a
38 crop grown from this seed.

39 In addition, the".

40 2. Page 4, by striking line 48, and inserting the
41 following: "damages caused by contamination, if the
42 seed dealer complies with applicable requirements of
43 this section and any of the".

By DERRYL McLAREN**S-3365 FILED APRIL 17, 2001**

o/o
4/18/01
(p. 1184)

HOUSE FILE 502

S-3367

- 1 Amend House File 502, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 4, by striking line 18, and inserting the
- 4 following: "PROPERTY DAMAGE -- CRIMINAL PENALTIES."
- 5 2. By striking page 5, line 13 through page 6,
- 6 line 4.
- 7 3. Title page, line 3, by striking the words "and
- 8 civil liability".
- 9 4. By renumbering as necessary.

By THOMAS FIEGEN

S-3367 FILED APRIL 17, 2001

lost
4-24-01 (p. 1283)

HOUSE FILE 502

S-3372

- 1 Amend House File 502, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 6, by striking line 5, and inserting the
- 4 following:
- 5 "____. A person who violates this section as it
- 6 applies to a research crop or crop operation".
- 7 2. Page 6, by striking line 18, and inserting the
- 8 following:
- 9 "____. A person who violates this section as it
- 10 applies to a crop other than a research crop".
- 11 3. By renumbering as necessary.

By SANDRA GREINER

S-3372 FILED APRIL 17, 2001

Adapted
4/24/01
(p. 1283)

HOUSE FILE 502

S-3448

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 16 the
4 following:

5 "____. This section does not apply to a licensed
6 veterinarian practicing veterinary medicine as
7 provided in chapter 169."

8 2. By renumbering as necessary.

By SANDRA GREINER

S-3448 FILED APRIL 24, 2001

WITHDRAWN

(P. 1282)

HOUSE FILE 502

S-3462

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, by inserting after line 2, the
4 following:

5 "____. This section does not apply to a person who
6 commits an act while intoxicated or under the
7 influence of a drug."

8 2. By renumbering as necessary.

By THOMAS FIEGEN

S-3462 FILED APRIL 24, 2001

WITHDRAWN

(P. 1283)

HOUSE FILE 502

S-3463

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 7, by inserting after line 2, the
4 following:

5 "____. This section does not apply to a person who
6 is under the age of twenty-one."

7 2. By renumbering as necessary.

By THOMAS FIEGEN

S-3463 FILED APRIL 24, 2001

WITHDRAWN

(P. 1283)

HOUSE FILE 502

S-3461

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 3, the
4 following:

5 "____. "Biotechnological system or technique" means
6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."

10 2. Page 4, by striking line 19, and inserting the
11 following:

12 "1. A person shall not".

13 3. Page 4, line 22, by inserting after the words
14 "crop operation property" the following: ", without
15 the consent of the owner".

16 4. Page 4, line 25, by inserting after the word
17 "property" the following: ", without the consent of
18 the owner".

19 5. Page 4, line 26, by inserting after the word
20 "property," the following: "without the consent of
21 the owner,".

22 6. Page 5, by inserting after line 12, the
23 following:

24 "d. Produce a crop originating from agricultural
25 seed that has been genetically modified using a
26 biotechnological system or technique by planting the
27 seed within five hundred feet from a neighboring crop
28 operation property used to produce a crop originating
29 from agricultural seed that has not been so
30 genetically modified."

31 7. Page 6, by inserting after line 30, the
32 following:

33 "4A. A person who produces a crop originating from
34 agricultural seed that has been genetically modified
35 in violation of subsection 1, paragraph "d", is guilty
36 of a serious misdemeanor."

37 8. By renumbering as necessary.

By THOMAS FIEGEN

S-3461 FILED APRIL 24, 2001

LOST

4/24/01

(P. 1281)

HOUSE FILE 502

S-3464

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 3, the
4 following:

5 "____. "Biotechnological system or technique" means
6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."

10 2. Page 4, by striking line 19, and inserting the
11 following:

12 "1. A person shall not".

13 3. Page 4, line 22, by inserting after the words
14 "crop operation property" the following: ", without
15 the consent of the owner".

16 4. Page 4, line 25, by inserting after the word
17 "property" the following: ", without the consent of
18 the owner".

19 5. Page 4, line 26, by inserting after the word
20 "property," the following: "without the consent of
21 the owner,".

22 6. Page 5, by inserting after line 12, the
23 following:

24 "d. Sell a crop that originates from agricultural
25 seed as defined in section 199.1 which has been
26 genetically modified using a biotechnological system
27 or technique or sell a crop which has been
28 contaminated with a crop originating from such
29 genetically modified agricultural seed, unless the
30 person selling the crop provides a full written
31 disclosure to the purchaser. The disclosure must
32 notify the purchaser of the crop's origins or that it
33 is contaminated, according to rules adopted by the
34 department of agriculture and land stewardship. The
35 disclosure statement shall be signed by the purchaser
36 and kept as part of the seller's business records."

37 7. Page 6, by inserting after line 30, the
38 following:

39 "4A. A person who sells a crop in violation of
40 subsection 1, paragraph "d", is guilty of a serious
41 misdemeanor."

42 8. By renumbering as necessary.

By THOMAS FIEGEN

S-3464 FILED APRIL 24, 2001

LOST

(P. 1281)

HOUSE FILE 502

S-3465

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 3, the
4 following:

5 "____. "Biotechnological system or technique" means
6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."

10 2. Page 2, by inserting after line 5, the
11 following:

12 "____. "Contamination" means the unintended
13 presence of a seed or a plant or plant part that
14 originates from a seed, if the seed has been
15 genetically modified by using a biotechnological
16 system or technique."

17 3. Page 4, by inserting before line 6, the
18 following:

19 "____. "Seed labeler" means a person required to
20 label agricultural seed as provided in section 199.3
21 or 199.4.

22 _____. "Seed technology provider" means a person who
23 in preparing for sale agricultural seed required to be
24 labeled pursuant to section 199.3 or 199.4 modifies
25 the deoxyribonucleic acid of the agricultural seed by
26 using a biotechnological technique."

27 4. Page 4, by striking line 19, and inserting the
28 following:

29 "1. A person shall not".

30 5. Page 4, line 22, by inserting after the words
31 "crop operation property" the following: ", without
32 the consent of the owner".

33 . . Page 4, line 25, by inserting after the word
34 "property" the following: ", without the consent of
35 the owner".

36 7. Page 4, line 26, by inserting after the word
37 "property," the following: "without the consent of
38 the owner,".

39 8. Page 5, by inserting after line 12, the
40 following:

41 "1A. a. A seed labeler or seed technology
42 provider shall not sell or offer for sale agricultural
43 seed as defined in section 199.1 which has been
44 genetically modified using a biotechnological system
45 or technique, unless the seed labeler or seed
46 technology provider complies with this paragraph. The
47 seed labeler or seed technology provider must file a
48 security plan with the department of agriculture and
49 land stewardship as required by rules adopted by the
50 department. The security plan shall ensure a closed

S-3465

-1-

S-3465

Page 2

1 system that provides no risk of contamination. The
2 closed system shall provide for maintaining the crop
3 originating from such genetically modified
4 agricultural seed and for disposing of, transporting,
5 processing, marketing, and utilizing the crop or goods
6 processed from the crop. The security plan shall be
7 accompanied by all necessary certifications by persons
8 who will maintain the crop or dispose of, transport,
9 process, or market the crop or goods processed from
10 the crop.

11 b. A person shall not sell a crop originating from
12 agricultural seed that has been genetically modified
13 using a biotechnological system or technique, unless
14 the person complies with a security plan as provided
15 in paragraph "a".

16 9. Page 6, by inserting after line 30, the
17 following:

18 "4A. A seed labeler or seed technology provider
19 who sells agricultural seed that has been genetically
20 modified without filing a security plan as required by
21 subsection 1A is guilty of a serious misdemeanor. A
22 person who sells a crop originating from such
23 genetically modified agricultural seed or goods
24 processed from the crop in violation of the security
25 plan as provided in subsection 1A is guilty of a
26 serious misdemeanor."

27 10. By renumbering as necessary.

By THOMAS FIEGEN

S-3465 FILED APRIL 24, 2001

LOST

(P.1282)

HOUSE FILE 502

S-3466

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 3, the
4 following:

5 "_____. "Biotechnological system or technique" means
6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."

10 2. Page 4, by striking line 19, and inserting the
11 following:

12 "1. A person shall not".

13 3. Page 4, line 22, by inserting after the words
14 "crop operation property" the following: ", without
15 the consent of the owner".

16 4. Page 4, line 25, by inserting after the word
17 "property" the following: ", without the consent of
18 the owner".

19 5. Page 4, line 26, by inserting after the word
20 "property," the following: "without the consent of
21 the owner,".

22 6. Page 5, by inserting after line 12, the
23 following:

24 "d. Sell agricultural seed as defined in section
25 199.1 that has been genetically modified using a
26 biotechnological system or technique, unless
27 information regarding the agricultural seed is filed
28 with an interagency review committee composed of the
29 secretary of agriculture, the commissioner of public
30 safety, and the director of public health, as provided
31 by the committee. The committee shall review issues
32 relating to planting, harvesting, and marketing the
33 agricultural seed, crops originating from the
34 agricultural seed, or goods produced from those crops.
35 If the committee determines that a risk to the state's
36 economy or public health exists, the committee shall
37 issue a public warning regarding the sale and use of
38 the agricultural seed, crops originating from the
39 agricultural seed, or goods produced from those
40 crops."

41 7. Page 6, by inserting after line 30, the
42 following:

43 "4A. A person who sells agricultural seed that has
44 been genetically modified using a biotechnological
45 system or technique in violation of subsection 1,
46 paragraph "d", is guilty of a serious misdemeanor."

47 8. By renumbering as necessary.

By THOMAS FIEGEN

S-3466 FILED APRIL 24, 2001

LOST

(p. 1282)

HOUSE FILE 502

S-3467

- 1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by striking line 19, and inserting the
4 following:
5 "1. A person shall not".
6 2. Page 4, line 22, by inserting after the words
7 "crop operation property" the following: ", without
8 the consent of the owner".
9 3. Page 4, line 25, by inserting after the word
10 "property" the following: ", without the consent of
11 the owner".
12 4. Page 4, line 26, by inserting after the word
13 "property," the following: "without the consent of
14 the owner,".
15 5. Page 5, by inserting after line 12, the
16 following:
17 "d. Apply a pesticide as defined in section 206.2
18 within five hundred feet from an orchard, land used to
19 produce an agricultural product that has been produced
20 according to standards established pursuant to chapter
21 190C, an educational institution, a religious
22 institution, or a residence, unless the titleholder of
23 the land benefiting from the separation distance signs
24 a written consent which shall be effective when filed
25 with the office of the recorder in the county in which
26 the land is located."
27 6. Page 6, by inserting after line 30, the
28 following:
29 "4A. A person who applies a pesticide in violation
30 of subsection 1, paragraph "d", is guilty of a serious
31 misdemeanor."
32 7. By renumbering as necessary.

By THOMAS FIEGEN

S-3467 FILED APRIL 24, 2001
RULED OUT OF ORDER

(P. 1283)

HOUSE FILE 502

S-3468

- 1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 4, by striking line 19, and inserting the
4 following:
5 "1. A person shall not".
- 6 2. Page 4, line 22, by inserting after the words
7 "crop operation property" the following: ", without
8 the consent of the owner".
- 9 3. Page 4, line 25, by inserting after the word
10 "property" the following: "without the consent of the
11 owner".
- 12 4. Page 4, line 26, by inserting after the word
13 "property," the following: ", without the consent of
14 the owner,".
- 15 5. Page 5, by inserting after line 12, the
16 following:
17 "d. Apply anhydrous ammonia within five hundred
18 feet from an orchard, land used to produce an
19 agricultural product that has been produced according
20 to standards established pursuant to chapter 190C, an
21 educational institution, a religious institution, or a
22 residence, unless the titleholder of the land
23 benefiting from the separation distance signs a
24 written consent which shall be effective when filed
25 with the office of the recorder in the county in which
26 the land is located."
- 27 6. Page 6, by inserting after line 30, the
28 following:
29 "4A. A person who applies anhydrous ammonia in
30 violation of subsection 1, paragraph "d", is guilty of
31 a serious misdemeanor."
- 32 7. By renumbering as necessary.

By THOMAS FIEGEN

S-3468 FILED APRIL 24, 2001
WITHDRAWN

(p. 1283)

HOUSE FILE 502**S-3469**

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting after line 2, the
4 following:
5 "___ . This section does not apply to a person who
6 exercises any rights guaranteed by the first amendment
7 to the Constitution of the United States or Article I,
8 section 7, of the Constitution of the State of Iowa.
9 A person who protests any activity conducted at a crop
10 operation shall be deemed to be in compliance with
11 state law if the person engages in the activity
12 outside the crop operation property and provides
13 notice to the owner of the crop operation property
14 within the twenty-four hours prior to the day of the
15 protest and conducts the protest during regular
16 business hours."

By THOMAS FIEGEN

S-3469 FILED APRIL 24, 2001

WITHDRAWN

(P. 1284)

HOUSE FILE 502**S-3474**

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by inserting after line 2, the
4 following:
5 "___ . This section does not apply to a person who
6 picks, harvests, or otherwise takes a crop on crop
7 operation property and consumes the crop on the crop
8 operation property."
9 2. By renumbering as necessary.

By THOMAS FIEGEN

S-3474 FILED APRIL 24, 2001

WITHDRAWN

P. 1284

HOUSE FILE 502

S-3478

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 16, the
4 following:

5 " . This section does not apply to an animal
6 facility convicted of a felony charge in the previous
7 five years in any jurisdiction, including by any state
8 or federal court or by a court of a foreign nation.
9 For purposes of this subsection, a plea or verdict of
10 guilty or a plea of nolo contendere or its equivalent
11 is deemed to be a conviction."

12 2. Page 7, by inserting after line 2, the
13 following:

14 " . This section does not apply to a crop
15 operation convicted of a felony charge in the previous
16 five years in any jurisdiction, including by any state
17 or federal court or by a court of a foreign nation.
18 For purposes of this subsection, a plea or verdict of
19 guilty or a plea of nolo contendere or its equivalent
20 is deemed to be a conviction."

21 3. By renumbering as necessary.

By THOMAS FIEGEN

S-3478 FILED APRIL 24, 2001

WITHDRAWN

(P. 1282)

HOUSE FILE 502**S-3479**

- 1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 3, the
4 following:
5 "____. "Biotechnological system or technique" means
6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."
10 2. Page 4, by striking line 19, and inserting the
11 following:
12 "1. A person shall not".
13 3. Page 4, line 22, by inserting after the words
14 "crop operation property" the following: ", without
15 the consent of the owner".
16 4. Page 4, line 25, by inserting after the word
17 "property" the following: ", without the consent of
18 the owner".
19 5. Page 4, line 26, by inserting after the word
20 "property," the following: "without the consent of
21 the owner,".
22 6. Page 5, by inserting after line 12, the
23 following:
24 "d. Blend grain from a crop originating from an
25 agricultural seed as defined in section 199.1 that has
26 been genetically modified using a biotechnological
27 system or technique with grain from a crop originating
28 from an agricultural seed that has not been so
29 genetically modified, unless the person provides a
30 disclosure to a purchaser of the grain. The
31 disclosure statement shall notify the purchaser that
32 the grain is blended with grain from a crop
33 originating from agricultural seed that has been
34 genetically modified as provided in this paragraph.
35 The same disclosure statement shall be provided by a
36 purchaser to each subsequent purchaser. The
37 disclosure statement shall be in writing and provide
38 the notice as required by rules adopted by the
39 department of agriculture and land stewardship."
40 7. Page 6, by inserting after line 30, the
41 following:
42 "4A. A person who blends grain that includes grain
43 from a crop originating from an agricultural seed that
44 has been genetically modified or who sells such
45 blended grain in violation of subsection 1, paragraph
46 "d", is guilty of a serious misdemeanor."
47 8. By renumbering as necessary.

By THOMAS FIEGEN**S-3479** FILED APRIL 24, 2001
LOST

(P. 1282)

HOUSE FILE 502

S-3480

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 16 the
4 following:

5 " . This section does not apply to a licensed
6 veterinarian practicing veterinary medicine as
7 provided in chapter 169 and according to customary
8 standards of care."

9 2. By renumbering as necessary.

By SANDRA GREINER

S-3480 FILED APRIL 24, 2001

ADOPTED

(P. 1283)

HOUSE FILE 502

S-3483

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 199.1, Code 2001, is amended
6 by adding the following new subsections:

7 NEW SUBSECTION. 5A. "Contamination" means the
8 unintended presence of a plant or plant part

9 transferred from an originating area to an area
10 without the presence of the plant or plant part that
11 alters the genetic characteristics of a plant.

12 NEW SUBSECTION. 5B. "Crop" means any plant
13 produced from an agricultural seed or vegetable seed,
14 or any harvested part of the plant.

15 NEW SUBSECTION. 6A. "Field" means an originating
16 field or a neighboring field.

17 NEW SUBSECTION. 6B. "Genetically modified" means
18 to alter the genetic characteristics of a plant by
19 modifying the deoxyribonucleic acid of the plant's
20 seed in a manner other than by breeding or
21 pollination.

22 NEW SUBSECTION. 19A. "Seed dealer" means a person
23 who sells or offers for sale agricultural seed or
24 vegetable seed to persons on a retail basis.

25 NEW SUBSECTION. 19B. "Seed labeler" means a
26 person required to label agricultural seed or
27 vegetable seed as provided in section 199.3 or 199.4.

28 Sec. _____. Section 199.3, subsection 1, Code 2001,
29 is amended by adding the following new paragraph:

30 NEW PARAGRAPH. f. The label shall include an
31 identification of genetically modified agricultural
32 seed or vegetable seed included in the container. If
33 the agricultural seed or vegetable seed is genetically
34 modified, the label shall comply with sections 199.22
35 and 199.23.

36 Sec. _____. Section 199.8, Code 2001, is amended by
37 adding the following new subsection:

38 NEW SUBSECTION. 4. A person shall not sell, offer
39 for sale, or expose for sale agricultural seed or
40 vegetable seed that has been genetically modified, if
41 the person has represented that that agricultural seed
42 or vegetable seed is not genetically modified.

43 Sec. _____. Section 199.13, Code 2001, is amended to
44 read as follows:

45 199.13 PENALTY.

46 1. a. A violation of person who violates this
47 chapter is guilty of a simple misdemeanor.

48 b. A person who violates subchapter 2 is subject
49 to a civil penalty of not more than one thousand
50 dollars. Civil penalties collected under this

S-3483

S-3483

Page 2

1 paragraph shall be deposited in the general fund of
2 the state.

3 2. The department may institute criminal or civil
4 proceedings in a court of competent jurisdiction in
5 order to enforce this chapter. When in the
6 performance of the ~~secretary's~~ department's duties in
7 enforcing this chapter the ~~secretary~~ department
8 applies to a court for a temporary or permanent
9 injunction restraining a person from violating or
10 continuing to violate any of the provisions of this
11 chapter or rules adopted under this chapter, the
12 injunction is to be issued without bond and the person
13 restrained by the injunction shall pay the costs made
14 necessary by the procedure.

SUBCHAPTER 2

GENETICALLY MODIFIED AGRICULTURAL SEED

Sec. ____ . NEW SECTION. 199.21 APPLICABILITY.

18 The department, in consultation with the attorney
19 general, shall provide an exception from a requirement
20 in this subchapter as applied to any type of
21 genetically modified agricultural seed or genetically
22 modified vegetable seed that is sold or offered for
23 sale or transported in this state, if the department
24 determines that the requirement as applied to that
25 type of agricultural seed or vegetable seed has been
26 preempted by federal statute or regulation. The
27 department shall establish the exceptions by rule
28 adopted pursuant to chapter 17A. If an exception is
29 not provided for by rule, the department shall
30 establish the exception by declaratory order as
31 provided in section 17A.9, upon receipt of a petition
32 as provided for in that section.

Sec. ____ . NEW SECTION. 199.22 NOTICE
34 REQUIREMENTS.

35 1. A seed labeler shall provide notice of an
36 agricultural seed or vegetable seed that is
37 genetically modified on the label of a container
38 holding the agricultural seed or vegetable seed as
39 provided in section 199.3 or on a placard as provided
40 in section 199.4. A seed dealer shall provide the
41 same notice in a disclosure statement to a person
42 purchasing the agricultural seed or vegetable seed on
43 a retail basis prior to or at the time of the
44 purchase. The disclosure statement may be contained
45 on a separate form or part of an invoice or bill of
46 sale evidencing a transaction. The seed dealer shall
47 not sell agricultural seed or vegetable seed that has
48 been genetically modified, unless the purchaser signs
49 the disclosure statement acknowledging that the
50 purchaser has read the statement. The seed dealer

S-3483

S-3483

Page 3

1 shall maintain a copy of the acknowledged disclosure
2 statement as part of the seed dealer's business
3 records.

4 2. The form of the disclosure statement shall be
5 prescribed by rules adopted by the department. The
6 notice shall appear in a printed bold-faced font in at
7 least ten point type. The notice shall appear in the
8 following form:

NOTICE

GENETICALLY MODIFIED AGRICULTURAL OR
VEGETABLE SEED

12 This agricultural or vegetable seed is genetically
13 modified. Please consult the label appearing on this
14 package or the pamphlet required to be attached to the
15 container or accompanying the bulk sale of
16 agricultural or vegetable seed, regarding important
17 production information, including possible
18 restrictions, about the production and marketing of a
19 crop grown from this agricultural or vegetable seed.

20 Sec. ____ . NEW SECTION. 199.23 PRODUCTION
21 INFORMATION REQUIREMENTS.

22 1. A seed labeler shall provide production
23 information for agricultural seed or vegetable seed
24 that has been genetically modified as required in this
25 section to the extent that the production information
26 is known by the seed labeler. The production
27 information shall appear on the label as provided in
28 section 199.3 or in a pamphlet attached to the
29 container or accompanying agricultural seed or
30 vegetable seed that is sold in bulk as provided in
31 section 199.4. A seed dealer shall not sell
32 agricultural seed or vegetable seed that the seed
33 labeler identifies as genetically modified, unless the
34 seed dealer provides the purchaser of agricultural
35 seed or vegetable seed with the production
36 information. The production information shall include
37 all of the following:

38 a. A brief description of the consequences of the
39 genetic modification, including but not limited to any
40 consequences affecting hardiness, growth rate, yield,
41 resistance, adaptability, appearance, or intrinsic
42 qualities such as oil content.

43 b. Sound management practices required to minimize
44 the risk of transferring gene characteristics to other
45 varieties of plants. The sound management practices
46 shall consist of requirements for planting
47 agricultural seed or vegetable seed that has been
48 genetically modified and methods to maintain the
49 separated area in order to prevent a significant risk
50 of contamination occurring from any of the following:

S-3483

S-3483

Page 4

1 (1) The transfer of gene characteristics to crops
2 planted on a neighboring area by pollination,
3 including the pollination of crops or the pollination
4 of other related plants inhabiting the neighboring
5 area.

6 (2) The transfer of agricultural seed or vegetable
7 seed that has been genetically modified to a
8 neighboring area.

9 c. A notice, if necessary, regarding any financial
10 risks associated with marketing the crop, including
11 but not limited to restrictions regarding all of the
12 following:

13 (1) The handling and storage of the crop,
14 including segregation requirements.

15 (2) The sale of the crop in domestic and foreign
16 markets, including import restrictions imposed by
17 other nations.

18 (3) The use of the crop, including restrictions
19 regarding human consumption of the crop or products
20 processed using the crop.

21 2. The language used in the production information
22 shall comply with standard rules of spelling, grammar,
23 punctuation, and usage. The production information
24 shall be printed in a type size of not less than ten
25 points. The production information shall use terms
26 that are commonly understood by a reasonable person of
27 average intelligence, education, and experience who
28 regularly produces crops originating from the same
29 type of agricultural seed or vegetable seed that has
30 been genetically modified that the person is
31 purchasing.

32 Sec. ____ . NEW SECTION. 199.24 FOOD CROPS NOT
33 APPROVED FOR HUMAN CONSUMPTION -- COLOR-CODED SEEDS OR
34 SECURITY PLAN.

35 1. As used in this section, "designated seed"
36 means agricultural seed or vegetable seed producing a
37 crop that may be processed into a food product, but is
38 not approved for human consumption by an agency of the
39 federal government, including but not limited to the
40 United States food and drug administration, because
41 the agricultural seed or vegetable seed is genetically
42 modified.

43 2. a. A person shall not sell, offer for sale, or
44 transport designated seed in this state, unless any of
45 the following applies:

46 (1) The designated seed is artificially colored
47 solid blaze orange.

48 (2) The department approves a security plan, or
49 amendments to an approved security plan, submitted by
50 the person producing a crop from designated seed,

S-3483

S-3483

Page 5

1 according to rules adopted by the department. The
2 security plan shall provide for sound management
3 practices used to ensure that there is no risk of
4 contamination, and for harvesting, storing,
5 transporting, processing, marketing, and utilizing
6 crops or goods processed from those crops in a manner
7 that provides no risk that the crops or goods
8 processed from the crops will be utilized for human
9 consumption. The security plan shall be accompanied
10 by all necessary certifications by persons who will
11 harvest, store, transport, process, or market the crop
12 or goods processed from the crop, as required by the
13 department. The department may approve amendments to
14 the security plan.

15 b. A person shall not sell, offer for sale, or
16 transport agricultural seed or vegetable seed in this
17 state that is artificially colored solid blaze orange,
18 unless it is designated seed. A person shall not
19 knowingly use management practices, or harvest, store,
20 transport, process, or market crops or goods processed
21 from those crops in violation of the security plan.

22 Sec. ____ . NEW SECTION. 199.25 LIABILITY.

23 A person suffering damages resulting from an act
24 which is in violation of subchapter 2 may bring an
25 action in the district court against the person
26 causing the damage to recover all of the following:

27 1. Twice the amount of damages directly incurred
28 by market losses, based on the lost market value due
29 to contamination. If a contaminated crop has no
30 market value, the damages shall be twice the amount of
31 actual damages incurred in producing, harvesting, and
32 storing the crop.

33 2. A prevailing plaintiff in an action brought
34 under this section shall be awarded court costs and
35 reasonable attorney fees, which shall be taxed as part
36 of the costs of the action.

37 Sec. ____ . NEW SECTION. 199.26 PENALTIES.

38 A person who violates subchapter 2 is guilty of
39 criminal mischief as provided in section 716.1, and
40 commits the same class of offense as provided in
41 sections 716.3 through 716.6 based on the amount of
42 damage incurred."

43 2. Page 7, by inserting after line 2, the
44 following:

45 "Sec. ____ . DIRECTIONS TO CODE EDITOR. The Code
46 editor shall organize chapter 199 in conformance with
47 this Act. The Code editor shall transfer sections
48 199.11 through 199.14 into a new subchapter 3.

49 Sec. ____ . EFFECTIVE DATE. Sections 199.1, 199.3,
50 199.8, and 199.13, as amended by this Act, and

S-3483

S-3483

Page 6

1 sections 199.21 through 199.26, as enacted by this

2 Act, take effect on September 1, 2001."

3 3. Title page, line 1, by inserting after the

4 word "by" the following: "providing for genetically

5 modified agricultural crops,".

6 4. By renumbering as necessary.

By THOMAS FIEGEN

S-3483 FILED APRIL 24, 2001

WITHDRAWN

(P. 1284)

HOUSE FILE 502

S-3484

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by inserting after line 3, the
4 following:

5 "____. "Biotechnological system or technique" means
6 a process used to alter the genetic characteristics of
7 a plant by modifying the deoxyribonucleic acid of the
8 plant's seed in a manner other than by breeding or
9 pollination."

10 2. Page 2, by inserting after line 5, the
11 following:

12 "____. "Contamination" means the unintended
13 presence of a plant or plant part transferred from an
14 originating area to an area without the presence of
15 the plant or plant part that alters the genetic
16 characteristics of a plant."

17 3. Page 4, by inserting after line 5, the
18 following:

19 "____. "Seed dealer" means a person who sells or
20 offers for sale agricultural seed or vegetable seed to
21 persons on a retail basis.

22 _____. "Seed labeler" means a person required to
23 label agricultural seed or vegetable seed as provided
24 in section 199.3 or 199.4."

25 4. Page 4, by striking line 19, and inserting the
26 following:

27 "1. A person shall not".

28 5. Page 4, line 22, by inserting after the words
29 "crop operation property" the following: ", without
30 the consent of the owner".

31 6. Page 4, line 25, by inserting after the word
32 "property" the following: ", without the consent of
33 the owner".

34 7. Page 4, line 26, by inserting after the word
35 "property," the following: "without the consent of
36 the owner,".

37 8. Page 5, by inserting after line 12, the
38 following:

39 "d. Sell agricultural seed as defined in section
40 199.1 that has been genetically modified using a
41 biotechnological system or technique, unless the
42 person selling such agricultural seed provides a full
43 written disclosure statement to the purchaser that the
44 agricultural seed has been genetically modified. A
45 seed labeler shall provide notice of an agricultural
46 seed that is genetically modified as provided in this
47 section on the label of a container holding the
48 agricultural seed as provided in section 199.3 or on a
49 placard as provided in section 199.4. A seed dealer
50 shall provide the same notice in a disclosure

S-3484

-1-

S-3484

Page 2

1 statement to a person purchasing the agricultural seed
2 on a retail basis prior to or at the time of the
3 purchase. The disclosure statement may be contained
4 on a separate form or part of an invoice or bill of
5 sale evidencing a transaction. The seed dealer shall
6 not sell agricultural seed that has been genetically
7 modified, unless the purchaser signs the disclosure
8 statement acknowledging that the purchaser has read
9 the statement. The seed dealer shall maintain a copy
10 of the acknowledged disclosure statement as part of
11 the seed dealer's business records.

12 The form of the disclosure statement shall be
13 prescribed by rules adopted by the department. The
14 notice shall appear in a printed bold-faced font in at
15 least ten point type. The notice shall appear in the
16 following form:

NOTICE

GENETICALLY MODIFIED AGRICULTURAL SEED

17
18 This agricultural seed is genetically modified.
19 Please consult the label appearing on this package or
20 the pamphlet required to be attached to the container
21 or accompanying the bulk sale of agricultural seed,
22 regarding important production information, including
23 possible restrictions, about the production and
24 marketing of a crop grown from this agricultural or
25 vegetable seed."

26
27 9. Page 6, by inserting after line 30, the
28 following:

29 "4A. A person who sells agricultural seed that has
30 been genetically modified using a biotechnological
31 system or technique in violation of subsection 1,
32 paragraph "d", is guilty of a serious misdemeanor."

33 10. By renumbering as necessary.

By THOMAS FIEGEN

S-3484 FILED APRIL 24, 2001
WITHDRAWN

P. 1284

SENATE AMENDMENT TO HOUSE FILE 502

H-1689

1 Amend House File 502, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 7, the
4 following:

5 "Sec. _____. Section 717A.1, subsection 2, paragraph
6 a, Code 2001, is amended to read as follows:

7 a. Willfully destroy property of an animal
8 facility, or kill or injure an animal maintained at an
9 animal facility, including by an act of violence or
10 the transmission of a disease including but not
11 limited to any disease designated by the department of
12 agriculture and land stewardship pursuant to section
13 163.2.

14 Sec. _____. Section 717A.1, subsection 2, paragraph
15 c, subparagraph (2), Code 2001, is amended to read as
16 follows:

17 (2) ~~Injure~~ Kill or injure an animal maintained at
18 the animal facility."

19 2. Page 4, line 14, by striking the word "The"
20 and inserting the following: "~~The~~ This".

21 3. Page 4, by inserting after line 16 the
22 following:

23 "_____ . This section does not apply to a licensed
24 veterinarian practicing veterinary medicine as
25 provided in chapter 169 and according to customary
26 standards of care."

27 4. Page 6, by striking line 5, and inserting the
28 following:

29 "_____ . A person who violates this section as it
30 applies to a research crop or crop operation".

31 5. Page 6, by striking line 18, and inserting the
32 following:

33 "_____ . A person who violates this section as it
34 applies to a crop other than a research crop".

35 6. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1689 FILED APRIL 24, 2001

House Concurred

4-27-01

(P1621)

HOUSE FILE 502

AN ACT

RELATING TO AGRICULTURAL PRODUCTION, BY PROHIBITING ACTS
RELATING TO FACILITIES OR OPERATIONS, MAKING PENALTIES
APPLICABLE, AND PROVIDING PENALTIES AND CIVIL LIABILITY.

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

Section 1. NEW SECTION. 717A.0A DEFINITIONS.

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

1. "Agricultural animal" means any of the following:
 - a. An animal that is maintained for its parts or products having commercial value, including but not limited to its muscle tissue, organs, fat, blood, manure, bones, milk, wool, hide, pelt, feathers, eggs, semen, embryos, or honey.
 - b. An animal belonging to the equine species, including horse, pony, mule, jenny, donkey, or hinny.
2. "Agricultural production" means any activity related to maintaining an agricultural animal at an animal facility or a crop on crop operation property.

3. "Animal" means a warm-blooded or cold-blooded animal, including but not limited to an animal belonging to the bovine, canine, feline, equine, ovine, or porcine species; farm deer as defined in section 189A.2; ostriches, rheas, or emus; an animal which belongs to a species of poultry or fish; mink or other pelt-bearing mammals; any invertebrate; or honey bees.

4. "Animal facility" means any of the following:

- a. A location where an agricultural animal is maintained for agricultural production purposes, including but not limited to a location dedicated to farming as defined in section 9H.1, a livestock market, exhibition, or a vehicle used to transport the animal.

- b. A location where an animal is maintained for educational or scientific purposes, including an institution as defined in section 145B.1, a research facility as defined in section 162.2, an exhibition, or a vehicle used to transport the animal.

- c. A location operated by a person licensed to practice veterinary medicine pursuant to chapter 169.
- d. A pound as defined in section 162.2.
- e. An animal shelter as defined in section 162.2.
- f. A pet shop as defined in section 162.2.
- g. A boarding kennel as defined in section 162.2.
- h. A commercial kennel as defined in section 162.2.
5. "Consent" means express or apparent assent by a person authorized to provide such assent.

6. a. "Crop" means any plant maintained for its parts or products having commercial value, including but not limited to stalks, trunks and branches, cuttings, grafts, scions, leaves, buds, fruit, vegetables, roots, bulbs, or seeds, if the plant is any of the following:

- (1) A plant produced from an agricultural seed or vegetable seed as defined in section 199.1, including any plant producing a commodity listed in section 210.10.

(2) A plant which is a tree, shrub, vine, berry plant, greenhouse plant, or flower.

b. A plant produced from a noxious weed seed as defined in section 199.1 is not a crop unless the plant is produced as a research crop.

7. "Crop operation" means a commercial enterprise where a crop is maintained on the property of the commercial enterprise.

8. "Crop operation property" means any of the following:

a. Real property that is a crop field, orchard, nursery, greenhouse, garden, elevator, seedhouse, barn, warehouse, any other associated land or structures located on the land, and personal property located on the land including machinery or equipment, that is part of a crop operation.

b. A vehicle used to transport a crop that was maintained on the crop operation property.

9. "Deprive" means to do any of the following:

a. For an animal maintained at an animal facility or property belonging to an animal facility, "deprive" means to do any of the following:

(1) Withhold the animal or property for a period of time sufficient to significantly reduce the value or enjoyment of the animal or property.

(2) Withhold the animal or property for ransom or upon condition to restore the animal or property in return for compensation.

(3) Dispose of the animal or property in a manner that makes recovery of the animal or property by its owner unlikely.

b. For crops maintained on crop operation property or for crop operation property, "deprive" means to do any of the following:

(1) Occupy any part of a crop operation property for a period of time sufficient to prevent access to the crop or crop operation property.

(2) Dispose of a crop maintained on the crop operation property or belonging to the crop operation in a manner that makes recovery of the crop or crop operation property by its owner unlikely.

10. "Maintain" means to do any of the following:

a. Keep and provide for the care and feeding of any animal, including any activity relating to confining, handling, breeding, transporting, or exhibiting the animal.

b. Keep and preserve any crop, by planting, nurturing, harvesting, and storing the crop; or storing, planting, or nurturing the crop's seed.

11. "Owner" means any of the following:

a. A person, including a public or private entity, who has a legal interest in an animal or property belonging to an animal facility or who is authorized by the holder of the legal interest to act on the holder's behalf in maintaining the animal.

b. A person, including a public or private entity, who has a legal interest in a crop or crop operation property or who is authorized by the holder of the legal interest to act on the holder's behalf in maintaining the crop.

12. "Research crop" means a crop, including the crop's seed, that is maintained for purposes of scientific research regarding the study or alteration of the genetic characteristics of a plant or associated seed, including its deoxyribonucleic acid, which is accomplished by breeding or by using biotechnological systems or techniques.

Sec. 2. Section 717A.1, subsection 1, Code 2001, is amended by striking the subsection.

Sec. 3. Section 717A.1, subsection 2, paragraph a, Code 2001, is amended to read as follows:

a. Willfully destroy property of an animal facility, or kill or injure an animal maintained at an animal facility, including by an act of violence or the transmission of a disease including but not limited to any disease designated by

the department of agriculture and land stewardship pursuant to section 163.2.

Sec. 4. Section 717A.1, subsection 2, paragraph c, subparagraph (2), Code 2001, is amended to read as follows:

(2) ~~Injure~~ Kill or injure an animal maintained at the animal facility.

Sec. 5. Section 717A.1, subsection 5, Code 2001, is amended to read as follows:

5. a. This section does not prohibit any conduct of a person holding a legal interest in an animal or property which is superior to the interest held by a person suffering from damages resulting from the conduct.

b. ~~The This~~ section does not apply to activities of a governmental agency that is taking lawful action against an animal or animal facility.

c. This section does not apply to a licensed veterinarian practicing veterinary medicine as provided in chapter 169 and according to customary standards of care.

Sec. 6. NEW SECTION. 717A.2 CROPS OR CROP OPERATION PROPERTY DAMAGE -- CIVIL ACTION -- CRIMINAL PENALTIES.

1. A person shall not, without the consent of the owner, do any of the following:

a. Willfully destroy or damage a crop maintained on crop operation property or crop operation property.

b. Exercise control over a crop maintained on crop operation property or crop operation property with an intent to deprive the owner of the crop or crop operation property.

c. Enter onto or remain on crop operation property, if the person has notice that the property is not open to the public, and the person has an intent to do one of the following:

(1) Disrupt agricultural production conducted on the crop operation property, if the agricultural production directly relates to the maintenance of crops. A person is presumed to intend disruption, if the person moves, removes, or defaces any sign posted on the crop operation property or label used

by the owner and the sign or label identifies a crop maintained on the crop operation property.

(2) Destroy or damage a crop or any portion of a crop maintained on the crop operation property.

A person has notice that a crop operation property is not open to the public if the person is provided notice prohibiting entry before the person enters onto the crop operation property, or the person refuses to immediately depart from the crop operation property after being notified to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that entry is prohibited.

2. a. A person suffering damages resulting from an act which is in violation of this section may bring an action in the district court against the person causing the damage to recover all of the following:

(1) For damages that are not to a research crop, an amount equaling three times all actual and consequential losses.

(2) For damages to a research crop, all of the following:

(a) Twice the amount of damages directly incurred by market losses, based on the lost market value of the research crop due to the damage, assuming that the research crop would have matured undamaged and been sold in normal commercial channels. If the research crop has no market value, the damages shall be twice the amount of actual damages incurred in producing, harvesting, and storing the damaged research crop.

(b) Twice the amount of damages directly incurred by developmental losses, based on the losses associated with the research crop's expected scientific value. The research crop's scientific value shall be determined by calculating the amount expended in developing the research crop, including costs associated with researching, testing, breeding, or

engineering. However, such damages shall not be awarded to the extent that the losses are mitigated by undamaged research crops that have been identically developed.

b. A prevailing plaintiff in an action brought under this section shall be awarded court costs and reasonable attorney fees, which shall be taxed as part of the costs of the action.

3. A person who violates this section as it applies to a research crop or crop operation property where a research crop is maintained is guilty of the following:

a. For a violation of subsection 1, paragraph "a", the person is guilty of criminal mischief as provided in section 716.1, and commits the same class of offense as provided in sections 716.3 through 716.6 based on the amount of damage to the research crop or crop operation property where the research crop is maintained.

b. For a violation of subsection 1, paragraph "b", the person is guilty of a class "D" felony.

c. For a violation of subsection 1, paragraph "c", the person is guilty of an aggravated misdemeanor.

4. A person who violates this section as it applies to a crop other than a research crop or crop operation property where a research crop is not maintained is guilty of the following:

a. For a violation of subsection 1, paragraph "a", the person is guilty of criminal mischief as provided in section 716.1, and commits the same class of offense as provided in sections 716.3 through 716.6 based on the amount of damage to the crop or crop operation property where the crop is maintained.

b. For a violation of subsection 1, paragraph "b", the person is guilty of an aggravated misdemeanor.

c. For a violation of subsection 1, paragraph "c", the person is guilty of a serious misdemeanor.

5. a. This section does not prohibit any conduct of a person holding a legal interest in a crop operation that is

superior to the interest held by a person suffering from damages resulting from the conduct.

b. This section does not apply to a governmental agency that is taking lawful action against a crop or crop operation property.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 502, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 5/7, 2001

THOMAS J. VILSACK
Governor