

## CHAPTER 1051

## FOOD VENDING MACHINES

S. F. 334

AN ACT relating to the vending of foods and beverages and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. For the purpose of this Act:

2 1. "Commissary" or "vending machine commissary" means a ca-  
3 tering establishment or restaurant or any other place in which food,  
4 food containers, or food supplies are kept, handled, prepared, pack-  
5 aged, or stored, and any place directly from which vending machines  
6 are serviced, but shall not mean a place of temporary storage at a  
7 vending machine location.

8 2. "Food" means any articles used by man or domestic animals for  
9 food, drink confectionery, or condiment, or which enters into compo-  
10 sition of the same, whether simple, blended, mixed, or compound.

11 3. "Machine location" means the room, enclosure, space, or area  
12 where one or more vending machines are installed and operated.

13 4. "Operator" means any person who by contract, agreement, or  
14 ownership takes responsibility for furnishing, installing, servicing,  
15 operating, or maintaining one or more vending machines.

16 5. "Potentially hazardous food" means any perishable food which  
17 consists in whole or in part of milk or milk products, eggs, meat, poul-  
18 try, fish, shellfish, or other ingredients capable of supporting rapid  
19 and progressive growth of infectious or toxigenic microorganisms.

20 6. "Vending machine" means any self-service device which, upon  
21 insertion of a coin or token, or by other similar means, dispenses unit  
22 servings of food, either in bulk or in packages without the necessity  
23 of replenishing the device between each vending operation.

24 7. "Perishable food" means any food of a type or in a condition  
25 which may spoil.

26 8. "Department" means the state department of agriculture of  
27 Iowa.

28 9. "Secretary" means the secretary of agriculture of the state of  
29 Iowa.

1 SEC. 2. No person shall operate one or more vending machines  
2 until he has obtained a vending machine operator's license from the  
3 department of agriculture. The license shall expire one year from  
4 the date of original issuance and be renewed annually. Vending ma-  
5 chines dispensing only ball gum, or similar nonperishable snacks as  
6 prescribed and defined by regulation of the secretary, or bottled or  
7 canned soft drinks shall not require a license or be subject to the fee  
8 schedule provided in this Act, but may be inspected pursuant to sec-  
9 tion eight (8) of this Act.

1 SEC. 3. Every application for a vending machine operator's license  
2 shall be made upon a form furnished by the department. The appli-  
3 cation form shall provide for obtaining information relating to own-  
4 ership of commissaries, location of commissaries, location of shops and  
5 other servicing centers, and the total number of licensable vending  
6 machines by general product type owned and operated by the appli-

7 cant and such other information required by the secretary. The  
 8 operator shall agree in the application to maintain within the juris-  
 9 diction of the department a complete list of all vending machines and  
 10 machine locations operated by the applicant and to make the list avail-  
 11 able to the department at the time of inspection or auditing.

1 SEC. 4. The department shall collect the following fees for a vend-  
 2 ing machine operator's license:

3	Number of	
4	Machines Operated	Fee Required
5	1- 3	\$ 5.00
6	4- 10	\$ 25.00
7	11- 25	\$ 35.00
8	26- 50	\$ 50.00
9	51-100	\$100.00
10	101-200	\$150.00
11	201-300	\$200.00
12	301-400	\$250.00
13	401-500	\$300.00
14	501 and over	\$400.00

15 Fees for a vending machine commissary shall be the same as those  
 16 for a restaurant or food establishment, whichever is applicable, as  
 17 set forth in section one hundred seventy point five (170.5) of the Code.

18 The vending machine operator's license shall not be transferable  
 19 from one person to another, but shall require an immediate application  
 20 and the payment of a new fee.

1 SEC. 5. All fees collected by the department under the require-  
 2 ments of this Act shall be paid into the hotel and restaurant fund es-  
 3 tablished in section one hundred seventy point seven (170.7) of the  
 4 Code, and shall be expended as authorized in such section.

1 SEC. 6. Each vending machine licensed under the provisions of  
 2 this Act shall bear a readily visible identification tag or decal pro-  
 3 vided by the licensee, containing his business address and phone num-  
 4 ber, and a company permit number assigned by the department.

1 SEC. 7. Any license issued under this Act may be revoked by the  
 2 department for violation by the licensee of any provision of this Act  
 3 or any applicable rules or regulations of the department. In lieu of  
 4 license revocation, the department may require the immediate discon-  
 5 tinuance of operation of any vending machine or commissary when-  
 6 ever the department finds unsanitary conditions or any other condi-  
 7 tions which constitute a substantial hazard to the public health. The  
 8 order shall apply only to the vending machines, commissary, or prod-  
 9 uct involved. Any person whose license is revoked, or who is ordered  
 10 to discontinue the operation of any vending machine or commissary,  
 11 may appeal such decision to the secretary. The secretary or his des-  
 12 ignee shall schedule and hold a hearing upon the appeal not later  
 13 than thirty days from the time of revocation or the order of discon-  
 14 tinuance, and shall issue his decision immediately following the hear-  
 15 ing. Any person aggrieved by the decision of the secretary or his  
 16 designee may appeal such decision to the district court.

1 SEC. 8. The department shall inspect all vending machine commis-  
2 saries at least once each calendar year, and shall inspect representative  
3 vending machines and vehicles as often as deemed necessary to deter-  
4 mine compliance with this Act and applicable rules and regulations of  
5 the department. Section one hundred seventy point forty-seven  
6 (170.47) of the Code shall be applicable to the operation of vending  
7 machines.

1 SEC. 9. The provisions of sections one hundred seventy point forty-  
2 six (170.46), one hundred seventy point fifty (170.50), and one hun-  
3 dred seventy point fifty-one (170.51) of the Code shall apply in the  
4 enforcement of this Act.

1 SEC. 10. The department shall promulgate rules and regulations  
2 governing requirements for sanitation of vended foods and beverages  
3 not inconsistent with the terms of this Act nor federal standards gov-  
4 erning the requirements for sanitation of vended foods and beverages.  
5 Such regulations shall set forth:  
6 1. Materials and type of interior and exterior construction of com-  
7 missaries and vending machines.  
8 2. Machine location and operation.  
9 3. Water supply.  
10 4. Waste disposal.  
11 5. Other factors affecting the purity of food or beverage processed  
12 or dispensed.

1 SEC. 11.  
2 1. Vending machines licensed under this Act dispensing only pack-  
3 aged milk or cream, shall not be required to be licensed with a retail  
4 milk dealer license under section one hundred ninety-two point one  
5 (192.1) of the Code.  
6 2. The food establishment license or the restaurant license required  
7 by section one hundred seventy point two (170.2) of the Code shall  
8 not be required for the area where vending machines licensed under  
9 this Act are located.

1 SEC. 12. **Penalty.** Any person who violates any provision of this  
2 Act shall, upon conviction, be fined not exceeding one hundred dol-  
3 lars or imprisoned in the county jail not exceeding thirty days.

1 SEC. 13. Section one hundred seventy point seven (170.7), Code  
2 1971, is amended as follows:  
3 **170.7 Hotel and restaurant fund.** All restaurant, hotel, motor inn,  
4 and tavern license fees shall upon receipt thereof by the depart-  
5 ment be paid to and receipted for by the treasurer of state and shall  
6 be kept by him in a separate fund to be known as the "hotel and res-  
7 taurant fund". Such hotel and restaurant fund shall be continued  
8 from year to year and the treasurer shall keep a separate account  
9 thereof showing receipts and disbursements as authorized by law. No  
10 part of such fund shall be used for any other purpose than the admin-  
11 istration and enforcement of the laws relating to hotels, and res-  
12 taurants, *vending machines*, and *commissaries* and for conducting  
13 educational programs and sanitary training courses and for providing  
14 literature and suitable promotional work for the industries licensed  
15 under this chapter. If on July 1 of any year there is a balance remain-

16 ing in said hotel and restaurant fund which, in the opinion of the  
 17 secretary of agriculture, is greater than is necessary for the proper  
 18 administration of such laws and for conducting and providing the  
 19 services authorized under this section, the treasurer of state is here-  
 20 by authorized, on the recommendation and with the approval of the  
 21 secretary of agriculture, to transfer to the general fund of the state  
 22 such portion of said hotel and restaurant fund as the secretary of  
 23 agriculture shall deem advisable to so transfer.

Approved March 17, 1972.

## CHAPTER 1052

### VIOLATIONS OF COMMERCIAL FEED LAW

S. F. 1019

AN ACT making the violation of the Iowa commercial feed law of 1964 a misdemeanor and providing a penalty therefor.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section one hundred ninety-eight point thirteen  
 2 (198.13), Code 1971, is amended by striking subsection one (1) and  
 3 inserting in lieu thereof the following:

4 1. Any person convicted of violating any of the provisions of this  
 5 chapter or the rules and regulations issued thereunder or who shall  
 6 impede, obstruct, hinder, or otherwise prevent or attempt to prevent  
 7 said secretary or his duly authorized agent in performance of his duty  
 8 in connection with the provisions of this chapter, shall be adjudged  
 9 guilty of a misdemeanor and shall be fined not less than twenty-five  
 10 dollars or more than one hundred dollars for the first violation, and  
 11 not less than fifty dollars or more than three hundred dollars for a  
 12 subsequent violation. In all prosecutions under this chapter involv-  
 13 ing the composition of a lot of commercial feed, a certified copy of the  
 14 official analysis signed by the secretary shall be accepted as prima  
 15 facie evidence of the composition.

1 SEC. 2. This Act, being deemed of immediate importance, shall  
 2 take effect and be in force from and after its publication in The Sioux  
 3 County Index-Reporter, a newspaper published in Hull, Iowa, and in  
 4 The Marion Sentinel, a newspaper published in Marion, Iowa.

Approved March 9, 1972.

I hereby certify that the foregoing Act, Senate File 1019, was published in The Sioux County Index-Reporter, Hull, Iowa, March 16, 1972, and in The Marion Sentinel, Marion, Iowa, March 23, 1972.

MELVIN D. SYNHORST, *Secretary of State.*