

FEB 22 2005
Agriculture

HOUSE FILE 378
BY ALONS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act exempting establishments which prepare products derived
2 from livestock or poultry from inspection requirements when
3 the establishments donate the products to charitable
4 organizations, and making penalties applicable.

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

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HF 378

1 Section 1. Section 189A.4, Code 2005, is amended to read
2 as follows:

3 189A.4 EXEMPTIONS.

4 1. In order to accomplish the objectives of this chapter,
5 the secretary may exempt the following types of operations
6 from inspection:

7 ~~1-~~ a. Slaughtering and preparation by any person of
8 livestock and poultry of the person's own raising exclusively
9 for use by the person and members of the person's household,
10 and the person's nonpaying guests and employees.

11 ~~2-~~ b. Any other operations operation which the secretary
12 may determine would best be exempted to further the purposes
13 of this chapter, to the extent such exemptions conform to the
14 federal Meat Inspection Act and the federal Poultry Products
15 Inspection Act and the regulations thereunder adopted under
16 that Act.

17 2. a. An establishment may donate a livestock product or
18 poultry product which is capable of use as human food to a
19 charitable organization. The livestock product or poultry
20 product is not subject to inspection under this chapter, if
21 all of the following apply:

22 (1) The establishment prepares livestock products or
23 poultry products which are capable of use as human food on a
24 custom basis in the ordinary course of its operation as
25 designated by the department.

26 (2) The establishment has maintained a license issued
27 under section 189A.3 or the federal Meat Inspection Act for
28 the immediately preceding ten years uninterrupted by
29 suspension or revocation.

30 (3) The establishment is not a party in an administrative
31 action or judicial action initiated for a violation of this
32 chapter, including but not limited to section 189A.14 or
33 189A.17, or the federal Meat Inspection Act.

34 (4) The charitable organization provides documentation to
35 the establishment which verifies that it is a charitable

1 organization within the meaning of section 501(c)(3) of the
2 Internal Revenue Code with the primary purpose of alleviating
3 hunger or malnutrition.

4 (5) A representative of the charitable organization
5 executes a statement certifying that the livestock product or
6 poultry product will be furnished as a free meal to
7 individuals and acknowledging that the livestock product or
8 poultry product has not been inspected. The establishment
9 shall keep the statement on file as part of its business
10 records.

11 b. The department may establish, maintain, and publish a
12 list of eligible establishments which are interested in
13 donating livestock products or poultry products to charitable
14 organizations.

15 c. Nothing in this subsection prevents the department from
16 inspecting any livestock product or poultry product during the
17 inspection of an establishment or from declaring that a
18 livestock product or poultry product is not capable of use as
19 human food.

EXPLANATION

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21 Code chapter 189A is Iowa's "meat and poultry inspection
22 Act" which provides for the regulation of products derived
23 from animal carcasses, including livestock products or poultry
24 products which are capable of use as human food. The
25 department of agriculture and land stewardship administers the
26 Code chapter and inspects the premises of establishments which
27 are not inspected by officials of the United States department
28 of agriculture.

29 Code section 189A.4 provides exemptions from the inspection
30 requirements, such as slaughtering and preparing products
31 exclusively for a person's own use or the use of the person's
32 household. This bill establishes another exemption from
33 inspection in instances in which an establishment donates a
34 product to a charitable organization. A number of conditions
35 must exist before an establishment may make a donation that is

1 exempt from inspection. The establishment must in the
2 ordinary course of its business prepare such products on a
3 custom basis. The establishment must have maintained a state
4 or federal license in good standing for 10 years and cannot be
5 a party in any state or federal proceeding. The charitable
6 organization must also verify that it is bona fide and will
7 furnish the product to persons in need.

8 The bill provides that the department may keep a list of
9 eligible establishments which are willing to make donations.
10 The bill provides that the department retains its authority to
11 inspect the establishment and declare that a product is unfit
12 for human consumption.

13 Code section 189A.17 provides that an establishment which
14 violates a provision of the Code chapter is guilty of a simple
15 misdemeanor. A simple misdemeanor is punishable by
16 confinement for no more than 30 days or a fine of at least \$50
17 but not more than \$500 or by both.

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