

State Senate 2/4/77

Withdrawn 5/1/77

SENATE FILE 59 2/1

State Government
Rush, Chairperson
Kelly
Glenn

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SENATE FILE 59

By PRIEBE

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

A BILL FOR

1 An Act relating to regulating, licensing, and inspecting
2 food service establishments and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. SHORT TITLE. Sections one (1)
2 through seventeen (17) of this Act shall be known as the Iowa
3 food service sanitation code and shall appear as a separate
4 chapter in the Code.

5 Sec. 2. NEW SECTION. DEFINITIONS. For purposes of the
6 Iowa food service sanitation code, unless a different meaning
7 is clearly indicated by the context:

8 1. "Commissary" means a catering establishment, restau-
9 rant, or any other place in which food, containers, or supplies
10 are kept, handled, prepared, packaged, or stored.

11 2. "Commissioner" means the commissioner of public health.

12 3. "Department" means the department of health.

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

16 5. "Food service establishment" means any place where
17 food is prepared and intended for individual portion service,
18 and includes the site at which individual portions are
19 provided. The term includes any such place regardless of
20 whether consumption is on or off the premises and regardless
21 of whether there is a charge for the food. The term also
22 includes delicatessen-type operations that prepare sandwiches
23 intended for individual portion service and food service
24 operations in schools and summer camps, nursing homes,
25 hospitals, and residential health care facilities. The term
26 does not include private homes where food is prepared or
27 stored for individual family consumption, retail food stores,
28 the location of food vending machines, and supply vehicles.

29 6. "Local board of health" means a county, city, or
30 district board of health.

31 7. "Mobile food unit" means a vehicle-mounted food ser-
32 vice establishment designed to be readily movable.

33 8. "Municipal corporation" means a political subdivision
34 of this state.

35 9. "Pushcart" means a non-self propelled vehicle limited

1 to serving non-potentially hazardous foods, commissary wrapped
2 food maintained at proper temperatures, or limited to the
3 preparation and serving of frankfurters.

4 10. "Temporary food service establishment" means a food
5 service establishment that operates at a fixed location for
6 a period of time of not more than fourteen consecutive days
7 in conjunction with a single event or celebration.

8 11. "United States public health service food service
9 sanitation ordinance and code" means the United States public
10 health service food service sanitation ordinance and code
11 as of _____, 1977. Copies of the United States
12 public health service food service sanitation ordinance and
13 code shall be on file in the department.

14 Sec. 3. NEW SECTION. ADOPTION BY REFERENCE. By this
15 reference the United States public health service food service
16 sanitation ordinance and code is adopted as the Iowa food
17 service sanitation code with the following exceptions:

18 1. 1-102(h) is deleted.

19 2. 1-104 is deleted.

20 3. 10-101 is amended so that the following food service
21 establishments are exempt from the license requirement:

22 a. Food service operations in schools.

23 b. Places used by churches, fraternal societies, and civic
24 organizations which engage in the serving of food less
25 frequently than once a week.

26 4. 10-201 is amended so that food service operations in
27 schools and summer camps shall be inspected at least once
28 every year instead of twice every year.

29 Sec. 4. NEW SECTION. AUTHORITY TO ENFORCE THE IOWA FOOD
30 SERVICE SANITATION CODE. The commissioner has sole and ex-
31 clusive authority to regulate, license, and inspect food
32 service establishments and to enforce the Iowa food service
33 sanitation code in Iowa. Municipal corporations or local
34 boards of health shall not regulate, license, inspect, or
35 collect license fees from food service establishments.

1 Sec. 5. NEW SECTION. LICENSE FEES. The department shall
2 collect the following annual license fees:

3 1. For a food service establishment, sixty dollars.

4 2. In addition to the fee set forth in subsection one
5 (1) of this section, a food service establishment with annual
6 gross sales of between fifteen thousand and one hundred
7 thousand dollars, sixty dollars.

8 3. In addition to the fee set forth in subsection one
9 (1) of this section, a food service establishment with annual
10 gross sales of more than one hundred thousand dollars, one
11 hundred twenty dollars.

12 Fees collected shall be deposited in the general fund of
13 the state.

14 Sec. 6. NEW SECTION. LICENSE EXPIRATION AND RENEWAL.
15 Each license shall expire one year from date of issue. A
16 license is renewable. All licenses issued under the Iowa
17 food service sanitation code that are not renewed by the
18 licensee on or before the expiration date shall be subject
19 to a penalty of ten percent of the license fee per month.

20 Sec. 7. NEW SECTION. TOILET AND LAVATORY FACILITIES.
21 A food service establishment that is not a mobile food unit,
22 pushcart, or temporary food service establishment shall provide
23 toilet and lavatory facilities.

24 Toilet facilities shall be available to the public and
25 employees. Separate toilet rooms shall be provided for men
26 and women. All toilet rooms shall be completely enclosed,
27 shall have tight fitting, self-closing solid doors, and shall
28 be vented to the outside of the building. Toilet fixtures
29 shall be of a sanitary design, readily cleanable, and kept
30 in a clean condition and in good repair. The floors of toilet
31 rooms shall be of suitable, nonabsorbent, impermeable material,
32 and the walls and ceilings shall be of material that can be
33 easily cleaned and kept in a sanitary condition. A supply
34 of toilet tissue shall be provided at each toilet at all
35 times. Toilet rooms used by women shall have at least one

1 covered waste receptacle.

2 Lavatories shall be provided in or adjacent to toilet
3 rooms, in food preparation areas, and in utensil washing areas
4 to permit convenient use by employees. Sinks used for food
5 preparation or for washing equipment, dishes, or utensils
6 shall not be used for handwashing. Each lavatory shall be
7 provided with hot and cold running water tempered by means
8 of a mixing valve or combination faucet. Any self-closing,
9 slow-closing, or metering faucet used shall provide a flow
10 of water for at least fifteen seconds without the need to
11 reactivate the faucet. Steam mixing valves are prohibited.
12 Lavatories shall be supplied with hand-cleansing soap or de-
13 tergent. A supply of sanitary towels or a hand-drying device
14 providing heated air shall be conveniently located near each
15 lavatory. Common towels are prohibited. If disposable towels
16 are used, easily cleanable waste receptacles shall be
17 conveniently located near the handwashing facilities.

18 Sec. 8. NEW SECTION. PLUMBING IN FOOD SERVICE ESTAB-
19 LISHMENTS. A food service establishment shall have an ade-
20 quately designed plumbing system conforming to at least the
21 minimum requirements of the state plumbing code appearing
22 in chapter twenty-one (21), title three (III) of the Iowa
23 administrative code. The plumbing system shall have a
24 connection to a municipal water and sewerage system or to
25 a benefited water district or sanitary sewerage district
26 whenever such facilities become available.

27 A food service establishment beyond the reach of a cen-
28 tral water or sewerage system shall be served by on-site
29 facilities which meet the technical requirements of the local
30 board of health, the department, and the department of en-
31 vironmental quality.

32 Sec. 9. NEW SECTION. FIRE PROTECTION REGULATIONS. The
33 state fire marshal shall adopt, amend, promulgate, and enforce
34 standards relating to fire protection and fire safety in food
35 service establishments in accordance with chapter seventeen

1 A (17A) of the Code.

2 Sec. 10. NEW SECTION. INSPECTION UPON COMPLAINT. Upon
3 receipt of a verified complaint signed by a customer of a
4 food service establishment and stating facts indicating the
5 place is in an insanitary condition, the department shall
6 conduct an inspection. If the complaint is found to be
7 justified, the actual expenses necessarily incurred in making
8 the inspection shall be collected from the licensee or person
9 in charge. Money so collected shall be disposed of as set
10 forth in section five (5) of this Act.

11 Sec. 11. NEW SECTION. INSPECTION UPON REQUEST OF PROS-
12 PECTIVE BUYER. If a prospective buyer of a food service
13 establishment asks the department to inspect an establishment
14 he or she is interested in buying, the department shall conduct
15 the inspection within a reasonable time at a cost of fifty
16 dollars to the prospective buyer. Money so collected shall
17 be disposed of as set forth in section five (5) of this Act.

18 Sec. 12. NEW SECTION. DUTY OF SELLER OF A FOOD SERVICE
19 ESTABLISHMENT. The seller of a food service establishment
20 shall notify a prospective buyer that the buyer may ask the
21 department to inspect the seller's food service establishment,
22 at a cost of fifty dollars to the buyer. It is intended that
23 the inspection results will assist the prospective buyer in
24 determining what changes would have to be made in order to
25 bring the food service establishment into compliance with
26 the Iowa food service sanitation code upon change in ownership.

27 Sec. 13. NEW SECTION. POSTING INSPECTION NOTICE. Immedi-
28 ately after an inspection of a food service establishment
29 is conducted by the department, the licensee or person in
30 charge shall post, in a conspicuous place easily accessible
31 to the public, a notice stating the date of the inspection
32 and the name of the inspector who conducted the inspection.
33 This notice shall remain so posted until it is replaced after
34 the next inspection. The department shall provide these
35 inspection notices after each inspection.

1 Sec. 14. NEW SECTION. POSTING "POOR" INSPECTION RESULTS.
2 If a food service establishment receives two consecutive
3 inspection ratings of under 76, the numerical rating along
4 with the designation of "poor" shall be posted by the licensee
5 or person in charge along with the inspection notice provided
6 for in section thirteen (13) of this Act. The rating and
7 "poor" designation shall remain posted until a rating above
8 75 is received at a subsequent inspection. When a food service
9 establishment receives a "poor" rating, the inspector shall
10 advise the licensee, or person in charge, of the posting
11 requirement set forth in this section.

12 Sec. 15. NEW SECTION. PENALTY. A person who violates
13 a provision of the Iowa food service sanitation code shall
14 be guilty of a simple misdemeanor. Each day upon which such
15 a violation occurs constitutes a separate violation.

16 Sec. 16. NEW SECTION. DUTY OF COUNTY ATTORNEY. The
17 county attorney in each county shall assist in the enforce-
18 ment of the Iowa food service sanitation code.

19 Sec. 17. NEW SECTION. CONFLICTING STATUTES. Provisions
20 of the Iowa food service sanitation code in conflict with
21 the state building code shall not apply where the state build-
22 ing code has been adopted or when the state building code
23 applies throughout the state.

24 Sec. 18. Section one hundred thirty-five point eleven
25 (135.11), Code 1977, is amended by adding the following new
26 subsection:

27 NEW SUBSECTION. Enforce the Iowa food service sanita-
28 tion code as set forth in sections one (1) through seventeen
29 (17) of this Act.

30 Sec. 19. Section one hundred fifty-nine point six (159.6),
31 subsection seven (7), Code 1977, is amended to read as fol-
32 lows:

33 7. Hotels, ~~restaurants~~, and food establishments, chapter
34 170.

35 Sec. 20. Section one hundred seventy point one (170.1),

1 Code 1977, is amended by striking the section and inserting
2 in lieu thereof the following:

3 170.1 DEFINITIONS. For the purpose of this chapter:

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

7 2. "Food establishment" shall mean any place used as a
8 bakery, confectionery, cannery, packinghouse, slaughterhouse
9 where animals or poultry are killed or dressed for food,
10 dairy, creamery, cheese factory, retail grocery, meat market,
11 or other place in which food is kept, produced, prepared,
12 or distributed for commercial purposes for off the premise
13 consumption, except those premises covered by a current class
14 "A" beer permit as provided in chapter one hundred twenty-
15 three (123) of the Code.

16 3. "Guest room" shall mean any bedroom or other sleeping
17 quarters for transient guests in a hotel.

18 4. "Hotel" shall mean any building or structure, equipped,
19 used, advertised as, or held out to the public to be an inn,
20 hotel, motel, motor inn, or public lodging house or place
21 where sleeping accommodations are furnished transient guests
22 for hire.

23 Sec. 21. Section one hundred seventy point two (170.2),
24 Code 1977, is amended by striking the section and inserting
25 in lieu thereof the following:

26 170.2 LICENSE REQUIRED. No person shall open or operate
27 a hotel or food establishment until he or she has obtained
28 a license from the department of agriculture. Each license
29 shall expire one year from date of issue. A license is
30 renewable. This section shall not require the licensing of
31 establishments exclusively engaged in the processing of meat
32 and poultry which are licensed pursuant to section one hundred
33 eighty-nine A point three (189A.3) of the Code.

34 Sec. 22. Section one hundred seventy point four (170.4),
35 Code 1977, is amended to read as follows:

1 170.4 OPERATION WITHOUT INSPECTION OR LICENSE. No person
 2 shall open or operate a hotel, ~~motor-inn, tavern, restaurant,~~
 3 or food establishment until inspection has been made by the
 4 department of agriculture ~~or proper application for license~~
 5 ~~has been made at least fourteen days in advance of opening.~~

6 Sec. 23. Section one hundred seventy point five (170.5),
 7 Code 1977, is amended to read as follows:

8 170.5 LICENSE FEES. The department shall collect the
 9 following fees for licenses:

10 1. For a hotel containing fifteen guest rooms or less,
 11 six ten dollars.

12 2. For a hotel containing more than fifteen ~~or~~ but less
 13 than thirty-one guest rooms, ~~nine~~ fifteen dollars.

14 3. For a hotel containing more than thirty ~~and~~ but less
 15 than seventy-six guest rooms, ~~twelve~~ twenty dollars.

16 4. For a hotel containing more than seventy-five ~~and~~ but
 17 less than one hundred fifty guest rooms, ~~fifteen~~ twenty-five
 18 dollars.

19 5. For a hotel containing one hundred fifty or more guest
 20 rooms, ~~twenty-two~~ thirty-five dollars ~~fifty-cents~~.

21 6. For a food establishment, ~~five dollars,~~ with an annual
 22 gross sales volume of:

23 a. Less than ten thousand dollars, five dollars.

24 b. Ten thousand dollars but less than two hundred fifty
 25 thousand dollars, twenty dollars.

26 c. Two hundred fifty thousand dollars but less than five
 27 hundred thousand dollars, twenty-five dollars.

28 d. Five hundred thousand dollars but less than seven
 29 hundred fifty thousand dollars, thirty-five dollars.

30 e. Seven hundred fifty thousand dollars or more, fifty
 31 dollars.

32 ~~7.--For each vehicle from which food is sold directly to~~
 33 ~~the public, five dollars per year.~~

34 ~~8.--For transient or movable lunch stands to be operated~~
 35 ~~only at fairs, street fairs, and carnivals, five dollars for~~

1 each-location-for-fourteen-days-or-eighteen-dollars-per-year,
2 at-the-option-of-the-applicant.

3 9.---For-each-restaurant,-tavern,-motor-inn,-or-hotel
4 kitchen,-eighteen-dollars:

5 All licenses issued under this chapter that are not renewed
6 by the licensee on or before the expiration date shall be
7 subject to a penalty of ten percent of the license fee per
8 month.

9 Fees shall be collected by the department of agriculture
10 and paid to the treasurer of state for deposit in the general
11 fund of the state.

12 Sec. 24. Section one hundred seventy point nine (170.9),
13 Code 1977, is amended by striking the section and inserting
14 in lieu thereof the following:

15 170.9 PLUMBING IN BUILDINGS. Every hotel and food
16 establishment shall have an adequately designed plumbing
17 system conforming to at least the minimum requirements of
18 the state plumbing code appearing under chapter twenty-one
19 (21), title three (III), Iowa administrative code. The
20 plumbing system shall have a connection to a municipal water
21 and sewerage system or to a benefited water district or sani-
22 tary sewerage district whenever such facilities become
23 available.

24 Sec. 25. Section one hundred seventy point ten (170.10),
25 Code 1977, is amended by striking the section and inserting
26 in lieu thereof the following:

27 170.10 BUILDINGS NOT CONNECTED WITH PUBLIC WATER AND SEWER
28 FACILITIES. Every hotel and food establishment beyond the
29 reach of a central water or sewerage system shall be served
30 by on-site facilities which meet the technical requirements
31 of the local board of health, the department of health, and
32 the department of environmental quality.

33 Sec. 26. Section one hundred seventy point thirteen
34 (170.13), Code 1977, is amended to read as follows:

35 170.13 INTERIOR FINISH. The side walls and ceilings of

1 every bakery, confectionery, creamery, cheese factory, and
2 slaughterhouse, ~~and restaurant or hotel kitchen,~~ shall be
3 made of ~~some~~ a suitable material approved by the department,
4 and. They shall be either oil painted so that they can be
5 washed clean, or they shall be kept well limewashed.

6 Sec. 27. Section one hundred seventy point fourteen
7 (170.14), Code 1977, is amended to read as follows:

8 170.14 SELF-CLOSING DOORS AND SCREENS. The doors, windows,
9 and other openings of every hotel, ~~motor inn, restaurant,~~
10 ~~tavern,~~ and food establishment, ~~during summer season~~ shall
11 be fitted with self-closing doors and window screens during
12 the summer season if they are not otherwise protected.

13 Sec. 28. Section one hundred seventy point sixteen
14 (170.16), Code 1977, is amended to read as follows:

15 170.16 TOILET ROOMS. Hotels, ~~motor inns, taverns, cocktail~~
16 ~~lounges, restaurants, cafeterias,~~ and food establishments
17 shall provide toilet rooms. All toilet rooms shall be
18 completely enclosed, shall have tight fitting, self-closing
19 solid doors, and shall be vented to the outside of the
20 building. Toilet fixtures shall be of a sanitary design,
21 readily cleanable, and ~~shall be~~ kept in a clean condition
22 and in good repair. The floors of such toilet rooms shall
23 be of suitable, nonabsorbent, impermeable material, and the
24 walls and ceilings shall be of material that can be easily
25 cleaned and kept in a sanitary condition. ~~All places serving~~
26 ~~beer, cocktails, or alcoholic beverages shall provide separate~~
27 ~~toilet rooms for men and women.~~ A supply of toilet tissue
28 shall be provided at each toilet at all times. Toilet rooms
29 used by women shall have at least one covered waste receptacle.

30 Sec. 29. Section one hundred seventy point seventeen
31 (170.17), Code 1977, is amended to read as follows:

32 170.17 LAVATORIES. The lavatories in hotels, ~~motor inns,~~
33 ~~restaurants, taverns,~~ and food establishments shall be in
34 or adjacent to toilet rooms ~~and shall be supplied with soap~~
35 ~~running water, and clean towels or air driers~~ and shall be

1 maintained in a sanitary condition. Each lavatory shall be
2 provided with hot and cold running water tempered by means
3 of a mixing valve or combination faucet. Any self-closing,
4 slow-closing, or metering faucet used shall provide a flow
5 of water for at least fifteen seconds without the need to
6 reactivate the faucet. Steam mixing valves are prohibited.
7 Lavatories shall be supplied with hand-cleansing soap or
8 detergent. A supply of sanitary towels or a hand-drying
9 device providing heated air shall be conveniently located
10 near each lavatory. Common towels are prohibited. If
11 disposable towels are used, easily cleanable waste receptacles
12 shall be conveniently located near the handwashing facilities.

13 Sec. 30. Section one hundred seventy point eighteen
14 (170.18), Code 1977, is amended to read as follows:

15 170.18 LIGHTING AND VENTILATION Every ~~hotel~~^{meter-inn}
16 ~~restaurant~~^{restaurant}, ~~tavern~~^{and} food establishment shall be properly
17 lighted, ventilated, and conducted with strict regard to the
18 influence of such conditions upon the food handled therein.

19 Sec. 31. Section one hundred seventy point nineteen
20 (170.19), Code 1977, is amended to read as follows:

21 170.19 SANITARY REGULATIONS. The following sanitary
22 regulations shall be complied with in every ~~hotel~~^{restaurant}
23 ~~and~~ food establishment:

24 1. The floors, walls, ceilings, woodwork, utensils,
25 machinery, and other equipment, and all vehicles and equipment
26 used in the transportation of food shall be kept in a
27 thoroughly clean condition.

28 2. Food shall be at all times adequately protected from
29 flies, dirt, and contamination from any source.

30 3. Dirt, refuse, and waste products subject to
31 decomposition or fermentation shall be removed daily.

32 4. The clothing of all persons employed shall be kept
33 clean, and those who handle food shall keep themselves clean,
34 keep their fingernails well trimmed, and wash their hands
35 and arms before beginning work and after visiting the toilet.

1 5. Smoking by proprietors, cooks, and help shall be
 2 strictly forbidden while preparing or serving food.
 3 Proprietors shall be held responsible when employees violate
 4 this rule.

5 6. While preparing food, employees shall use effective
 6 hair restraints to prevent the contamination of food.

7 7. No dogs or pets shall be allowed in any a food
 8 establishment~~7--restaurant7-cafeteria7-cocktail-lounge7-or~~
 9 ~~tavern7~~ except as provided in section 601D.5.

10 Sec. 32. Section one hundred seventy point twenty-two
 11 (170.22), Code 1977, is amended to read as follows:

12 170.22 DRINKING ~~CUPS~~ UTENSILS--GLASSES STERILIZED. No
 13 common drinking ~~cup~~ utensil shall be kept or used in ~~any-place~~
 14 ~~or-room-in-any~~ a hotel~~7--restaurant7~~ or food establishment.
 15 In ~~all a~~ a food ~~establishments~~ establishment where beverages
 16 are dispensed, ~~all-glasses-and~~ drinking utensils intended
 17 for repeated use ~~in-dispensing-beverages~~ shall be sterilized
 18 before each use by ~~the-use-of~~ a chemical sterilizer or other
 19 ~~methods~~ method approved by the secretary of agriculture.
 20 Any A person who desires to use a method which has not been
 21 approved by the secretary ~~of-agriculture~~ shall apply to ~~the~~
 22 ~~secretary-of-agriculture-who-upon-application-being-made~~ him
 23 or her for approval. The secretary shall approve any method
 24 proven to be an effective bactericidal process.

25 Sec. 33. Section one hundred seventy point twenty-four
 26 (170.24), Code 1977, is amended to read as follows:

27 170.24 EXPECTORATING. No person shall expectorate within
 28 any a hotel or food establishment~~7--restaurant7--hotel7--motor~~
 29 ~~inn7-cocktail-lounge7-or-tavern.~~

30 Sec. 34. Section one hundred seventy point twenty-six
 31 (170.26), Code 1977, is amended to read as follows:

32 170.26 EMPLOYMENT OF DISEASED PERSONS. No person infected
 33 with any a communicable disease as defined in chapter 139
 34 shall work in any a hotel~~7--motor-inn7--restaurant7--tavern7~~
 35 ~~cocktail-lounge7~~ or food establishment nor shall any. No

1 employer shall permit ~~any~~ such a person to work ~~at-any-such~~
2 in his or her hotel or food establishment.

3 Sec. 35. Section one hundred seventy point twenty-nine
4 (170.29), Code 1977, is amended to read as follows:

5 170.29 BEDDING. Every bed, bunk, cot, or other sleeping
6 place in a hotel, ~~metel~~-~~or~~-~~metel~~-~~inn~~ shall be supplied with
7 under sheets, top sheets, and pillow slips. The sheets shall
8 be of sufficient width and length to completely cover the
9 mattress. The pillow slips and sheets after being used by
10 any guest shall be washed and sanitized, or disposed of, and
11 a clean set furnished each succeeding guest. The other bedding
12 shall be thoroughly aired and kept clean at all times. All
13 mattresses, quilts, blankets, pillows, sheets, comforters
14 and other bedding which have become worn or unsanitary
15 insanitary so as to be unfit for use as bedding shall be
16 condemned by an inspector and shall not be used again.

17 Sec. 36. Section one hundred seventy point thirty-eight
18 (170.38), Code 1977, is amended to read as follows:

19 170.38 FIRE PROTECTION REGULATIONS. The state fire marshal
20 shall adopt, amend, promulgate, and enforce ~~such~~ rules and
21 standards relating to fire protection and fire safety in
22 hotels, ~~restaurants~~ and food establishments, but such rules
23 shall be promulgated only after public hearing. Any A person,
24 firm, or corporation violating any of ~~said~~ the rules of ~~said~~
25 the fire marshal shall be deemed guilty of a simple
26 ~~misdemeanor, and upon conviction thereof shall be punished~~
27 ~~by a fine of not less than twenty-five dollars nor more than~~
28 ~~one hundred dollars, and each.~~ Each day of a continuing
29 violation after conviction shall be considered a separate
30 offense.

31 All rules and standards adopted for nursing homes and
32 custodial homes shall be subject to regulations of chapter
33 135C.

34 Sec. 37. Section one hundred seventy point forty-six
35 (170.46), Code 1977, is amended to read as follows:

1 170.46 ANNUAL INSPECTION. The department shall ~~cause~~
 2 ~~to-be-inspected~~ inspect each hotel and food establishment
 3 in the state at least once each calendar year, ~~every hotel,~~
 4 ~~restaurant, and food establishment in the state, and any.~~
 5 The inspector ~~of-said-department~~ may enter ~~any-such~~ the place
 6 at any reasonable hour to make ~~such~~ the inspection. The
 7 management shall afford free access to every part of the
 8 premises and render all aid and assistance necessary to enable
 9 the inspector to make a thorough and complete examination
 10 inspection.

11 Sec. 38. Section one hundred seventy point forty-seven
 12 (170.47), Code 1977, is amended to read as follows:

13 170.47 INSPECTION UPON COMPLAINT. Upon receipt of a
 14 verified complaint, signed by any a patron of any a hotel,
 15 restaurant, or food establishment, and stating facts showing
 16 such indicating the place ~~to-be~~ is in an insanitary condition,
 17 the department shall ~~cause~~ conduct an ~~examination-to-be-made~~
 18 inspection. If the complaint is found to be justifiable
 19 justified, the actual expenses necessarily incurred in making
 20 ~~such~~ the inspection shall be ~~charged-and~~ collected from the
 21 ~~person-conducting-such-place, but-if-such-complaint-is-found~~
 22 ~~to-be-without-reasonable-grounds, the-actual-expense~~
 23 ~~necessarily-incurred-in-making-such-inspection-shall-be~~
 24 ~~collected-from-the-person-or-persons-making-the-complaint~~
 25 licensee or person in charge. Money so collected shall be
 26 deposited in the general fund of the state.

27 Sec. 39. Section one hundred seventy point fifty (170.50),
 28 Code 1977, is amended to read as follows:

29 170.50 INJUNCTION. Any A person ~~conducting~~ operating
 30 a hotel, ~~restaurant,~~ or food establishment, in violation of
 31 any a provision of this chapter, may be restrained by
 32 injunction from further operating such place of business.
 33 No injunction shall issue until after the defendant has had
 34 at least five days' notice of the application ~~therefor,~~ for
 35 an injunction and the time fixed for hearing thereon.

1 Food Service Sanitation Code throughout Iowa. Cities and
2 counties cannot regulate, license, or inspect food service
3 establishments. When the Department of Health collects the
4 license fee, it is deposited in the general fund of the state.
5 Licenses will expire one year from date of issue and are
6 renewable.

7 After each inspection, an inspection notice stating the
8 date of inspection and the inspector's name must be posted
9 in a food service establishment where the public can easily
10 see it.

11 If a food service establishment receives two consecutive
12 "poor" inspection ratings (ratings under 76), the "poor"
13 rating must be posted where the public can easily see it.
14 The inspector must advise the licensee of this when a food
15 service establishment receives a "poor" rating.

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