

CHAPTER 1219

BRAIN INJURY

S.F. 302

AN ACT relating to the disability of brain injury.

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

Section 1. Section 225C.22, Code 1987, is amended to read as follows:

225C.22 CENTRAL REGISTRY FOR BRAIN INJURIES.

1. As used in this section and section 225C.23, "brain injury" means clinically evident brain damage resulting directly or indirectly from trauma, infection, anoxia, or vascular lesions, or spinal cord injuries not primarily related to degenerative or aging processes, which temporarily or permanently impairs a person's physical or cognitive functions.

2. The director shall establish and maintain a central registry of persons with brain injuries in order to facilitate the provision of appropriate rehabilitative services to the persons by the department and other state agencies. Hospitals and attending physicians shall report a brain injury to the director within seven days after identification of the person sustaining a brain injury. Hospitals shall report a brain injury to the director no later than forty-five days after the close of a quarter in which the patient was discharged. The report shall contain the name, age and residence of the person, the date, type, and cause of the brain injury, and additional information as the director requires, except that where available, physicians and hospitals shall report the Glasgow coma scale. The director shall consult with health care providers concerning the availability of additional relevant information. The department shall maintain the confidentiality of all information which would identify any person named in a report. However, the identifying information may be released for bona fide research purposes if the confidentiality of the identifying information is maintained by the researchers, or the identifying information may be released by the person with the brain injury or by the person's guardian or, if the person is a minor, by the person's parent or guardian.

Sec. 2. **NEW SECTION.** 225C.23 BRAIN INJURY RECOGNIZED AS DISABILITY.

The department of human services, the Iowa department of public health, the department of education and its divisions of special education and vocational rehabilitation, the department of human rights and its divisions for the blind and of persons with disabilities and all other state agencies which serve persons with brain injuries, shall recognize brain injury as a distinct disability and shall identify those persons with brain injuries among the persons served by the state agency.

Approved May 12, 1988

CHAPTER 1220

HOME FOOD PREPARATION, FOOD ESTABLISHMENTS, AND FARMERS MARKETS

S.F. 356

AN ACT relating to the regulation of home prepared foods and foods sold at farmers markets, and providing penalties.

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

Section 1. Section 170.1, subsection 2, Code 1987, is amended to read as follows:

2. "Food establishment" ~~shall mean any~~ means a place used as a bakery, confectionery, cannery, packinghouse, slaughterhouse where animals or poultry are killed or dressed for food, retail grocery, meat market, or other place in which food is kept, produced, prepared, or distributed for commercial purposes for off the premise off-the-premises consumption, except those premises covered by a current class "A" beer permit as provided in chapter 123. for the following:

a. Premises covered by a current class "A" beer permit as provided in chapter 123.
 b. Premises which are licensed as a home food establishment as defined in section 170C.1.
 c. Premises which operate as a farmers market.
 d. Premises of a residence in which nonhazardous food is sold for consumption off-the-premises, if the food is labeled to identify the name and address of the person preparing the food and the common name of the food. As used in this paragraph, nonhazardous food means only the following:

(1) Baked goods except the following: soft pies, bakery products with custard or cream fillings, or any other potentially hazardous goods.

(2) Wholesome, fresh eggs that are kept at a temperature of sixty degrees Fahrenheit or less.

(3) Honey which is labeled with additional information as provided by departmental rule.

Sec. 2. Section 170.1, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. "Farmers market" means a marketplace which seasonally operates principally as a common market for fresh fruits and vegetables on a retail basis for off-the-premises consumption.

Sec. 3. **NEW SECTION. 170.6 FARMERS MARKET.**

A vendor who offers a product for sale at a farmers market shall have the sole responsibility to obtain and maintain any license required to sell or distribute such product.

Sec. 4. **NEW SECTION. 170.56 ADOPTION BY RULE.**

The director shall adopt the retail food store sanitation code by rule as part of the Iowa retail food store sanitation code with the following exception:

1.2-101 shall be amended to allow food licensed under chapter 170C or food specified under section 170.1, subsection 2, paragraph "d", to be used or offered for sale.

Sec. 5. **NEW SECTION. 170.57 EXEMPTION.**

This chapter does not apply to the premises of a residence in which food is prepared to be used or sold by churches, fraternal societies, charitable organizations, or civic organizations.

Sec. 6. Section 170A.3, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 6. 2-101 shall be amended to allow food licensed under chapter 170C and food specified under section 170.1, subsection 2, paragraph "d", to be used or offered for sale.

Sec. 7. **NEW SECTION. 170C.1 DEFINITIONS.**

As used in this chapter unless the context otherwise requires:

1. "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption.

2. "Department" means the department of inspections and appeals.

3. "Home food establishment" means a business on the premises of a residence in which prepared food is created for sale or resale, for consumption off-the-premises, if the business has gross annual sales of prepared food of less than twenty thousand dollars. However, a home food establishment does not include a residence in which food is prepared to be used or sold by churches, fraternal societies, charitable organizations, or civic organizations.

4. "Prepared food" means soft pies, bakery products with a custard or cream filling, or any other potentially hazardous baked goods. "Prepared food" does not mean nonhazardous baked goods, including but not limited to breads, fruit pies, cakes, or other nonhazardous pastries.

Sec. 8. NEW SECTION. 170C.2 REGULATION — LICENSURE AND INSPECTION.

1. A person shall not open or operate a home food establishment until a license has been obtained from the department of inspections and appeals. The department shall collect a fee of twenty-five dollars for a license. After collection, the fees shall be deposited in the general fund of the state. A license shall expire one year from date of issue. A license is renewable.

2. A person shall not sell or distribute from a home food establishment if the home food establishment is unlicensed, the license of the home food establishment is suspended, or the food fails to meet standards adopted for such food by the department.

3. An application for a license under this chapter shall be made upon a form furnished by the department and shall contain the items required by it according to rules adopted by the department.

4. The department shall regulate, license, and inspect home food establishments according to standards adopted by rule.

5. The department shall provide for the periodic inspection of a home food establishment. The inspector may enter the home food establishment at any reasonable hour to make the inspection. The department shall inspect only those areas related to preparing food for sale.

6. The department shall regulate and inspect food prepared at a home food establishment according to standards adopted by rule. The inspection may occur at any place where the prepared food is created, transported, or stored for sale or resale.

Sec. 9. NEW SECTION. 170C.3 PENALTY.

A person who violates a provision of this chapter, including a standard adopted by departmental rule, relating to home food establishments or prepared foods created in a home food establishment, is guilty of a simple misdemeanor. Each day that the violation continues constitutes a separate offense.

Sec. 10. NEW SECTION. 170C.4 INJUNCTIVE RELIEF.

A person operating a home food establishment or selling prepared foods created at a home food establishment in violation of a provision of this chapter may be restrained by injunction from further operating that home food establishment. If an imminent health hazard exists, the home food establishment must cease operation. Operation shall not be resumed until authorized by the department.

Sec. 11. NEW SECTION. 170C.5 DUTY OF COUNTY ATTORNEY.

The county attorney in each county shall assist in the enforcement of this chapter.

Sec. 12. NEW SECTION. 170C.6 CONFLICTING STATUTES.

Provisions of this chapter, including standards for home food establishments adopted by the department, in conflict with the state building code shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

Approved May 12, 1988

CHAPTER 1221**PHYSICAL EXERCISE CLUB REGULATION***S.F. 464*

AN ACT relating to the regulation of physical exercise clubs, providing penalties and providing effective dates.

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

Section 1. NEW SECTION. 552.1 DEFINITIONS.

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

1. "Contract price" means the total price paid or to be paid, including service charges or membership fees, which entitles the buyer either directly or indirectly to membership in a physical exercise club or to the use of the services or facilities of a physical exercise club.

2. "Finance charge" means "finance charge" as defined in section 537.1301, subsection 19.

3. "Physical exercise club" means a person offering services or facilities, or both, for the preservation, maintenance, encouragement, or development of physical fitness or well-being in return for the payment of a fee entitling the buyer to the use of the services or facilities. The term includes but is not limited to persons offering services and facilities known as "health clubs", "health spas", "sports and health clubs", "tennis clubs", "racquetball courts", "golf clubs", "gymnasiums", "figure salons", "health studios", "weight control studios", and persons operating establishments whose primary purpose is the teaching of a particular form of self-defense or martial arts, such as judo, karate or kung fu. "Physical exercise club" does not include:

a. A person or establishment which does not charge a membership fee and from which a buyer may only purchase or become obligated to purchase the use of services or facilities to be rendered for a period of not more than thirty days, and which does not collect more than thirty days in advance for the rendering of the services.

b. Except for purposes of sections 552.4, 552.7, 552.13, 552.14, and 552.16 a nonprofit organization organized and operating as a nonprofit organization.

c. An entity primarily engaged in physical rehabilitation activities related to an individual's injury or disease.

d. A private club owned and operated by its members.

e. Except for purposes of sections 552.4, 552.7, 552.13, and 552.14, a facility operated by the state or any of its political subdivisions.

4. "Physical exercise club contract" means an agreement by which a buyer is entitled to membership in a physical exercise club or use of the services or facilities of a physical exercise club.

5. "Prepayment" means any partial or full payment for services or the use of facilities made before the services are actually made available by the physical exercise club or the facility is fully opened for business as described in section 552.16, subsection 3.

Sec. 2. NEW SECTION. 552.2 PURPOSE.

The purpose of this chapter is to safeguard the public against fraud, deceit, and financial hardship and to foster and encourage competition, fair dealing, and prosperity in the field of physical exercise club operations and services by prohibiting or restricting practices by which the public has been injured in connection with contracts for and the marketing of physical exercise club services.

Sec. 3. NEW SECTION. 552.3 UNENFORCEABLE CONTRACTS.

A physical exercise club contract or assignment of a contract that does not comply with this chapter is unenforceable as contrary to public policy.