

MAR 23 2005
Agriculture

HOUSE FILE 823
BY FALLON

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

A BILL FOR

1 An Act regulating mobile establishments involved in the slaughter
2 or preparation of livestock and poultry, providing for fees,
3 and making penalties applicable.

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

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1 Section 1. Section 189A.2, subsection 6, Code 2005, is
2 amended to read as follows:

3 6. "Establishment" means ~~all~~ a permanent or portable
4 premises where animals or poultry are slaughtered or otherwise
5 prepared, either for custom, resale, or retail, for food
6 purposes, meat or poultry canneries, sausage factories,
7 smoking or curing operations, restaurants, grocery stores,
8 brokerages, cold storage plants, and or similar places.

9 Sec. 2. Section 189A.2, Code 2005, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 17A. "Mobile establishment" means a
12 mobile unit that is capable of moving to various locations in
13 order to provide for the slaughter or preparation of livestock
14 or poultry at each location.

15 Sec. 3. Section 189A.3, Code 2005, is amended to read as
16 follows:

17 189A.3 LICENSE -- FEE.

18 1. No A person shall not operate an establishment other
19 than a food establishment as defined in section 137F.1 without
20 first obtaining a license from the department. A person who
21 operates more than one mobile establishment is only required
22 to obtain a single license.

23 2. The license year commences on July 1 and ends on June
24 30.

25 3. a. The A person operating an establishment shall
26 submit a license fee to the department. The initial license
27 fee is due upon application for the license. The license fee
28 fees for each-establishment-per subsequent years are due upon
29 the expiration of the applicable license year. The license
30 fee shall be assessed for each year or any part of a year that
31 the person is required to be licensed. The amount of the
32 license fee shall be calculated as follows:

33 ±: (1) For all meat and poultry slaughtered or otherwise
34 prepared not exceeding twenty thousand pounds per year for
35 sale, resale, or custom, twenty-five dollars.

1 2- (2) For all meat and poultry slaughtered or otherwise
2 prepared in excess of twenty thousand pounds per year for
3 sale, resale, or custom, fifty dollars.

4 b. The license fee shall be assessed for each
5 establishment operated by the person. However, for a person
6 who operates more than one mobile establishment, the license
7 fee shall be based on the total number of pounds of meat and
8 poultry slaughtered or otherwise prepared by all mobile
9 establishments that the person operates per year.

10 c. The funds moneys collected from license fees shall be
11 deposited with the department. ~~The license year shall be from~~
12 ~~July 1 to June 30.~~

13 d. Applications Application for licenses a license shall
14 be in writing on forms prescribed by the department. The
15 department may prescribe different forms based on the type of
16 establishment being licensed.

17 4. It is the objective of this chapter to provide for meat
18 and poultry products inspection programs that will impose and
19 enforce requirements with respect to intrastate operations and
20 commerce that are at least equal to those imposed and enforced
21 under the federal Meat Inspection Act and the federal Poultry
22 Products Inspection Act with respect to operations and
23 transactions in interstate commerce, ~~and the~~. The secretary
24 is directed to administer this chapter so as to accomplish
25 this the purpose of this subsection.

26 5. A director of the meat and poultry inspection service
27 shall be designated as the secretary's delegate to be the
28 appropriate state official to co-operate with the secretary of
29 agriculture of the United States in administration of this
30 chapter.

31 Sec. 4. Section 189A.5, Code 2005, is amended by adding
32 the following new subsection:

33 NEW SUBSECTION. 8. The secretary may adopt rules
34 providing special requirements for mobile establishments where
35 livestock or poultry are slaughtered.

EXPLANATION

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2 Code chapter 189A authorizes the department of agriculture
3 and land stewardship to provide for the regulation of
4 establishments engaged in the slaughter and preparation of
5 livestock and poultry so long as they are not shipped in
6 interstate commerce. The Code chapter provides that the
7 requirements imposed on persons licensed under state law must
8 be at least as strict as those imposed on persons who are
9 licensed by the United States department of agriculture.
10 This bill amends Code chapter 189A to provide that an
11 establishment includes a mobile establishment which moves to
12 various locations in order to slaughter or prepare livestock
13 and poultry at each location.
14 Code section 189A.3 provides for the annual licensure of
15 establishments. An associated license fee is imposed on a
16 person who operates the establishment. The amount of the fee
17 is based on a threshold of 20,000 pounds of meat and poultry
18 that the person is to slaughter and prepare. The amount is
19 \$25 unless the person exceeds the threshold. In that case,
20 the amount is \$50. The bill provides that for a person who
21 operates more than one mobile establishment, the license fee
22 is based on the total number of pounds of livestock and
23 poultry slaughtered and prepared by all mobile establishments
24 that the person operates.
25 Code section 189A.5 provides for the inspection and
26 regulation of establishments. The bill provides that the
27 department may adopt rules which provide special requirements
28 for mobile establishments.
29 Code section 189A.17 provides for penalties. Generally, a
30 person who violates any provision of Code chapter 189A is
31 guilty of a simple misdemeanor. A simple misdemeanor is
32 punishable by confinement for no more than 30 days or a fine
33 of at least \$50 but not more than \$500 or by both. The Code
34 section also provides that if a person commits a violation
35 with intent to defraud or to distribute an adulterated

1 article, the person is guilty of a fraudulent practice. Code
2 chapter 714 provides for fraudulent practices. In general,
3 the penalty depends upon the value of the property involved in
4 the offense. Code section 714.9 provides for a fraudulent
5 practice in the first degree, which includes the most severe
6 penalty. The offense involves property having a value of more
7 than \$10,000 and is a class "C" felony, which is punishable by
8 confinement for no more than 10 years and a fine of at least
9 \$1,000 but not more than \$10,000.

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