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FILED APR 22 1977

Reprinted 5/77

SENATE FILE 365

By COMMITTEE ON STATE GOVERNMENT

Passed Senate, Date 5-3-77 (p.1318) Passed House, Date 1-24-78 (p.184)  
Vote: Ayes 46 Nays 4 Vote: Ayes 58 Nays 32  
Approved April 27, 1978

**A BILL FOR**

1 An Act relating to food service establishments, food  
2 establishments, food and beverage vending machines,  
3 and hotels, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 365

1 Section 1. NEW SECTION. SHORT TITLE. Sections one (1)  
2 through fifteen (15) 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. The term does not  
25 include private homes where food is prepared or stored for  
26 individual family consumption, retail food stores, the location  
27 of food vending machines, and supply vehicles. The term does  
28 not include nursing homes, health care facilities, or hospitals  
29 except where food is prepared for the general public.

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

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

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

1 9. "Pushcart" means a non-self propelled vehicle limited  
2 to serving non-potentially hazardous foods, commissary wrapped  
3 food maintained at proper temperatures, or limited to the  
4 preparation and serving of frankfurters.

5 10. "Regulatory authority" means the state department  
6 of health or local board of health that has entered into an  
7 agreement with the commissioner of public health pursuant  
8 to section four (4) of this Act for authority to enforce the  
9 Iowa food service sanitation code in its jurisdiction.

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

14 12. "Food service sanitation ordinance" means the 1976  
15 edition of the federal food and drug administration food  
16 service sanitation ordinance. Copies of the food service  
17 sanitation ordinance shall be on file in the department.

18 Sec. 3. NEW SECTION. ADOPTION BY RULE. As soon as  
19 practicable, the commissioner shall adopt the food service  
20 sanitation ordinance by rule as part of the Iowa food service  
21 sanitation code. In the event the food service sanitation  
22 ordinance is subsequently amended, modified, repealed, or  
23 substituted by a new standard, the commissioner shall, within  
24 ninety days, review the amendment, modification, repeal, or  
25 substitution and take such action with respect to the rules  
26 as will conform it to the food service sanitation ordinance  
27 then in effect.

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

1 If a municipal corporation wants its local board of health  
2 to license, inspect, and otherwise enforce the Iowa food  
3 service sanitation code within its jurisdiction, the municipal  
4 corporation may enter into an agreement to do so with the  
5 commissioner. The commissioner may enter into such an  
6 agreement if the commissioner finds that the local board of  
7 health has adequate resources to perform the required  
8 functions. A municipal corporation may only enter into an  
9 agreement to enforce the Iowa food service sanitation code  
10 if it also agrees to enforce the Iowa hotel sanitation code  
11 pursuant to section eighteen (18) of this Act and to enforce  
12 the food and beverage vending machine laws pursuant to section  
13 sixty-one (61) of this Act.

14 Each local board of health that is responsible for en-  
15 forcing the Iowa food service sanitation code within its  
16 jurisdiction pursuant to an agreement shall make an annual  
17 report to the commissioner providing the following informa-  
18 tion:

- 19 1. The total number of food service establishment li-  
20 censes granted or renewed during the year.
  - 21 2. The number of food service establishment licenses  
22 granted or renewed during the year broken down into the  
23 following categories:
    - 24 a. Food service establishments with annual gross sales  
25 of under fifteen thousand dollars.
    - 26 b. Food service establishments with annual gross sales  
27 of between fifteen thousand and one hundred thousand dol-  
28 lars.
    - 29 c. Food service establishments with annual gross sales  
30 of more than one hundred thousand dollars.
  - 31 3. The amount of money collected in license fees during  
32 the year.
  - 33 4. Other information the commissioner requests.
- 34 The commissioner shall monitor local boards of health to  
35 determine if they are enforcing the Iowa food service

1 sanitation code within their respective jurisdictions. If  
2 the commissioner determines that the Iowa food service  
3 sanitation code is enforced by a local board of health, such  
4 enforcement shall be accepted in lieu of enforcement by the  
5 department in that jurisdiction. If the commissioner  
6 determines that the Iowa food service sanitation code is not  
7 enforced by a local board of health, the commissioner may  
8 rescind the agreement after reasonable notice and an  
9 opportunity for a hearing. If the agreement is rescinded,  
10 the commissioner shall assume responsibility for enforcement  
11 in the jurisdiction involved.

12 Sec. 5. NEW SECTION. LICENSE FEES. Either the depart-  
13 ment or the municipal corporation shall collect the following  
14 annual license fees:

15 1. For a food service establishment with annual gross  
16 sales of under fifteen thousand dollars, forty dollars.

17 2. For a food service establishment with annual gross  
18 sales of between fifteen thousand and one hundred thousand  
19 dollars, seventy-five dollars.

20 3. For a food service establishment with annual gross  
21 sales of more than one hundred thousand dollars, one hundred  
22 ten dollars.

23 Fees collected by the department shall be deposited in  
24 the general fund of the state. Fees collected by a municipal  
25 corporation shall be retained by it and for its use.

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

32 Sec. 7. NEW SECTION. TOILET AND LAVATORY FACILITIES.  
33 A food service establishment that is not a mobile food unit,  
34 pushcart, or temporary food service establishment shall provide  
35 toilet and lavatory facilities in accordance with rules adopted

1 by the department pursuant to chapter seventeen A (17A) of  
2 the Code.

3 Sec. 8. NEW SECTION. PLUMBING IN FOOD SERVICE ESTAB-  
4 LISHMENTS. A food service establishment shall have an ade-  
5 quately designed plumbing system conforming to at least the  
6 minimum requirements of the state plumbing code. The plumbing  
7 system shall have a connection to a municipal water and  
8 sewerage system or to a benefited water district or sanitary  
9 sewerage district whenever such facilities become available.

10 A food service establishment beyond the reach of a cen-  
11 tral water or sewerage system shall be served by on-site  
12 facilities which meet the technical requirements of the local  
13 board of health, the department, and the department of en-  
14 vironmental quality.

15 Sec. 9. NEW SECTION. FIRE PROTECTION REGULATIONS. The  
16 state fire marshal shall adopt, amend, promulgate, and enforce  
17 standards relating to fire protection and fire safety in food  
18 service establishments in accordance with chapter seventeen  
19 A (17A) of the Code.

20 Sec. 10. NEW SECTION. INSPECTION UPON COMPLAINT. Upon  
21 receipt of a verified complaint signed by a customer of a  
22 food service establishment and stating facts indicating the  
23 place is in an insanitary condition, the regulatory authority  
24 shall conduct an inspection.

25 Sec. 11. NEW SECTION. POSTING INSPECTION NOTICE. Immedi-  
26 ately after an inspection of a food service establishment  
27 is conducted by the regulatory authority, the licensee or  
28 person in charge shall post, in a conspicuous place easily  
29 accessible to the public, a notice stating the date of the  
30 inspection and the name of the inspector who conducted the  
31 inspection. This notice shall remain so posted until it is  
32 replaced after the next inspection. The regulatory authority  
33 shall provide these inspection notices after each inspection.

34 Sec. 12. NEW SECTION. POSTING "POOR" INSPECTION RESULTS.  
35 If a food service establishment receives two consecutive

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

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

14 Sec. 14. NEW SECTION. DUTY OF COUNTY ATTORNEY. The  
15 county attorney in each county shall assist in the enforce-  
16 ment of the Iowa food service sanitation code.

17 Sec. 15. NEW SECTION. CONFLICTING STATUTES. Provisions  
18 of the Iowa food service sanitation code in conflict with  
19 the state building code shall not apply where the state build-  
20 ing code has been adopted or when the state building code  
21 applies throughout the state.

22 Sec. 16. NEW SECTION. SHORT TITLE. Sections sixteen  
23 (16) through thirty-four (34) of this Act shall be known as  
24 the Iowa hotel sanitation code and shall appear as a separate  
25 chapter in the Code.

26 Sec. 17. NEW SECTION. DEFINITIONS. For purposes of the  
27 Iowa hotel sanitation code, unless a different meaning is  
28 clearly indicated by the context:

- 29 1. "Commissioner" means the commissioner of public health.
- 30 2. "Department" means the department of health.
- 31 3. "Guest room" shall mean any bedroom or other sleep-  
32 ing quarters for transient guests in a hotel.
- 33 4. "Hotel" shall mean any building or structure, equipped,  
34 used, advertised as, or held out to the public to be an inn,  
35 hotel, motel, motor inn, or place where sleeping accom-

1 modations are furnished transient guests for hire.

2 5. "Local board of health" means a county, city, or dis-  
3 trict board of health.

4 6. "Municipal corporation" means a political subdivi-  
5 sion of this state.

6 7. "Regulatory authority" means the state department of  
7 health or local board of health that has entered into an  
8 agreement with the commissioner pursuant to section eighteen  
9 (18) of this Act for authority to enforce the Iowa hotel  
10 sanitation code in its jurisdiction.

11 Sec. 18. NEW SECTION. AUTHORITY TO ENFORCE THE IOWA HOTEL  
12 SANITATION CODE. The commissioner has sole and exclusive  
13 authority to regulate, license, and inspect hotels and to  
14 enforce the Iowa hotel sanitation code in Iowa. Municipal  
15 corporations shall not regulate, license, inspect, or col-  
16 lect license fees from hotels except as provided for in the  
17 Iowa hotel sanitation code.

18 If a municipal corporation wants its local board of health  
19 to license, inspect, and otherwise enforce the Iowa hotel  
20 sanitation code within its jurisdiction, the municipal  
21 corporation may enter into an agreement to do so with the  
22 commissioner. The commissioner may enter into such an agree-  
23 ment if the commissioner finds that the local board of health  
24 has adequate resources to perform the required functions.  
25 A municipal corporation may only enter into an agreement to  
26 enforce the Iowa hotel sanitation code if it also agrees to  
27 enforce the Iowa food service sanitation code pursuant to  
28 section four (4) of this Act and to enforce the food and  
29 beverage vending machine laws pursuant to section sixty-one  
30 (61) of this Act.

31 Each local board of health that is responsible for en-  
32 forcing the Iowa hotel sanitation code within its jurisdiction,  
33 pursuant to an agreement, shall make an annual report to the  
34 commissioner providing the following information:

35 1. The total number of hotel licenses granted or renewed

1 during the year.

2 2. The number of hotel licenses granted or renewed during  
3 the year broken down into the following categories:

4 a. Hotels containing fifteen guest rooms or less.

5 b. Hotels containing more than fifteen but less than  
6 thirty-one guest rooms.

7 c. Hotels containing more than thirty but less than  
8 seventy-six guest rooms.

9 d. Hotels containing more than seventy-five but less than  
10 one hundred fifty guest rooms.

11 e. Hotels containing one hundred fifty or more guest  
12 rooms.

13 3. The amount of money collected in license fees during  
14 the year.

15 4. Other information the commissioner requests.

16 The commissioner shall monitor local boards of health to  
17 determine if they are enforcing the Iowa hotel sanitation  
18 code within their respective jurisdictions. If the  
19 commissioner determines that the Iowa hotel sanitation code  
20 is enforced by a local board of health, such enforcement shall  
21 be accepted in lieu of enforcement by the department in that  
22 jurisdiction. If the commissioner determines that the Iowa  
23 hotel sanitation code is not enforced by a local board of  
24 health, the commissioner may rescind the agreement after  
25 reasonable notice and an opportunity for a hearing. If the  
26 agreement is rescinded, the commissioner shall assume re-  
27 sponsibility for enforcement in the jurisdiction involved.

28 Sec. 19. NEW SECTION. LICENSE REQUIRED. No person shall  
29 open or operate a hotel until a license has been obtained  
30 from the regulatory authority and until the hotel has been  
31 inspected by the regulatory authority. A license issued by  
32 the department of agriculture prior to the effective date  
33 of this Act shall be valid until its expiration date. An  
34 inspection conducted by the department of agriculture prior  
35 to the effective date of this Act shall be valid for purposes

1 of this section. Each license shall expire one year from  
2 date of issue. A license is renewable. All licenses issued  
3 under the Iowa hotel sanitation code that are not renewed  
4 by the licensee on or before the expiration date shall be  
5 subject to a penalty of ten percent of the license fee per  
6 month. A license is not transferable.

7 Sec. 20. NEW SECTION. APPLICATION FOR LICENSE. Every  
8 application for a license under the Iowa hotel sanitation  
9 code shall be made upon a blank furnished by the regulatory  
10 authority and shall contain the items required by the  
11 department as to ownership, management, location, buildings,  
12 equipment, rates, and other data concerning the hotel for  
13 which a license is desired. An application for a license  
14 to operate an existing hotel shall be made at least thirty  
15 days before the expiration of the existing license.

16 Sec. 21. NEW SECTION. LICENSE FEES. Either the depart-  
17 ment or the municipal corporation shall collect the following  
18 annual license fees:

- 19 1. For a hotel containing fifteen guest rooms or less,  
20 twenty dollars.
- 21 2. For a hotel containing more than fifteen but less than  
22 thirty-one guest rooms, thirty dollars.
- 23 3. For a hotel containing more than thirty but less than  
24 seventy-six guest rooms, forty dollars.
- 25 4. For a hotel containing more than seventy-five but less  
26 than one hundred fifty guest rooms, fifty dollars.
- 27 5. For a hotel containing one hundred fifty or more guest  
28 rooms, seventy-five dollars.

29 Fees collected by the department shall be deposited in  
30 the general fund of the state. Fees collected by a muni-  
31 cipal corporation shall be retained by it and for its use.

32 Sec. 22. NEW SECTION. LICENSE REVOCATION. A license  
33 issued under the Iowa hotel sanitation code may be revoked  
34 by the regulatory authority for violation by the licensee  
35 of a provision of the Iowa hotel sanitation code or applicable

1 rule of the department.

2 Sec. 23. NEW SECTION. TOILET AND LAVATORY FACILITIES.

3 A hotel shall provide toilet and lavatory facilities in  
4 accordance with rules adopted by the department pursuant  
5 to chapter seventeen A (17A) of the Code.

6 Sec. 24. NEW SECTION. PLUMBING IN HOTELS. A hotel shall  
7 have an adequately designed plumbing system conforming to  
8 at least the minimum requirements of the state plumbing code.  
9 The plumbing system shall have a connection to a municipal  
10 water and sewerage system or to a benefited water district  
11 or sanitary sewerage district whenever such facilities become  
12 available.

13 A hotel beyond the reach of a central water or sewerage  
14 system shall be served by on-site facilities which meet the  
15 technical requirements of the local board of health, the de-  
16 partment, and the department of environmental quality.

17 Sec. 25. NEW SECTION. EMPLOYMENT OF DISEASED PERSONS.  
18 No person infected with a communicable disease as defined  
19 in chapter one hundred thirty-nine (139) of the Code shall  
20 work in a hotel. No employer shall permit such a person to  
21 work in the employer's hotel.

22 Sec. 26. NEW SECTION. LIST OF ROOM RATES TO BE POSTED.  
23 A complete list of rooms by number together with the number  
24 of the floor and the rate per day per person for each room  
25 shall be kept continuously and conspicuously posted on the  
26 wall near the office in the lobby of a hotel in such a way  
27 as to be accessible to the public without request to the  
28 management. The rate per day per person for each room shall  
29 also be posted in the same manner in each room. No amount  
30 greater than the one posted shall be charged.

31 Sec. 27. NEW SECTION. INCREASE OF RATES. The rates  
32 posted under section thirty-six (36) of this Act shall not  
33 be increased until sixty days' notice of the proposed increase  
34 has been given to the regulatory authority.

35 Sec. 28. NEW SECTION. FIRE PROTECTION REGULATIONS. The

1 state fire marshal shall adopt, amend, promulgate, and enforce  
2 standards relating to fire protection and fire safety in  
3 hotels in accordance with chapter seventeen A (17A) of the  
4 Code.

5 Sec. 29. NEW SECTION. ANNUAL INSPECTION. The regulatory  
6 authority shall inspect each hotel in the state at least once  
7 each calendar year. The inspector may enter the hotel at  
8 any reasonable hour to make the inspection. The management  
9 shall afford free access to every part of the premises and  
10 render all aid and assistance necessary to enable the inspector  
11 to make a thorough and complete inspection.

12 Sec. 30. NEW SECTION. INSPECTION UPON COMPLAINT. Upon  
13 receipt of a verified complaint signed by a guest of a hotel  
14 and stating facts indicating the place is in an insanitary  
15 condition, the regulatory authority shall conduct an  
16 inspection.

17 Sec. 31. NEW SECTION. PENALTY. A person who violates  
18 a provision of the Iowa hotel sanitation code shall be guilty  
19 of a simple misdemeanor. Each day upon which a violation  
20 occurs constitutes a separate violation.

21 Sec. 32. NEW SECTION. INJUNCTION. A person conducting  
22 a hotel in violation of a provision of the Iowa hotel  
23 sanitation code may be restrained by injunction from operating  
24 that hotel. If an imminent health hazard exists, the hotel,  
25 or as much of the hotel as is necessary, must cease operation.  
26 Operation shall not be resumed until authorized by the  
27 regulatory authority.

28 Sec. 33. NEW SECTION. DUTY OF COUNTY ATTORNEY. The  
29 county attorney in each county shall assist in the enforce-  
30 ment of the Iowa hotel sanitation code.

31 Sec. 34. NEW SECTION. CONFLICTING STATUTES. Provisions  
32 of the Iowa hotel sanitation code in conflict with the state  
33 building code shall not apply where the state building code  
34 has been adopted or when the state building code applies  
35 throughout the state.

1     Sec. 35. Section one hundred thirty-five point eleven  
2 (135.11), Code 1977, is amended by adding the following new  
3 subsections:

4     NEW SUBSECTION. Enforce the Iowa food service sanita-  
5 tion code as set forth in sections one (1) through fifteen  
6 (15) of this Act.

7     NEW SUBSECTION. Enforce the Iowa hotel sanitation code  
8 as set forth in sections sixteen (16) through thirty-four  
9 (34) of this Act.

10    NEW SUBSECTION. Enforce the laws relating to food and  
11 beverage vending machines as set forth in chapter one hundred  
12 ninety-one A (191A) of the Code.

13    Sec. 36. Section one hundred fifty-nine point six (159.6),  
14 subsection seven (7), Code 1977, is amended to read as fol-  
15 lows:

16    7. ~~Hotels, restaurants, and food~~ Food establishments,  
17 chapter 170.

18    Sec. 37. Section one hundred seventy point one (170.1),  
19 Code 1977, is amended by striking the section and inserting  
20 in lieu thereof the following:

21    170.1 DEFINITIONS. For the purpose of this chapter:

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

25    2. "Food establishment" shall mean any place used as a  
26 bakery, confectionery, cannery, packinghouse, slaughterhouse  
27 where animals or poultry are killed or dressed for food,  
28 dairy, creamery, cheese factory, retail grocery, meat market,  
29 or other place in which food is kept, produced, prepared,  
30 or distributed for commercial purposes for off the premise  
31 consumption, except those premises covered by a current class  
32 "A" beer permit as provided in chapter one hundred twenty-  
33 three (123) of the Code.

34    Sec. 38. Section one hundred seventy point two (170.2),  
35 Code 1977, is amended by striking the section and inserting

1 in lieu thereof the following:

2 170.2 LICENSE REQUIRED. No person shall open or operate  
3 a food establishment until a license has been obtained from  
4 the department of agriculture. Each license shall expire  
5 one year from date of issue. A license is renewable. This  
6 section shall not require the licensing of establishments  
7 exclusively engaged in the processing of meat and poultry  
8 which are licensed pursuant to section one hundred eighty-  
9 nine A point three (189A.3) of the Code.

10 Sec. 39. Section one hundred seventy point four (170.4),  
11 Code 1977, is amended to read as follows:

12 170.4 OPERATION WITHOUT INSPECTION OR LICENSE. No person  
13 shall open or operate a ~~hotel, motor-inn, tavern, restaurant,~~  
14 ~~or~~ food establishment until inspection has been made by the  
15 department of agriculture ~~or proper application for license~~  
16 ~~has been made at least fourteen days in advance of opening.~~

17 Sec. 40. Section one hundred seventy point five (170.5),  
18 Code 1977, is amended by striking the section and inserting  
19 in lieu thereof the following:

20 170.5 LICENSE FEES. The department of agriculture shall  
21 collect the following fees for licenses:

22 For a food establishment with an annual gross sales volume  
23 of:

- 24 1. Less than ten thousand dollars, twenty dollars.
- 25 2. Ten thousand dollars but less than two hundred fifty  
26 thousand dollars, seventy dollars.
- 27 3. Two hundred fifty thousand dollars but less than five  
28 hundred thousand dollars, ninety dollars.
- 29 4. Five hundred thousand dollars but less than seven  
30 hundred fifty thousand dollars, one hundred twenty-five  
31 dollars.
- 32 5. Seven hundred fifty thousand dollars or more, one  
33 hundred eighty dollars.

34 All licenses issued under this chapter that are not renewed  
35 by the licensee on or before the expiration date shall be

1 subject to a penalty of ten percent of the license fee per  
2 month.

3 After collection, the fees shall be deposited in the gen-  
4 eral fund of the state.

5 Sec. 41. Section one hundred seventy point nine (170.9),  
6 Code 1977, is amended by striking the section and inserting  
7 in lieu thereof the following:

8 170.9 PLUMBING IN BUILDINGS. Every food establishment  
9 shall have an adequately designed plumbing system conforming  
10 to at least the minimum requirements of the state plumbing  
11 code. The plumbing system shall have a connection to a  
12 municipal water and sewerage system or to a benefited water  
13 district or sanitary sewerage district whenever such facilities  
14 become available.

15 Sec. 42. Section one hundred seventy point ten (170.10),  
16 Code 1977, is amended by striking the section and inserting  
17 in lieu thereof the following:

18 170.10 BUILDINGS NOT CONNECTED WITH PUBLIC WATER AND SEWER  
19 FACILITIES. Every food establishment beyond the reach of  
20 a central water or sewerage system shall be served by on-site  
21 facilities which meet the technical requirements of the local  
22 board of health, the department of health, and the department  
23 of environmental quality.

24 Sec. 43. Section one hundred seventy point nineteen  
25 (170.19), Code 1977, is amended to read as follows:

26 170.19 SANITARY REGULATIONS. The following sanitary  
27 regulations shall be complied with in ~~every hotel, restaurant,~~  
28 ~~and a~~ food establishment:

29 1. The floors, walls, ceilings, woodwork, utensils,  
30 machinery, and other equipment, and all vehicles and equipment  
31 used in the transportation of food shall be kept in a  
32 thoroughly clean condition.

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

35 3. Dirt, refuse, and waste products subject to

1 decomposition or fermentation shall be removed daily.

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

6 5. Smoking by proprietors, cooks, and help shall be  
7 strictly forbidden while preparing or serving food.  
8 Proprietors shall be held responsible when employees violate  
9 this rule.

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

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

15 Sec. 44. Section one hundred seventy point twenty-six  
16 (170.26), Code 1977, is amended to read as follows:

17 170.26 EMPLOYMENT OF DISEASED PERSONS. No person infected  
18 with any a communicable disease as defined in chapter 139  
19 shall work in any~~7--hotel7--motel-inn7--restaurant7--tavern7~~  
20 ~~cocktail-lounge7--or~~ a food establishment ~~nor shall any.~~ No  
21 employer shall permit any such a person to work ~~at any such~~  
22 in the employer's food establishment.

23 Sec. 45. Section one hundred seventy point thirty-eight  
24 (170.38), Code 1977, is amended by striking the section and  
25 inserting in lieu thereof the following:

26 170.38 FIRE PROTECTION REGULATIONS. The state fire marshal  
27 shall adopt, amend, promulgate, and enforce standards relating  
28 to fire protection and fire safety in food establishments  
29 in accordance with chapter seventeen A (17A) of the Code.

30 Sec. 46. Section one hundred seventy point forty-six  
31 (170.46), Code 1977, is amended to read as follows:

32 170.46 ANNUAL INSPECTION. The department shall ~~cause~~  
33 to-be-inspected inspect each food establishment in the state  
34 at least once each calendar year~~7--every-hotel7--restaurant7~~  
35 ~~and-food-establishment-in-the-state7--and-any.~~ The inspector

1 ~~of-said-department~~ may enter ~~any-such~~ the place food  
 2 establishment at any reasonable hour to make ~~such~~ the  
 3 inspection. The management shall afford free access to every  
 4 part of the premises and render all aid and assistance  
 5 necessary to enable the inspector to make a thorough and  
 6 complete ~~examination~~ inspection.

7 Sec. 47. Section one hundred seventy point forty-seven  
 8 (170.47), Code 1977, is amended by striking the section and  
 9 inserting in lieu thereof the following:

10 170.47 INSPECTION UPON COMPLAINT. Upon receipt of a veri-  
 11 fied complaint signed by a customer of a food establishment  
 12 and stating facts indicating the place is in an insanitary  
 13 condition, the department shall conduct an inspection.

14 Sec. 48. Section one hundred seventy point fifty (170.50),  
 15 Code 1977, is amended to read as follows:

16 170.50 INJUNCTION. Any A person conducting operating  
 17 a hotel, restaurant, or food establishment, in violation of  
 18 any a provision of this chapter, may be restrained by  
 19 injunction from further operating such-place-of-business that  
 20 food establishment. No-injunction-shall-issue-until-after  
 21 the-defendant-has-had-at-least-five-days-notice-of-the  
 22 application-therefor, and-the-time-fixed-for-hearing-thereon.  
 23 If an imminent health hazard exists, the food establishment  
 24 must cease operation. Operation shall not be resumed until  
 25 authorized by the department.

26 Sec. 49. Chapter one hundred seventy (170), Code 1977,  
 27 is amended by adding the following new section:

28 NEW SECTION. TOILET AND LAVATORY FACILITIES. A food  
 29 establishment shall provide toilet and lavatory facilities  
 30 in accordance with rules adopted by the department pursuant  
 31 to chapter seventeen A (17A) of the Code.

32 Sec. 50. Section one hundred eighty-nine A point three  
 33 (189A.3), unnumbered paragraphs one (1) and two (2), Code  
 34 1977, are amended to read as follows:

35 No person shall operate an establishment other than a

1 grocery store or food service establishment as defined in  
2 section two (2) of this Act without first obtaining a li-  
3 cense from the department. The license fee for each estab-  
4 lishment, ~~excluding restaurants and grocery stores,~~ per year  
5 or any part of a year shall be:

6 1. For all meat and poultry slaughtered or otherwise  
7 prepared not exceeding twenty thousand pounds per year for  
8 sale, resale, or custom, twenty-five dollars.

9 2. For all meat and poultry slaughtered or otherwise  
10 prepared in excess of twenty thousand pounds per year for  
11 sale or, resale, or custom, fifty dollars.

12 ~~The license fee for each restaurant selling twenty pounds~~  
13 ~~or more of meat or meat products annually and each grocery~~  
14 ~~store per year or any part of a year shall be five dollars.~~

15 Sec. 51. Section one hundred ninety-one A point one  
16 (191A.1), Code 1977, is amended by striking the section and  
17 inserting in lieu thereof the following:

18 191A.1 DEFINITIONS. For the purpose of this chapter:

19 1. "Commissary" or "vending machine commissary" means  
20 a catering establishment, restaurant, or any other place in  
21 which food, containers, or supplies are kept, handled, pre-  
22 pared, packaged, or stored.

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

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

25 4. "Food" means any raw, cooked, or processed edible sub-  
26 stance, ice, beverage, or ingredient used or intended for  
27 use or for sale in whole or in part for human consumption.

28 5. "Local board of health" means a county, city, or dis-  
29 trict board of health.

30 6. "Machine location" means the room, enclosure, space,  
31 or area where one or more vending machines are installed and  
32 operated.

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

35 8. "Operator" means any person who by contract, agree-

1 ment, or ownership takes responsibility for furnishing, in-  
2 stalling, servicing, operating, or maintaining one or more  
3 vending machines.

4 9. "Potentially hazardous food" means any food that  
5 consists in whole or in part of milk or milk products, eggs,  
6 meat, poultry, fish, shell fish, edible crustacea, or other  
7 ingredients including synthetic ingredients, in a form capa-  
8 ble of supporting rapid and progressive growth or infectious  
9 or toxigenic microorganisms. The term does not include clean,  
10 whole, uncracked, odor-free shell eggs or foods which have  
11 a pH level of 4.5 or below or a water activity (Aw) value  
12 of 0.85 or less.

13 10. "Regulatory authority" means the state department  
14 of health or local board of health that has entered into an  
15 agreement with the commissioner of public health pursuant  
16 to section sixty-one (61) of this Act for authority to enforce  
17 the food and beverage vending machine laws in its jurisdiction.

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

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

25 Sec. 52. Section one hundred ninety-one A point two  
26 (191A.2), Code 1977, is amended to read as follows:

27 191A.2 LICENSE TO OPERATE. No person shall operate one  
28 or more vending machines until ~~he has obtained~~ a vending  
29 machine operator's license has been obtained from the  
30 ~~department of agriculture~~ regulatory authority. The annual  
31 license shall expire one year from the date of original  
32 issuance and ~~be renewed annually~~ is renewable. Vending  
33 machines dispensing only ball gum, or similar nonperishable  
34 snacks as prescribed and defined by regulation of the  
35 ~~secretary~~, commissioner or bottled or canned soft drinks shall

1 not require a license or be subject to the fee schedule  
2 provided in this chapter, but they may be inspected pursuant  
3 to section 191A.8.

4 Sec. 53. Section one hundred ninety-one A point three  
5 (191A.3), Code 1977, is amended to read as follows:

6 191A.3 APPLICATION. Every An application for a vend-  
7 ing machine operator's license shall be made upon a form fur-  
8 nished by the ~~department~~ regulatory authority. The application  
9 form shall provide for obtaining information relating to  
10 ownership of commissaries, location of commissaries, location  
11 of shops and other servicing centers, and the total number  
12 of licensable vending machines by general product type owned  
13 and operated by the applicant and ~~such~~ other information  
14 required by the ~~secretary~~ commissioner. The operator shall  
15 agree in the application to maintain within the jurisdiction  
16 of the ~~department~~ regulatory authority a complete list of  
17 all vending machines and machine locations operated by the  
18 applicant and to make the list available to the ~~department~~  
19 regulatory authority at the time of inspection or auditing.

20 Sec. 54. Section one hundred ninety-one A point four  
21 (191A.4), unnumbered paragraphs one (1) and two (2), Code  
22 1977, are amended to read as follows:

23 The ~~department~~ or municipal corporation shall collect the  
24 following fees for a vending machine operator's license:

25 Number of		
26 Machines Operated		Fee Required
27 1-3	.....	\$ 5.00
28 4-10	.....	25.00
29 11-25	.....	35.00
30 26-50	.....	50.00
31 51-100	.....	100.00
32 101-200	.....	150.00
33 201-300	.....	200.00
34 301-400	.....	250.00
35 401-500	.....	300.00

1 501 and over ..... 400.00

2 Fees for a vending machine commissary shall be the same  
3 as those for a ~~restaurant-or~~ food establishment, ~~whichever~~  
4 ~~is-applicable~~, as set forth in section 170.5 or for a food  
5 service establishment as set forth in section five (5) of  
6 this Act, whichever is applicable.

7 Sec. 55. Section one hundred ninety-one A point six  
8 (191A.6), Code 1977, is amended to read as follows:

9 191A.6 IDENTIFICATION TAG. Each vending machine licensed  
10 under the provisions of this chapter shall bear a readily  
11 visible identification tag or decal provided by the licensee,  
12 containing his or her business address and phone number, and  
13 a company permit number assigned by the department regulatory  
14 authority.

15 Sec. 56. Section one hundred ninety-one A point seven  
16 (191A.7), Code 1977, is amended to read as follows:

17 191A.7 DISCIPLINARY ACTION. Any A license issued under  
18 this chapter may be revoked by the department regulatory  
19 authority for violation by the licensee of any a provision  
20 of this chapter or ~~any-applicable-rules-or-regulations an~~  
21 applicable rule of the department. In lieu of license  
22 revocation, the department regulatory authority may require  
23 the immediate discontinuance of operation of any a vending  
24 machine or commissary whenever ~~the-department it~~ finds  
25 ~~unsanitary~~ insanitary conditions or any other conditions which  
26 constitute a substantial hazard to the public health. The  
27 order shall apply only to the vending machines, commissary,  
28 or product involved. Any A person whose license is revoked,  
29 or who is ordered to discontinue the operation of any a vending  
30 machine or commissary, may appeal such that decision to the  
31 secretary commissioner. The secretary commissioner or his  
32 the commissioner's designee shall schedule and hold a hearing  
33 upon the appeal not later than thirty days from the time of  
34 revocation or the order of discontinuance~~7-and~~. The com-  
35 missioner shall issue his a decision immediately following

1 the hearing. Judicial review may be sought in accordance  
2 with the terms of the Iowa administrative procedure Act.

3 Sec. 57. Section one hundred ninety-one A point eight  
4 (191A.8), Code 1977, is amended to read as follows:

5 191A.8 INSPECTION. The department regulatory authority  
6 shall inspect all vending machine commissaries at least once  
7 each calendar year, and shall inspect representative vending  
8 machines and vehicles as often as deemed necessary to determine  
9 compliance with this chapter and applicable rules of the  
10 department. Section ~~470-47~~ thirty (30) of this Act shall  
11 be applicable to the operation of vending machines.

12 Sec. 58. Section one hundred ninety-one A point nine  
13 (191A.9), Code 1977, is amended to read as follows:

14 191A.9 APPLICABLE PROVISIONS. The provisions of sections  
15 ~~470-46~~ twenty-nine (29) of this Act, 170.50, and 170.51 shall  
16 apply in the enforcement of this chapter.

17 Sec. 59. Section one hundred ninety-one A point eleven  
18 (191A.11), Code 1977, is amended by striking the section and  
19 inserting in lieu thereof the following:

20 191A.11 EXCEPTIONS TO LICENSE. The food establishment  
21 license required by section one hundred seventy point two  
22 (170.2) of the Code or the food service establishment license  
23 required by the Iowa food service sanitation code shall not  
24 be required for the area where vending machines licensed under  
25 this chapter are located.

26 Sec. 60. Chapter one hundred ninety-one A (191A), Code  
27 1977, is amended by adding the following new section:

28 NEW SECTION. FEES DEPOSITED IN GENERAL FUND. All fees  
29 collected by the department under the requirements of this  
30 chapter shall be deposited in the general fund of the state.  
31 Fees collected by a municipal corporation under the  
32 requirements of this chapter shall be retained by it and for  
33 its use.

34 Sec. 61. Chapter one hundred ninety-one A (191A), Code  
35 1977, is amended by adding the following new section:

1     NEW SECTION.    AUTHORITY TO ENFORCE THE FOOD AND BEVERAGE  
2 VENDING MACHINE LAWS.   The commissioner has sole and exclusive  
3 authority to regulate, license, and inspect food and beverage  
4 vending machines and operators and to otherwise enforce the  
5 food and beverage vending machine laws.   Municipal corporations  
6 shall not regulate, license, inspect, or collect license fees  
7 for food and beverage vending machines or their operation  
8 except pursuant to this section.

9     If a municipal corporation wants its local board of health  
10 to enforce the food and beverage vending machine laws within  
11 its jurisdiction, the municipal corporation may enter into  
12 an agreement to do so with the commissioner.   The commissioner  
13 may enter into such an agreement if the commissioner finds  
14 that the local board of health has adequate resources to  
15 perform the required functions.   A municipal corporation may  
16 only enter into an agreement to enforce the food and beverage  
17 vending machine laws if it also agrees to enforce the Iowa  
18 food service sanitation code pursuant to section four (4)  
19 of this Act and to enforce the Iowa hotel sanitation code  
20 pursuant to section eighteen (18) of this Act.

21     Each local board of health that is responsible for enforcing  
22 the food and beverage vending machine laws within its  
23 jurisdiction pursuant to an agreement shall make an annual  
24 report to the commissioner providing the following information:

- 25     1.   The total number of food or beverage vending machine
- 26 operator's licenses granted or renewed during the year.
- 27     2.   The amount of money collected in license fees during
- 28 the year.
- 29     3.   Other information the commissioner requests.

30     The commissioner shall monitor local boards of health to  
31 determine if they are enforcing the food and beverage vending  
32 machine laws within their respective jurisdictions.   If the  
33 commissioner determines that the food and beverage vending  
34 machine laws are enforced by a local board of health, the  
35 commissioner shall accept such enforcement in lieu of

1 enforcement by the department in that jurisdiction. If the  
2 commissioner determines that the food and beverage vending  
3 machine laws are not enforced by a local board of health,  
4 the commissioner may rescind the agreement after reasonable  
5 notice and an opportunity for a hearing. If the agreement  
6 is rescinded, the commissioner shall assume responsibility  
7 for enforcement in the jurisdiction involved.

8 Sec. 62. Sections one hundred seventy point seven (170.7),  
9 one hundred seventy point eleven (170.11), one hundred seventy  
10 point thirteen (170.13), one hundred seventy point fourteen  
11 (170.14), one hundred seventy point sixteen (170.16), one  
12 hundred seventy point seventeen (170.17), one hundred seventy  
13 point eighteen (170.18), one hundred seventy point twenty-  
14 one (170.21), one hundred seventy point twenty-two (170.22),  
15 one hundred seventy point twenty-three (170.23), one hun-  
16 dred seventy point twenty-four (170.24), one hundred seventy  
17 point twenty-nine (170.29), one hundred seventy point thirty  
18 (170.30), one hundred seventy point thirty-one (170.31), one  
19 hundred seventy point thirty-two (170.32), one hundred seventy  
20 point thirty-three (170.33), one hundred seventy point thirty-  
21 five (170.35), one hundred seventy point thirty-six (170.36),  
22 one hundred seventy point thirty-seven (170.37), one hundred  
23 ninety-one A point five (191A.5), one hundred ninety-two point  
24 one (192.1), one hundred ninety-two point two (192.2), one  
25 hundred ninety-two point three (192.3), and one hundred ninety-  
26 two point four (192.4), Code 1977, are repealed.

27 Sec. 63. The commissioner of public health and secretary  
28 of agriculture shall decide which employees and motor vehicles  
29 and which records and equipment need to be transferred from  
30 the department of agriculture to the department of health  
31 in order to implement this Act. Those employees and items  
32 shall then be transferred to the department of health. The  
33 governor shall decide any such matter that is in dispute.  
34 The Iowa merit employment commission shall promulgate rules  
35 to carry out the transfer and shall arbitrate and decide any

1 written appeal made by an employee concerning a transfer made  
2 necessary by this Act. An employee shall not lose benefits  
3 accrued, including but not limited to salary, retirement,  
4 vacation, sick leave, or longevity because of transfer provided  
5 for in this section.

6 Sec. 64. Section three (3) of this Act is effective July  
7 1, 1977.

8 Sec. 65. This Act is effective January 1, 1978.

9 EXPLANATION

10 This bill is recommended for passage by the 1976 Restaurant  
11 Inspection Subcommittee of the Standing Committees on State  
12 Government.

13 Food Service Establishments

14 Essentially, the bill adopts the 1976 edition of the federal  
15 food and drug administration food service sanitation ordinance  
16 as the Iowa Food Service Sanitation Code. The Iowa Food  
17 Service Sanitation Code relates to the regulation, licensure,  
18 and inspection of food service establishments in the state.  
19 The Department of Health will enforce the Iowa Food Service  
20 Sanitation Code throughout Iowa unless agreements are entered  
21 into which authorize local boards of health to enforce that  
22 Code within their respective jurisdictions. Cities and  
23 counties cannot regulate, license, or inspect food service  
24 establishments except pursuant to an agreement with the  
25 Commissioner of Public Health. If an agreement is entered  
26 into, the municipal corporation retains the license fee for  
27 its use. If the Department of Health collects the license  
28 fee, it is deposited in the general fund of the state. License  
29 fees are set by the state. Licenses will expire one year  
30 from date of issue and are renewable.

31 After each inspection, an inspection notice stating the  
32 date of inspection and the inspector's name must be posted  
33 in a food service establishment where the public can easily  
34 see it.

35 If a food service establishment receives two consecutive

1 "poor" inspection ratings (ratings under 76), the "poor"  
2 rating must be posted where the public can easily see it.  
3 The inspector must advise the licensee of this when a food  
4 service establishment receives a "poor" rating.

5 Vending Machines

6 The bill makes the Department of Health responsible for  
7 enforcing chapter 191A of the Code relating to food and  
8 beverage vending machines. It also provides for local  
9 enforcement by contract.

10 Hotels

11 The bill makes the Department of Health responsible for  
12 enforcing the Iowa Hotel Sanitation Code throughout Iowa unless  
13 agreements are entered into which authorize local boards of  
14 health to enforce that Code within their respective  
15 jurisdictions.

16 Food Establishments

17 The bill provides that the Department of Agriculture will  
18 continue to enforce chapter 170 of the Code which will relate  
19 to food establishments.

20 Miscellaneous Licenses

21 The bill repeals the milk dealer's license. It also  
22 eliminates the need for operators of grocery stores or food  
23 service establishments to obtain a meat and poultry license.

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SENATE FILE 365  
FISCAL NOTE

Date Prepared: April 27, 1977

Requested by: Senator Doderer

Prepared in regard to S.F. 365, An Act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties.

Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

Senate File 365 reorganizes the regulatory functions of inspection and licensing of food service establishments, food establishments, hotels, and vending machines by transferring regulatory authority for food service establishments, hotels and vending machines from the State Department of Agriculture to the State Department of Health. The bill also changes the standards for regulation of these facilities (including the frequency of inspection) by adoption of the federal model Food Service Sanitation Ordinance and other provisions related to performance of the regulatory function (such as posting of inspection notices, etc.). The bill changes license fee categories and license fees in order to recover the cost of enforcing the revised standards. The bill also provides for elimination of duplicate inspection and regulation efforts between the state and local levels of government and the elimination of the current trust fund form of financing.

S.F. 365 authorizes both the Secretary of Agriculture and the Commissioner of Health to enter into contracts with local jurisdictions to enforce the state regulations. In these cases, the local jurisdiction will collect the license fee. It was assumed, for the purpose of this note, that the twelve local jurisdictions that now perform inspection and licensing of food service establishments would continue to do so under state contract. The table attached demonstrates the estimated short-run effects of this bill on revenues and expenses of both the state and local jurisdictions. Fiscal 1977-78 expenses include Health Department "start-up" costs and Fiscal 1978-79 expenses reflect a full year of "normal" operations under this bill. Projections for merit pay and benefit increases have not been included in these estimates. Further details concerning the fiscal impact of S.F. 365, including information provided by the Department of Health and the Department of Agriculture are available in the Legislative Fiscal Bureau.

State and Local Fiscal Impact Summary

	<u>Current</u>	<u>Fiscal 77-78</u>	<u>Fiscal 78-79</u>
Department of Agriculture:			
Food Establishment Inspection and Licensing	\$ 368,737	\$ 375,983	\$ 375,983
Food Service and Hotel Inspection and Licensing	281,789	140,894	-
Department of Health:			
Food Service and Hotel Inspection and Licensing		346,114	549,476
Local Departments of Health:			
Food Service Inspection and Licensing	284,270	284,270	284,270
TOTAL EXPENSE	<u>\$ 934,796</u>	<u>\$1,147,261</u>	<u>\$1,209,729</u>
Fees			
Food Processing Licenses	\$ 35,000	\$ 212,780	\$ 390,560
Food Service Licenses	320,790	579,795	838,800
Miscellaneous Fees	70,000	40,000	10,000
Hotel Licenses	8,871	19,025	29,270
TOTAL FEES	<u>\$ 434,571</u>	<u>\$ 851,600</u>	<u>\$1,268,630</u>
Surplus/(Deficit)	\$ (500,225)	\$ (295,661)	\$ 58,901

Source: Revenue projections were made by the Legislative Fiscal Bureau based on estimates and data supplied by the Departments of Agriculture and Revenue. Cost data and estimates were supplied by the Departments of Health and Agriculture and selected local departments of health.

1 Amend the Coleman amendment S-3434 to page 23 of  
2 Senate File 365 as follows:

3 1. Page 1, by inserting after line 12 the following  
4 sections:

5 "Sec. \_\_\_\_ . NEW SECTION. DEFINITIONS. As used  
6 in this amendment medical milk commission means a  
7 milk commission approved by the American association  
8 of medical milk commissions incorporated.

9 Sec. \_\_\_\_ . Section one hundred ninety-two point  
10 eleven (192.11), unnumbered paragraph one (1), Code  
11 1977, is amended to read as follows:

12 Only grade-"A" certified raw milk or grade "A"  
13 pasteurized milk and milk products shall be sold to  
14 the final consumer, or to restaurants, soda fountains,  
15 grocery stores, or similar establishments; except  
16 in an emergency, the sale of pasteurized milk and  
17 milk products which have not been graded, or the grade  
18 of which is unknown, may be authorized by the  
19 secretary, in which case, such products shall be  
20 labeled "ungraded".

21 Sec. \_\_\_\_ . Section one hundred ninety-two point  
22 eleven (192.11), unnumbered paragraph four (4), Code  
23 1977, is amended to read as follows:

24 Each dairy farm, milk plant, receiving station,  
25 and transfer station whose milk or milk products are  
26 intended for consumption as grade-"A" certified raw  
27 milk or grade "A" pasteurized milk and milk products  
28 shall be inspected by the secretary prior to the  
29 issuance of the permit provided for in section 192.5.  
30 However, if any municipal corporation or medical milk  
31 commission makes application to the secretary for  
32 authority to conduct such inspections, the secretary,  
33 upon finding that such municipal corporation or medical  
34 milk commission has qualified personnel to perform  
35 the same, shall enter into agreements with the  
36 municipal corporation or medical milk commission  
37 providing for such inspection. Inspection by either  
38 the secretary or approved municipal corporation or  
39 medical milk commission shall be acceptable for  
40 issuance of such permit by the secretary or municipal  
41 corporation or medical milk commission.

42 Sec. \_\_\_\_ . Chapter one hundred ninety-two (192),  
43 Code 1977, is amended by adding the following new  
44 section:

45 NEW SECTION. CERTIFIED RAW MILK--STANDARDS.  
46 Certified raw milk is market milk which conforms to  
47 the rules, regulations, methods, and standards for  
48 the distribution of certified raw milk adopted by  
49 the American association of medical milk commissions  
50 as of December 31, 1976.

S-3471  
PAGE 2

- 1 1. Certified raw milk shall be bottled on the
- 2 premises where produced.
- 3 2. Certified raw milk shall be sold to the consumer
- 4 within forty-eight hours after production and labeled
- 5 to indicate the date of bottling to the consumer."
- 6 2. By renumbering sections to conform to this
- 7 amendment.
- 8 3. By changing internal references to conform
- 9 to this amendment.

S-3471 FILED - *Withdrawn 5/3* BY BOB RUSH  
APRIL 29, 1977 (*p. 1314*)

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SENATE FILE 365

S-3469

- 1 Amend the Coleman and Hultman amendment, S-3434,
- 2 to Senate File 365 as follows:
- 3 1. Page 1, by striking line 11 and inserting in
- 4 lieu thereof the following:
- 5 "3. Page 23, by inserting after line 7 the
- 6 following".

S-3469 FILED - *Withdrawn* BY C. JOSEPH COLEMAN  
APRIL 29, 1977 *5/3 (1314)*

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SENATE FILE 365

S-3467

- 1 Amend Senate File 365 as follows:
- 2 1. Page 13, by inserting after line 33, the
- 3 following:
- 4 "The fees paid by a food establishment to the
- 5 department shall be reduced by fifty per cent of the
- 6 amount of any fees paid to the department by it for
- 7 a food service establishment license for the same
- 8 premises."

S-3467 FILED *Adopted 5/3* BY NORMAN G. RODGERS  
APRIL 29, 1977 (*p. 1317*)

- 1 Amend Senate File 365 as follows:  
2 1. Page 1, by striking line 11 and inserting in  
3 lieu thereof the following subsection:  
4 "2. "Secretary" means the secretary of agricul-  
5 ture."  
6 2. Page 1, line 12, by striking the word "health"  
7 and inserting in lieu thereof the word "agriculture".  
8 3. Page 2, line 6, by striking the word "health  
9 or" and inserting in lieu thereof the word "agricul-  
10 ture or".  
11 4. Page 2, line 7, by striking the words "com-  
12 missioner of public health" and inserting in lieu  
13 thereof the words "secretary of agriculture".  
14 5. Page 2, line 19, by striking the word "com-  
15 missioner" and inserting in lieu thereof the word  
16 "secretary".  
17 6. Page 2, line 23, by striking the word "com-  
18 missioner" and inserting in lieu thereof the word  
19 "secretary".  
20 7. Page 2, line 29, by striking the word "com-  
21 missioner" and inserting in lieu thereof the word  
22 "secretary".  
23 8. Page 3, line 5, by striking the words "com-  
24 missioner. The commissioner" and inserting in lieu  
25 thereof the words "secretary. The secretary".  
26 9. Page 3, line 6, by striking the word "com-  
27 missioner" and inserting in lieu thereof the word  
28 "secretary".  
29 10. Page 3, line 17, by striking the word  
30 "commissioner" and inserting in lieu thereof the word  
31 "secretary".  
32 11. Page 3, line 33, by striking the word  
33 "commissioner" and inserting in lieu thereof the word  
34 "secretary".  
35 12. Page 3, line 34, by striking the word  
36 "commissioner" and inserting in lieu thereof the word  
37 "secretary".  
38 13. Page 4, line 2, by striking the word "com-  
39 missioner" and inserting in lieu thereof the word  
40 "secretary".  
41 14. Page 4, line 5, by striking the word "com-  
42 missioner" and inserting in lieu thereof the word  
43 "secretary".  
44 15. Page 4, line 7, by striking the word "com-  
45 missioner" and inserting in lieu thereof the word  
46 "secretary".  
47 16. Page 4, line 10, by striking the word "com-  
48 missioner" and inserting in lieu thereof the word  
49 "secretary".  
50 17. Page 6, by striking line 29 and inserting

1 in lieu thereof the following subsection:

2 "1. "Secretary" means the secretary of agricul-  
3 ture."

4 18. Page 6, line 30, by striking the word "health"  
5 and inserting in lieu thereof the word "agriculture".

6 19. Page 7, line 7, by striking the word "health  
7 or" and inserting in lieu thereof the word "agriculture  
8 or".

9 20. Page 7, line 8, by striking the word "com-  
10 missioner" and inserting in lieu thereof the word  
11 "secretary".

12 21. Page 7, line 12, by striking the word "com-  
13 missioner" and inserting in lieu thereof the word  
14 "secretary".

15 22. Page 7, line 22, by striking the words "com-  
16 missioner. The commissioner" and inserting in lieu  
17 thereof the words "secretary. The secretary".

18 23. Page 7, line 23, by striking the word "com-  
19 missioner" and inserting in lieu thereof the word  
20 "secretary".

21 24. Page 7, line 34, by striking the word "com-  
22 missioner" and inserting in lieu thereof the word  
23 "secretary".

24 25. Page 8, line 15, by striking the word "com-  
25 missioner" and inserting in lieu thereof the word  
26 "secretary".

27 26. Page 8, line 16, by striking the word "com-  
28 missioner" and inserting in lieu thereof the word  
29 "secretary".

30 27. Page 8, line 19, by striking the word "com-  
31 missioner" and inserting in lieu thereof the word  
32 "secretary".

33 28. Page 8, line 22, by striking the word "com-  
34 missioner" and inserting in lieu thereof the word  
35 "secretary".

36 29. Page 8, line 24, by striking the word "com-  
37 missioner" and inserting in lieu thereof the word  
38 "secretary".

39 30. Page 8, line 26, by striking the word "com-  
40 missioner" and inserting in lieu thereof the word  
41 "secretary".

42 31. Page 12, by striking lines 1 through 12.

43 32. Page 12, by inserting after line 17 the  
44 following section:

45 "Sec. \_\_\_\_\_. Section one hundred fifty-nine point  
46 six (159.6), Code 1977, is amended by adding the  
47 following new subsections:

48 NEW SUBSECTION. Food service establishments as  
49 set forth in sections one (1) through fifteen (15)  
50 of this Act.

- 1        NEW SUBSECTION. Hotels as set forth in sections  
2 sixteen (16) through thirty-four (34) of this Act."  
3        33. Page 17, by striking line 23 and inserting  
4 in lieu thereof the following subsection:  
5        "2. "Secretary" means the secretary of  
6 agriculture."  
7        34. Page 17, line 24, by striking the word "health"  
8 and inserting in lieu thereof the word "agriculture".  
9        35. Page 18, line 14, by striking the word "health  
10 or" and inserting in lieu thereof the word "agriculture  
11 or".  
12        36. Page 18, line 15, by striking the words  
13 "commissioner of public health" and inserting in lieu  
14 thereof the words "secretary of agriculture".  
15        37. Page 18, line 35, by striking the words  
16 "~~secretary~~, commissioner" and inserting in lieu thereof  
17 the words "secretary".  
18        38. Page 19, line 14, by striking the words "~~see-~~  
19 ~~retary~~ commissioner" and inserting in lieu thereof  
20 the word "secretary".  
21        39. Page 20, by striking line 31 and inserting  
22 in lieu thereof the words "secretary. The secretary  
23 or his".  
24        40. Page 20, line 32, by striking the word "com-  
25 missioner's" and inserting in lieu thereof the word  
26 "secretary's".  
27        41. Page 20, line 34, by striking the partial  
28 word "com-".  
29        42. Page 20, line 35, by striking the partial  
30 word "missioner" and inserting in lieu thereof the  
31 word "secretary".  
32        43. Page 22, line 2, by striking the word  
33 "commissioner" and inserting in lieu thereof the word  
34 "secretary".  
35        44. Page 22, line 12, by striking the words  
36 "commissioner. The commissioner" and inserting in  
37 lieu thereof the words "secretary. The secretary".  
38        45. Page 22, line 13, by striking the word "com-  
39 missioner" and inserting in lieu thereof the word  
40 "secretary".  
41        46. Page 22, line 24, by striking the word "com-  
42 missioner" and inserting in lieu thereof the word  
43 "secretary".  
44        47. Page 22, line 29, by striking the word "com-  
45 missioner" and inserting in lieu thereof the word  
46 "secretary".  
47        48. Page 22, line 30, by striking the word "com-  
48 missioner" and inserting in lieu thereof the word  
49 "secretary".  
50        49. Page 22, line 33, by striking the word "com-

- 1   missioner" and inserting in lieu thereof the word  
2   "secretary".  
3       50. Page 22, line 35, by striking the word "com-  
4   missioner" and inserting in lieu thereof the word  
5   "secretary".  
6       51. Page 23, line 2, by striking the word "com-  
7   missioner" and inserting in lieu thereof the word  
8   "secretary".  
9       52. Page 23, line 4, by striking the word "com-  
10  missioner" and inserting in lieu thereof the word  
11  "secretary".  
12       53. Page 23, line 6, by striking the word "com-  
13  missioner" and inserting in lieu thereof the word  
14  "secretary".  
15       54. Page 23, by striking lines 27 through 35.  
16       55. Page 24, by striking lines 1 through 5.  
17       56. Page 24, line 8, by striking the word "This"  
18  and inserting in lieu thereof the words "Except as  
19  otherwise specifically provided, this".  
20       57. By renumbering sections and changing internal  
21  references to conform to this amendment.

S-3464 FILED - *Adopted 4/29*  
APRIL 28, 1977 (*p. 1274*)

BY CLOYD E. ROBINSON  
IRVIN L. BERGMAN  
STEPHEN W. BISENIUS  
JAMES E. BRILES  
CLIFF BURROUGHS  
C. JOSEPH COLEMAN  
LOUIS P. CULVER  
WARREN E. CURTIS  
MERLIN D. HULSE  
C.W. HUTCHINS  
MILO MERRITT  
JOHN N. NYSTROM  
FORREST V. SCHWENGELS  
RAY TAYLOR  
DALE L. TIEDEN  
BASS VAN GILST  
ROLF V. CRAFT  
RICHARD F. DRAKE  
ALVIN V. MILLER

S-3459

- 1 Amend Senate File 365 as follows:
- 2 1. Page 3, by striking lines 24 through 30 and
- 3 inserting in lieu thereof the following:
- 4 "a. Mobile food units and pushcarts.
- 5 b. Temporary food service establishments. A
- 6 c. Food service establishments with annual gross
- 7 sales of under fifty thousand dollars other than
- 8 mobile food units, pushcarts, or temporary food service
- 9 establishments.
- 10 d. Food service establishments with annual gross
- 11 sales of between fifty thousand and one hundred
- 12 thousand dollars other than mobile food units,
- 13 pushcarts, or temporary food service establishments.
- 14 e. Food service establishments with annual gross
- 15 sales of more than one hundred thousand dollars other
- 16 than mobile food units, pushcarts, or temporary food
- 17 service establishments."
- 18 2. Page 4, by striking lines 15 through 22 and
- 19 inserting in lieu thereof the following:
- 20 "1. For a mobile food unit or pushcart, ten
- 21 dollars.
- 22 2. For a temporary food service establishment
- 23 per fixed location, ten dollars.
- 24 3. For a food service establishment with annual
- 25 gross sales of under fifty thousand dollars other
- 26 than a mobile food unit, pushcart, or temporary food
- 27 service establishment, forty dollars.
- 28 4. For a food service establishment with annual
- 29 gross sales of between fifty thousand and one hundred
- 30 thousand dollars other than a mobile food unit,
- 31 pushcart, or temporary food service establishment,
- 32 seventy dollars.
- 33 5. For a food service establishment with annual
- 34 gross sales of more than one hundred thousand dollars
- 35 other than a mobile food unit, pushcart, or temporary
- 36 food service establishment, one hundred dollars."
- 37 3. Page 19, by striking lines 20 through 35. B
- 38 4. Page 20, by striking lines 1 through 6 and
- 39 inserting in lieu thereof the following section:
- 40 "Sec. \_\_\_\_ . Section one hundred ninety-one A point
- 41 four (191A.4), Code 1977, is amended by striking the
- 42 section and inserting in lieu thereof the following:
- 43 "191A.4 The regulatory authority shall collect
- 44 a fee of two dollars per vending machine for a vending
- 45 machine operator's license.
- 46 The vending machine operator's license shall not
- 47 be transferable from one person to another, but shall
- 48 require an immediate application and the payment of
- 49 a new fee.
- 50 Fees for a vending machine commissary shall be

S-3459

PAGE 2

1 the same as those for a food establishment as set  
2 forth in section one hundred seventy point five (170.5)  
3 of the Code or for a food service establishment as  
4 set forth in section five (5) of this Act, whichever  
5 is applicable."

6 5. By renumbering sections and changing internal  
7 references to conform to this amendment.

S-3459 FILED - *Adopted 5/3*  
APRIL 28, 1977 (*p. 1313*)

BY C. W. HUTCHINS  
IRVIN L. BERGMAN  
STEPHEN W. BISENIUS  
JAMES E. BRILES  
CLIFF BURROUGHS  
C. JOSEPH COLEMAN  
LOUIS P. CULVER  
MERLIN D. HULSE  
MILO MERRITT  
JOHN NYSTROM  
FORREST V. SCHWENGELS  
RAY TAYLOR  
DALE L. TIEDEN  
BASS VAN GILST  
RICHARD F. DRAKE  
ALVIN V. MILLER

SENATE FILE 365

S-3489

1 Amend the Rush amendment S-3456 to Senate File 365  
2 as follows:  
3 1. Page 1, line 12, by striking the words "less  
4 frequently than once a week" and inserting in lieu  
5 thereof the words "not more often than 10 times per  
6 month".

S-3489 FILED & ADOPTED (p. 1317) BY LUCAS J. DE KOSTER  
MAY 3, 1977 JAMES E. BRILES

SENATE FILE 365

S-3490

1 Amend Senate File 365 as follows:  
2 1. Page 2, line 12, by striking the word "fourteen"  
3 and inserting in lieu thereof the word "five."

S-3490 FILED & ADOPTED (p. 1316) BY C. W. HUTCHINS  
MAY 3, 1977

SENATE FILE 365

S-3491

1 Amend Senate File 365, page 23, line 33, by  
2 inserting after the word "dispute." the following:  
3 "It is the intent of the general assembly that  
4 employees now employed by the department of agriculture  
5 shall be placed in the department where their training  
6 and expertise will be best utilized."

S-3491 FILED & W/D BY C. W. HUTCHINS  
MAY 3, 1977 LOUIS P. CULVER

SENATE FILE 365

S-3465

1 Amend Senate File 365, page 13, by striking lines  
2 24 through 33 and inserting in lieu thereof the  
3 following subsections:  
4 "1. Less than ten thousand dollars, twenty dollars.  
5 2. Ten thousand dollars but less than one hundred  
6 thousand dollars, thirty dollars.  
7 3. One hundred thousand dollars but less than  
8 two hundred fifty thousand dollars, fifty dollars.  
9 4. Two hundred fifty thousand dollars but less  
10 than five hundred thousand dollars, seventy-five  
11 dollars.  
12 5. Five hundred thousand dollars but less than  
13 seven hundred fifty thousand dollars, one hundred  
14 dollars.  
15 6. Seven hundred fifty thousand dollars or more,  
16 one hundred fifty dollars."

S-3465 FILED - *Lost 5/3* (p. 1315) BY C. JOSEPH COLEMAN  
APRIL 29, 1977

S-3456

SENATE FILE 365

1 Amend Senate File 365, page 2, by striking line  
2 21 and inserting in lieu thereof the following:  
3 "sanitation code with the following exceptions:  
4 1. 1-102(h) and (i) shall be deleted.  
5 2. 1-104 shall be deleted.  
6 3. 10-101 shall be amended so that the following  
7 food service establishments are exempt from the license  
8 requirement:  
9 a. Food service operations in schools.  
10 b. Places used by churches, fraternal societies,  
11 and civic organizations which engage in the serving  
12 of food less frequently than once a week.  
13 10-101 shall also be amended so that a license  
14 issued by the department of agriculture prior to the  
15 effective date of this Act shall be valid until its  
16 expiration date.  
17 4. 10-201 shall be amended so that food service  
18 operations in schools and summer camps shall be  
19 inspected at least once every year instead of twice  
20 every year.  
21 5. 10-601 shall be deleted.  
22 In the event the food service sanitation".

S-3456 FILED - *Adopted on* BY BOB RUSH  
APRIL 28, 1977 *amended by*  
*3457 5/3 (p. 1313)*  
*Reconsidered, amended by 3489*  
*Adopted 5/3 (p. 1318)*

SENATE FILE 365

S-3457

1 Amend the Rush amendment, S-3456, to Senate File  
2 365 as follows:  
3 1. Page 1, line 12, by striking the words "less  
4 frequently than".

S-3457 FILED - *Adopted 5/3* BY JAMES E. BRILES  
APRIL 28, 1977 *(p. 1313)*  
*Reconsidered and withdrawn 5/3 (1317)*

S-3434

1 Amend Senate File 365 as follows:

- 2 1. Page 12, line 28, by striking the words "dairy, 4  
3 creamery, cheese factory,".
- 4 2. Page 12, line 33, by striking the word "Code."  
5 and inserting in lieu thereof the following: "Code,  
6 those premises covered by the permit described in section 8  
7 one hundred ninety-two point five (192.5) of the Code,  
8 and those covered by the licenses described in section  
9 one hundred ninety-five point fifteen (195.15) of the  
10 Code."
- 11 3. Page 12, by inserting after line 33 the following  
12 sections:
- 13 "Sec. \_\_\_\_\_. Section one hundred ninety-four point  
14 three (194.3), subsection three (3), Code 1977, is amended  
15 by striking the subsection and inserting in lieu thereof  
16 the following:
- 17 3. "Milk processing plant" means an establishment  
18 to which milk of diverse producers is delivered where  
19 such milk is manufactured into butter, cheese, dry milk  
20 products, frozen desserts and frozen dessert mix as  
21 defined in chapter one hundred ninety A (190A) of the  
22 Code, or other dairy products for commercial purposes..
- 23 Sec. \_\_\_\_\_. Section one hundred ninety-four point  
24 three (194.3), subsection five (5), Code 1977, is amended  
25 by striking the subsection and inserting in lieu thereof  
26 the following:
- 27 5. "Milk used for manufacturing purposes" means  
28 milk or milk products manufactured into butter, cheese,  
29 ungraded dry milk products, frozen desserts and frozen  
30 dessert mix as defined in chapter one hundred ninety A  
31 (190A) of the Code, or other dairy products except milk  
32 and milk products as defined in chapter one hundred ninety  
33 (190) of the Code.
- 34 Sec. \_\_\_\_\_. Section one hundred ninety-four point  
35 three (194.3), Code 1977, is amended by adding the  
36 following new subsection:
- 37 NEW SUBSECTION. "Milk receiving station" means an  
38 establishment where milk to be used for manufacturing  
39 purposes is received and transferred for reshipment.
- 40 Sec. \_\_\_\_\_. Section one hundred ninety-four point  
41 four (194.4), unnumbered paragraph one (1), Code 1977, is  
42 amended to read as follows:
- 43 All milk received at a milk receiving station,  
44 creamery, cheese-factory, or and milk-processing plant  
45 shall be examined for physical characteristics, off-  
46 flavors and off-odors, including those associated with  
47 developed acidity. The condition of the raw milk shall  
48 be wholesome and characteristic of normal milk. The  
49 flavor and odor of the raw milk shall be fresh and sweet;  
50 however, slight feed flavors may be present.

1           Sec. \_\_\_\_\_. Section one hundred ninety-four point  
2 twelve, (194.12), Code 1977, is amended by striking the section  
3 and inserting in lieu thereof the following:

4           194.12 MILK GRADER. Every milk receiving station,  
5 creamery, and milk processing plant must employ at  
6 least one person who is duly licensed as a grader of  
7 milk.

8           Sec. \_\_\_\_\_. Section one hundred ninety-four point  
9 seventeen (194.17), unnumbered paragraph one (1), Code  
10 1977, is amended to read as follows:

11           Each milk receiving station, creamery, ~~cheese-factory~~  
12 or milk processing plant shall maintain records of all  
13 purchases and receipts of milk from individual producers.  
14 These records must show:

15           Sec. \_\_\_\_\_. Section one hundred ninety-five point  
16 fifteen (195.15), Code 1977, is amended by striking  
17 the section and inserting in lieu thereof the following:

18           195.15 OPERATING LICENSE. No creamery, milk  
19 processing plant, milk receiving station, cream station,  
20 or vehicle for the collection of cream or milk for  
21 manufacture of dairy products shall be operated unless the  
22 owner or operator shall have first obtained from the  
23 secretary a license for each establishment and each vehicle  
24 so owned or operated. Acquisition and retention of such  
25 license shall be conditioned upon initial and continued  
26 compliance with the provisions of this chapter and rules  
27 adopted by the department pursuant to this chapter.

28           Sec. \_\_\_\_\_. Section one hundred ninety-five point  
29 sixteen (195.16), Code 1977, is amended to read as  
30 follows:

31           195.16 ISSUANCE OF LICENSE. The license to operate  
32 as aforesaid shall be issued by the secretary and shall  
33 specify the particular creamery establishment or cream  
34 station vehicle, the operation of which is authorized;  
35 also, in a general way, the route over which the vehicle  
36 is authorized to operate.

37           Sec. \_\_\_\_\_. Section one hundred ninety-five point  
38 seventeen (195.17), subsections one (1) and four (4),  
39 Code 1977, are amended by striking the subsections and  
40 inserting in lieu thereof the following:

41           1. For each creamery or milk processing plant, twenty-  
42 five dollars.

43           4. For each milk receiving station, fifteen dollars.

44           Sec. \_\_\_\_\_. Section one hundred ninety-five point  
45 eighteen (195.18), Code 1977, is amended to read as  
46 follows:

47           195.18 POSTING. The holder of said license shall  
48 keep said license continuously posted in some conspicuous  
49 place inside said ~~creamery, or cream station,~~ establishment  
50

1 or inside the driver's compartment of said vehicle,  
2 as the case may be.

3 Sec. \_\_\_\_\_. Section one hundred ninety-five point  
4 twenty (195.20), Code 1977, is amended to read as follows:

5 195.20 SANITATION. No creamery or, cream station  
6 or, milk processing plant, milk receiving station, or  
7 vehicle used on a route for the collection of cream or  
8 milk to be used for manufacturing purposes, shall be  
9 operated or permitted to be operated in an unclean or  
10 unsanitary condition.

11 Sec. \_\_\_\_\_. Section one hundred ninety-five point  
12 twenty-four (195.24), Code 1977, is amended to read as  
13 follows:

14 195.24 INSPECTION. The secretary and all his  
15 authorized agents shall have access, at all reasonable  
16 times, to all creameries and, cream stations, milk  
17 processing plants, milk receiving stations, and other  
18 places, including vehicles for transportation, where  
19 milk or cream is produced, received, tested, purchased,  
20 transported, or used for the manufacture of butter.

21 Sec. \_\_\_\_\_. Section one hundred ninety-five point  
22 twenty-six (195.26), subsection eight (8), Code 1977, is  
23 amended to read as follows:

24 8. The possession by the owner or operator of a  
25 creamery or-of-a, cream station, milk processing plant,  
26 milk receiving station, or of a cream route vehicle of any  
27 graded cream which is unlabeled or falsely graded.

28 Sec. \_\_\_\_\_. Section one hundred ninety-five point  
29 twenty-six (195.26), subsection fourteen (14), Code 1977,  
30 is amended to read as follows:

31 14. The operation of a creamery, or cream station,  
32 or cream route vehicle, milk processing plant, or milk  
33 receiving station without obtaining a license as herein  
34 provided."

S-3434 FILED *A. Admitted*  
APRIL 26, 1977 *B. Withdrawn*  
*5/3 (p. 1314)*

BY C. JOSEPH COLEMAN  
CALVIN O. HULTMAN

- 1 Amend Senate File 365 as follows:  
 2 1. Page 10, line 32, by striking the word and  
 3 figure "thirty-six (36)" and inserting in lieu thereof  
 4 the word and figure "twenty-six (26)".  
 5 2. Page 18, line 30, by inserting after the word  
 6 "authority." the words "A license issued by the  
 7 department of agriculture prior to the effective date  
 8 of this Act shall be valid until its expiration date."  
 9 3. Page 24, line 8, by striking the word "This"  
 10 and inserting in lieu thereof the words "Except as  
 11 otherwise specifically provided, this".  
 12 4. By correcting internal references.

S-3444 FILED - <sup>Adopted</sup> ~~Withdrawn~~ 5/3 (p. 13/2) BY BOB RUSH  
 APRIL 27, 1977

- 1 Amend Senate File 365, page 2, by striking  
 2 line 21 and inserting in lieu thereof the following:  
 3 "sanitation code with the following exceptions:  
 4 1. 1-102(h) shall be deleted.  
 5 2. 1-104 shall be deleted.  
 6 3. 10-101 shall be amended so that the following  
 7 food service establishments are exempt from the license  
 8 requirement:  
 9 a. Food service operations in schools.  
 10 b. Places used by churches, fraternal societies,  
 11 and civic organizations which engage in the serving  
 12 of food less frequently than once a week.  
 13 10-101 shall also be amended so that a license  
 14 issued by the department of agriculture prior to the  
 15 effective date of this Act shall be valid until its  
 16 expiration date.  
 17 4. 10-201 shall be amended so that food service  
 18 operations in schools and summer camps shall be  
 19 inspected at least once every year instead of twice  
 20 every year.  
 21 In the event the food service sanitation".

S-3445 FILED - ~~Withdrawn~~ 5/3 (13/2) BY BOB RUSH  
 APRIL 27, 1977

SENATE FILE 365

S-3447

1 Amend Senate File 365, page 2, by striking line  
2 21 and inserting in lieu thereof the following:  
3 "sanitation code with the following exceptions:  
4 1. 1-102(h) shall be deleted.  
5 2. 1-104 shall be deleted.  
6 3. 10-101 shall be amended so that the following  
7 food service establishments are exempt from the license  
8 requirement:  
9 a. Food service operations in schools.  
10 b. Places used by churches, fraternal societies,  
11 and civic organizations which engage in the serving  
12 of food less frequently than once a week.  
13 10-101 shall also be amended so that a license  
14 issued by the department of agriculture prior to the  
15 effective date of this Act shall be valid until its  
16 expiration date.  
17 4. 10-201 shall be amended so that food service  
18 operations in schools and summer camps shall be  
19 inspected at least once every year instead of twice  
20 every year.  
21 5. 10-601 shall be deleted.  
22 In the event the food service sanitation".

S-3447 FILED - *Withdrawn 5/3*  
APRIL 27, 1977 (*p. 13/2*)

BY BOB RUSH

## SENATE FILE 365

H-5063

- 1 Amend Senate File 365, as amended and passed by  
 2 the Senate, as follows:  
 3 1. Page 16, line 12, by inserting after the number  
 4 "1977" the word "Supplement".

H-5063 FILED - *Adopted 1/24*  
 JANUARY 23, 1978 (*p. 123*) BY WOODS of Polk

## SENATE FILE 365

H-5064

- 1 Amend Senate File 365 as amended and passed by  
 2 the Senate as follows:  
 3 1. Page 1, line 28, by inserting following  
 4 the word "include" the words "food service  
 5 facilities subject to inspection by other  
 6 agencies of the state and located in".  
 7 2. Page 1, line 29, by striking the words  
 8 "except where food is prepared for the general  
 9 public".

H-5064 FILED, ADOPTED (*1/24*) BY EVANS of Grundy  
 JANUARY 23, 1978 WEST of Marshall

## SENATE FILE 365

H-5065

- 1 Amend Senate File 365 as amended and passed  
 2 by the Senate as follows:  
 3 1. Page 15, by striking lines 6 through  
 4 11, and inserting in lieu thereof the following:  
 5 "170.10 FOOD ESTABLISHMENTS WITH PRIVATE  
 6 WATER AND SEWER FACILITIES. When a food estab-  
 7 lishment is served by privately owned water or  
 8 waste treatment facilities these facilities shall  
 9 meet the technical requirements of the local board  
 10 of health, the department of health, and the  
 11 department of environmental quality."

H-5065 FILED - *Adopted 1/24*  
 JANUARY 23, 1978 (*p. 123*) BY EVANS of Grundy  
 WEST of Marshall

## SENATE FILE 365

H-5066

- 1 Amend Senate File 365, as amended and passed by  
 2 the Senate, as follows:  
 3 1. Page 6, line 4, by inserting before the word  
 4 ", and" the words "of health".  
 5 2. Page 11, line 7, by inserting before the word  
 6 ", and" the words "of health".

H-5066 FILED, ADOPTED (*1/23*) BY WOODS of Polk  
 JANUARY 23, 1978

H-5062

1 Amend Senate File 365, as amended and passed by  
 2 the Senate, as follows:

A ( 3 1. Page 1, line 28, by inserting after the word  
 4 "include" the words "child day care facilities,".

B 5 2. Page 2, by striking line 22 and inserting in  
 6 lieu thereof the following subsection:

7 "1. 1-102 (h), (i), and (z) shall be deleted."

C 8 3. Page 3, line 28, by inserting after the word  
 9 "Act." the words "To avoid duplication of inspection,  
 10 the department, not a local board of health, shall  
 11 inspect a food service establishment located within  
 12 a food establishment."

13 4. Page 5, line 11, by inserting after the word  
 14 "thousand" the words "but less than two hundred fifty  
 15 thousand".

16 5. Page 5, line 13, by inserting after the word  
 17 "hundred" the word "twenty-five".

18 6. Page 5, by inserting after line 13 the following  
 19 subsection:

20 "6. For a food service establishment with annual  
 21 gross sales of two hundred fifty thousand dollars  
 22 or more, one hundred fifty dollars."

E 23 7. Page 6, by inserting after line 15 the following  
 24 sections:

25 "Sec. \_\_\_\_ . NEW SECTION. INSPECTION UPON REQUEST  
 26 OF PROSPECTIVE BUYER. If a prospective buyer of a  
 27 food service establishment asks the regulatory  
 28 authority to make an inspection of the establishment  
 29 he or she is interested in buying, the regulatory  
 30 authority shall conduct the inspection within a  
 31 reasonable time at a cost of fifty dollars to the  
 32 prospective buyer. Money so collected shall be  
 33 disposed of as set forth in section five (5) of this  
 34 Act.

35 Sec. \_\_\_\_ . NEW SECTION. DUTY OF SELLER OF A FOOD  
 36 SERVICE ESTABLISHMENT. The seller of a food service  
 37 establishment shall notify a prospective buyer that  
 38 the buyer may ask the regulatory authority to inspect  
 39 the seller's food service establishment, at a cost  
 40 of fifty dollars to the buyer. It is intended that  
 41 the inspection results will assist the prospective  
 42 buyer in determining what changes would have to be  
 43 made in order to bring the food service establishment  
 44 into compliance with the Iowa food service sanitation  
 45 code upon change in ownership."

J 46 8. Page 24, line 10, by striking the number "1977"  
 47 and inserting in lieu thereof the number "1978".

48 9. Page 24, line 12, by striking the number "1978"  
 49 and inserting in lieu thereof the number "1979".

50 10. By renumbering sections and correcting internal

Page 2

( 1 references as necessary.

H-5062 FILED

BY COMMITTEE ON STATE GOVERNMENT

JANUARY 19, 1978

MONROE of Des Moines, Chair

A, B - Adopted 1/23 (p. 171)  
 C - Adopted as amended by 5073 1/23  
 D - Adopted 1/23  
 E - Withdrawn 1/23 (p. 174)  
 F - Adopted 1/23 (p. 172)

SENATE FILE 365

H-5074

- 1 Amend Senate File 365 as amended and passed
- 2 by the Senate as follows:
- 3 1. Page 5, line 22, by striking the words
- 4 "per month" and inserting in lieu thereof the
- 5 words "if the license is renewed at a later date".
- 6 2. Page 9, line 31, by striking the word
- 7 "per".
- 8 3. Page 9, line 32, by striking the word
- 9 "month" and inserting in lieu thereof the words
- 10 "if the license is renewed at a later date".
- 11 4. Page 14, line 24, by striking the word
- 12 "per".
- 13 5. Page 14, line 25, by striking the word
- 14 "month" and inserting in lieu thereof the words
- 15 "if the license is renewed at a later date".

H-5074 FILED, ADOPTED (173) BY EVANS of Grundy  
JANUARY 23, 1978 WEST of Marshall

SENATE FILE 365

H-5081

- 1 Amend Senate File 365, as passed by the Senate
- 2 and reprinted, as follows:
- 3 1. Page 6, by striking lines 25 through 35.
- 4 2. Page 7, by striking from lines 3 and 4 the
- 5 following: "Each day upon which such a violation
- 6 occurs constitutes a separate violation."

H-5081 FILED, BY BAKER of Buena Vista  
H-5081A LOST (p. 175) CLARK of Lee  
JANUARY 23, 1978 PERKINS of Greene  
B- Lost 1/24 (p. 181) GILSON of Guthrie

SENATE FILE 365

H-5082

- 1 Amend amendment H-5065, to Senate File 365 as
- 2 passed by the Senate and reprinted, as follows:
- 3 1. Page 1, lines 9 and 10, by striking the
- 4 words "local board of health, the department of
- 5 health, and the".

H-5082 FILED - Lost 1/24 (182) BY HARBOR of Mills  
JANUARY 23, 1978

SENATE FILE 365

H-5088

- 1 Amend Senate File 365 as passed by the Senate and
- 2 reprinted, as follows:
- 3 1. Page 3, by inserting after line 28 the following
- 4 new paragraph:
- 5 "If the secretary enters into an agreement with
- 6 a municipal corporation as provided by this section,
- 7 the secretary shall cause the inspection practices
- 8 of a municipal corporation to be spot checked on a
- 9 regular basis."

H-5088 FILED - Adopted 1/24 BY MILLER of Buchanan  
JANUARY 23, 1978 (p. 183)

SENATE FILE 365

H-5073

- 1 Amend the House Committee on State Government
- 2 amendment, H-5062, to Senate File 365 as amended and
- 3 passed by the Senate, as follows:
- 4 1. Page 1, by inserting after line 12 the
- 5 following:
- 6 "\_\_\_\_\_". Page 4, line 13, by inserting after the
- 7 word "thousand" the words "but less than two hundred
- 8 fifty thousand".
- 9 \_\_\_\_\_.
- 10 Page 4, by inserting after line 15 the
- 11 following lettered paragraph:
- 12 "f. Food service establishments with annual gross
- 13 sales of two hundred fifty thousand dollars or more
- 14 other than mobile food units, pushcarts, or temporary
- 15 food service establishments."
- 16 2. By renumbering items of the amendment to conform

H-5073 FILED *Adopted 1/23* BY WOODS of Polk  
 JANUARY 23, 1978 *(p. 171)*

SENATE FILE 365

H-5080

- 1 Amend Senate File 365, as amended and passed by
- 2 the Senate, as follows:
- 3 1. Page 14, line 10, by striking the word "seventy"
- 4 and inserting in lieu thereof the word "fifty".
- 5 2. Page 14, line 12, by striking the word "ninety"
- 6 and inserting in lieu thereof the words "seventy-
- 7 five".
- 8 3. Page 14, line 14, by striking the words "one
- 9 hundred twenty-five" and inserting in lieu thereof
- 10 the words "one hundred".
- 11 4. Page 14, line 16 and 17, by striking the words
- 12 "one hundred eighty" and inserting in lieu thereof
- 13 the words "one hundred fifty".

H-5080 FILED, ADOPTED *(174)* BY HORN of Linn  
 JANUARY 23, 1978

SENATE FILE 365

H-5070

- 1 Amend Senate File 365 as amended and
- 2 passed by the Senate as follows:
- 3 1. Page 2, line 12, by striking the word
- 4 "five" and inserting in lieu thereof the word
- 5 "twelve".

H-5070 FILED, ADOPTED *(172)* BY EVANS of Grundy  
 JANUARY 23, 1978 WEST of Marshall

SENATE FILE 365

H-5083

- 1 Amend Senate File 365, as passed and reprinted
- 2 by the Senate, as follows:
- 3 1. Page 3, by striking lines 6 and 7 and in-
- 4 serting in lieu thereof the following:
- 5 "and recommend to the legislature changes in
- 6 the Code of Iowa which will permit the rules to
- 7 conform with the federal food service sanitation
- 8 ordinance then in effect."

H-5083 FILED *Out of order used* BY WELDEN of Hardin  
 JANUARY 23, 1978 *adoption of 5072A*

S-5165

1 Amend Senate File 365, as passed by the Senate  
2 as follows:

3 1. Page 1, line 28, by inserting after the word  
4 "include" the words "child day care facilities,".

5 2. Page 1, line 28, by inserting before the word  
6 "nursing" the words "food service facilities subject  
7 to inspection by other agencies of the state and  
8 located in".

9 3. Page 1, line 29, by striking the words "except  
10 where food is prepared for the general public".

11 4. Page 2, line 12, by striking the word "five"  
12 and inserting in lieu thereof the word "twelve".

13 5. Page 2, by striking line 22 and inserting in  
14 lieu thereof the following subsection:

15 "1. 1-102 (h), (i), and (z) shall be deleted."

16 6. Page 3, by striking lines 2 through 7 and  
17 inserting in lieu thereof the following:

18 "5. Clean clothing shall be worn by food service  
19 handlers and employees and they shall keep clean at  
20 all times."

21 7. Page 3, line 28, by inserting after the word  
22 "Act." the words "To avoid duplication of inspection,  
23 the department, not a local board of health, shall  
24 inspect a food service establishment located within  
25 a food establishment."

26 8. Page 3, by inserting after line 28 the following  
27 new paragraph:

28 "If the secretary enters into an agreement with  
29 a municipal corporation as provided by this section,  
30 the secretary shall cause the inspection practices  
31 of a municipal corporation to be spot checked on a  
32 regular basis."

33 9. Page 4, line 13, by inserting after the word  
34 "thousand" the words "but less than two hundred fifty  
35 thousand".

36 10. Page 4, by inserting after line 15 the  
37 following lettered paragraph:

38 "f. Food service establishments with annual gross  
39 sales of two hundred fifty thousand dollars or more  
40 other than mobile food units, pushcarts, or temporary  
41 food service establishments."

42 11. Page 5, line 11, by inserting after the word  
43 "thousand" the words "but less than two hundred fifty  
44 thousand".

45 12. Page 5, line 13, by inserting after the word  
46 "hundred" the word "twenty-five".

47 13. Page 5, by inserting after line 13 the  
48 following subsection:

49 "6. For a food service establishment with annual  
50 gross sales of two hundred fifty thousand dollars

- 1 or more, one hundred fifty dollars."  
2 14. Page 5, line 22, by striking the words "per  
3 month" and inserting in lieu thereof the words "if  
4 the license is renewed at a later date".  
5 15. Page 5, line 32, by striking the words "The  
6 plumbing".  
7 16. Page 5, by striking lines 33 through 35.  
8 17. Page 6, by striking lines 1 through 5 and  
9 inserting in lieu thereof the words "The water supply  
10 service and sewerage system of a food service  
11 establishment shall meet the technical requirements  
12 of the local board of health, the department of health,  
13 and the department of environmental quality."  
14 18. Page 6, line 15, by striking the word "shall"  
15 and inserting in lieu thereof the word "may".  
16 19. Page 9, line 31, by striking the word "per".  
17 20. Page 9, line 32, by striking the word "month"  
18 and inserting in lieu thereof the words "if the license  
19 is renewed at a later date".  
20 21. Page 11, line 7, by inserting before the word  
21 ", and" the words "of health".  
22 22. Page 12, line 6, by striking the word "shall"  
23 and inserting in lieu thereof the word "may".  
24 23. Page 14, line 10, by striking the word  
25 "seventy" and inserting in lieu thereof the word  
26 "fifty".  
27 24. Page 14, line 12, by striking the word "ninety"  
28 and inserting in lieu thereof the word "seventy-five".  
29 25. Page 14, line 14, by striking the words "one  
30 hundred twenty-five" and inserting in lieu thereof  
31 the words "one hundred".  
32 26. Page 14, lines 16 and 17, by striking the  
33 words "one hundred eighty" and inserting in lieu  
34 thereof the words "one hundred fifty".  
35 27. Page 14, line 24, by striking the word "per".  
36 28. Page 14, line 25, by striking the word "month"  
37 and inserting in lieu thereof the words "if the license  
38 is renewed at a later date".  
39 29. Page 15, by striking lines 6 through 11, and  
40 inserting in lieu thereof the following:  
41 "170.10 FOOD ESTABLISHMENTS WITH PRIVATE WATER  
42 AND SEWER FACILITIES. When a food establishment is  
43 served by privately owned water or waste treatment  
44 facilities these facilities shall meet the technical  
45 requirements of the local board of health, the  
46 department of health, and the department of  
47 environmental quality."  
48 30. Page 15, by striking lines 25 through 28 and  
49 inserting in lieu thereof the following:  
50 "4. ~~The-clothing-of-all-persons-employed-shall~~

S-5165  
PAGE 3

1 be-kept-clean, and those who handle food shall keep  
2 themselves clean, keep their fingernails well-trimmed,  
3 and wash their hands and arms before beginning work  
4 and after visiting the toilet. Clean clothing shall  
5 be worn by all food handlers and employees and all  
6 employees shall wash themselves after engaging in  
7 activities which may affect their cleanliness."

8 31. Page 16, line 12, by inserting after the  
9 number "1977" the word "Supplement".

10 32. Page 24, line 10, by striking the number  
11 "1977" and inserting in lieu thereof the number "1978".

12 33. Page 24, line 12, by striking the number  
13 "1978" and inserting in lieu thereof the number "1979".

14 34. Renumbering sections and correcting internal  
15 references as necessary.

S-5165 FILED  
FEBRUARY 9, 1978

RECEIVED FROM THE HOUSE

*Senate amended (5392) & concurred 3/4 (p. 698)*

SENATE FILE 365

S-5392

1 Amend the House amendment, S-5165, to Senate File  
2 365 as follows:

3 1. Page 1, by striking lines 16 through 20 and  
4 inserting in lieu thereof the following:

5 "6. Page 3, by striking lines 2 through 7."

6 2. Page 3, by inserting after line 9 the follow-  
7 ing item:

8 "\_\_\_\_. Page 17, line 1, by striking the word "shall"  
9 and inserting in lieu thereof the word "may"."

10 3. By renumbering items to conform with this  
11 amendment.

S-5392 FILED *Adopted 3/4 (p.p. 697-698)* BY BOB RUSH  
MARCH 23, 1978

SENATE FILE 365

H-5092

1 Amend Senate File 365 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 3, by striking lines 2 through 7 and  
4 inserting in lieu thereof the following:

5 "6. Clean clothing shall be worn by food service  
A 6 handlers and employees and they shall keep clean at  
7 all times."

8 2. Page 6, line 15, by striking the word "shall"  
9 and inserting in lieu thereof the words "may".

10 3. Page 12, line 6, by striking the word "shall"  
11 and inserting in lieu thereof the word "may".

12 4. Page 15, by striking lines 25 through 28 and  
13 inserting in lieu thereof the following:

14 ~~"4. The clothing of all persons employed shall~~  
15 ~~be kept clean, and those who handle food shall keep~~  
B 16 ~~themselves clean, keep their fingernails well trimmed,~~  
17 ~~and wash their hands and arms before beginning work~~  
18 ~~and after visiting the toilet. Clean clothing shall~~  
19 be worn by all food handlers and employees and all  
20 employees shall wash themselves after engaging in  
21 activities which may affect their cleanliness."

H-5092 FILED - *Adopted 1/24* BY SCHROEDER of Pottawattamie  
JANUARY 24, 1978 (*p. 182*)

SENATE FILE 365

H-5146

1 Amend Senate File 365, as amended and passed by  
2 the Senate, as follows:

3 1. Page 5, line 32, by striking the words "The  
4 plumbing".

5 2. Page 5, by striking lines 33 through 35.

6 3. Page 6, by striking lines 1 through 5 and  
7 inserting in lieu thereof the words "The water supply  
8 service and sewerage system of a food service estab-  
9 lishment shall meet the technical requirements of  
10 the local board of health, the department of health,  
11 and the department of environmental quality".

H-5146 FILED - *Adopted 2/6* BY DENHERDER of Sioux  
JANUARY 25, 1978 (*p. 331*)

TUESDAY, JANUARY 24, 1978

FISCAL NOTE  
SENATE FILE 365

Requested by Representative Woods  
January 23, 1978

In compliance with a written request, there is hereby submitted a Fiscal Note to S.F. 365, to the Woods amendment, pursuant to Joint Rule 16:

State and Local Fiscal Impact Summary

	<u>FY 79-80</u> <u>Woods Amendment</u>	<u>Increase</u> <u>(Decrease)</u>	<u>FY-79-80</u> <u>S.F. 365</u>
Department of Agriculture:			
Food Service, Hotel Vending Machine and Food Establishments			
a. inspection	\$ 751,818	-	751,818
b. licensing	87,141	-	87,141
Total State	\$ 828,959	-	828,959
Local Jurisdictions:			
Food Service, Hotel, and Vending Machine Inspection and Licensing			
Total State & Local Expenses \$	1,113,229	-	1,113,229
State License Fee Revenue:			
Food Service	\$ 488,320	38,400	449,920
Hotel	19,611	-	19,611
Vending	10,350	-	10,350
Food Establishments	378,560	-	378,560
Miscellaneous	-	-	-
Total State	\$ 896,841	38,400	858,441
Local License Fee Revenue:			
Food Service	\$ 274,689	21,600	253,089
Hotel	9,659	-	9,659
Vending	10,350	-	10,350
Total Local	294,689	21,600	273,089
Total State & Local Fee Revenue	\$ 1,191,530	60,000	1,131,530
Surplus/(Deficit)	\$ 78,301	60,000	18,301

Source: Data and estimates provided by the Department of Agriculture and selected local department of health.

FILED  
JANUARY 23, 1978

GERRY D. RANKIN  
Legislative Fiscal Bureau

SENATE AMENDMENT TO  
HOUSE AMENDMENT TO  
SENATE FILE 365

H-5885

- 1 Amend the House amendment, S-5165, to Senate File
- 2 365 as follows:
- 3 1. Page 1, by striking lines 16 through 20 and
- 4 inserting in lieu thereof the following:
- 5 "6. Page 3, by striking lines 2 through 7."
- 6 2. Page 3, by inserting after line 9 the follow-
- 7 ing item:
- 8 "\_\_\_\_. Page 17, line 1, by striking the word "shall"
- 9 and inserting in lieu thereof the word "may"."
- 10 3. By renumbering items to conform with this
- 11 amendment.

H-5885 FILED  
RECEIVED FROM SENATE  
APRIL 4, 1978

*House concerned 4/10/78 p 14301*

SENATE FILE 365  
By COMMITTEE ON STATE GOVERNMENT

FISCAL NOTE  
SENATE FILE 365

Requested by Representative Woods  
January 23, 1978

In compliance with a written request, there is hereby submitted a Fiscal Note for S.F. 365, pursuant to Joint Rule 16:

S.F. 365, An Act relating to food service establishments, food establishments, food and beverage vending machines, and hotels, and providing penalties.

Senate File 365, as amended and passed by the Senate, changes some of the regulatory duties relating to food service establishments, food establishments, hotels, and vending machines. It changes standards for regulation of food service establishments by adoption of the Federal Food Service Sanitation Ordinance and establishes additional provisions (such as posting of inspection notices, etc.). The bill changes license fee categories and raises license fees in order to recover the cost of regulation (including inspection and licensing). The bill eliminates duplicate inspection and regulation activities between state and local levels of government and eliminates the current trust fund form of financing for hotel and restaurant regulation.

The original Senate File 365, as reported by the Senate State Government Committee, transferred regulatory authority for food service establishments, vending machines, and hotels to the Department of Health. The Senate amended the bill to continue the authority with the Department of Agriculture and also adopted amendments which exempted churches, fraternal organizations, etc., from the license requirement if they serve food less than ten times a month, lowered fees (from the original bill) for food service organizations, changed the definition of temporary food service establishments, removed dairies, creameries, and cheese factories from the definition of food establishments, and provided for a reduction in the fee paid by food establishments with food service establishments within them. These amendments have had an impact on the original fiscal note dated April 27, 1977, particularly those that continued regulatory authority with Agriculture (S-3464), and changed definitions and fees within the bill. (S-3489, 3459, 3434A). To the extent possible, these amendments have been included in the assumptions governing the development of this fiscal note. The fiscal effect of the provision reducing license fees for food establishments with food service is unknown at this time.

It is assumed that twelve local jurisdictions will contract with the Department to provide inspection and licensing services. It is estimated that 36% of food service establishments, 33% of hotels, and 50% of vending machines will be under the regulatory authority of local jurisdictions. The Department of Agriculture has estimated the number of licenses in each license category based on Department of Revenue data with adjustments based on the provisions of the bill and the departments own license data and estimated the distribution of the fee income to state and local authorities based on these estimates. It should also be noted that the cost estimates contained in this note do not reflect merit, cost-of-living, or collective bargaining pay increases or normal increases in operating costs. The estimates for FY 78-79 do include "start-up" costs (data processing, training of new personnel, etc.) for the new provisions of the bill.

1 Section 1. NEW SECTION. SHORT TITLE. Sections one (1)  
2 through fifteen (15) 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. "Secretary" means the secretary of agriculture.

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

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. The term does not  
25 include private homes where food is prepared or stored for  
26 individual family consumption, retail food stores, the location  
27 of food vending machines, and supply vehicles. The term does  
28 not include nursing homes, health care facilities, or hospitals  
29 except where food is prepared for the general public.

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

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

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

1 9. "Pushcart" means a non-self propelled vehicle limited  
2 to serving non-potentially hazardous foods, commissary wrapped  
3 food maintained at proper temperatures, or limited to the  
4 preparation and serving of frankfurters.

5 10. "Regulatory authority" means the state department  
6 of agriculture or local board of health that has entered into  
7 an agreement with the secretary of agriculture pursuant to  
8 section four (4) of this Act for authority to enforce the  
9 Iowa food service sanitation code in its jurisdiction.

10 11. "Temporary food service establishment" means a food  
11 service establishment that operates at a fixed location for  
12 a period of time of not more than five consecutive days in  
13 conjunction with a single event or celebration.

14 12. "Food service sanitation ordinance" means the 1976  
15 edition of the federal food and drug administration food  
16 service sanitation ordinance. Copies of the food service  
17 sanitation ordinance shall be on file in the department.

18 Sec. 3. NEW SECTION. ADOPTION BY RULE. As soon as  
19 practicable, the secretary shall adopt the food service  
20 sanitation ordinance by rule as part of the Iowa food service  
21 sanitation code with the following exceptions:

- 22 1. 1-102(h) and (i) shall be deleted.
- 23 2. 1-104 shall be deleted.
- 24 3. 10-101 shall be amended so that the following food  
25 service establishments are exempt from the license requirement:  
26 a. Food service operations in schools.  
27 b. Places used by churches, fraternal societies, and civic  
28 organizations which engage in the serving of food not more  
29 often than 10 times per month.

30 10-101 shall also be amended so that a license issued by  
31 the department of agriculture prior to the effective date  
32 of this Act shall be valid until its expiration date.

33 4. 10-201 shall be amended so that food service operations  
34 in schools and summer camps shall be inspected at least once  
35 every year instead of twice every year.

1 §. 10-601 shall be deleted.

2 In the event the food service sanitation ordinance is  
3 subsequently amended, modified, repealed, or substituted by  
4 a new standard, the secretary shall, within ninety days,  
5 review the amendment, modification, repeal, or substitution  
6 and take such action with respect to the rules as will conform  
7 it to the food service sanitation ordinance then in effect.

8 Sec. 4. NEW SECTION. AUTHORITY TO ENFORCE THE IOWA FOOD  
9 SERVICE SANITATION CODE. The secretary has sole and exclusive  
10 authority to regulate, license, and inspect food service  
11 establishments and to enforce the Iowa food service sanitation  
12 code in Iowa. Municipal corporations shall not regulate,  
13 license, inspect, or collect license fees from food service  
14 establishments except as provided for in the Iowa food service  
15 sanitation code.

16 If a municipal corporation wants its local board of health  
17 to license, inspect, and otherwise enforce the Iowa food  
18 service sanitation code within its jurisdiction, the municipal  
19 corporation may enter into an agreement to do so with the  
20 secretary. The secretary may enter into such an agreement  
21 if the secretary finds that the local board of health has  
22 adequate resources to perform the required functions. A  
23 municipal corporation may only enter into an agreement to  
24 enforce the Iowa food service sanitation code if it also  
25 agrees to enforce the Iowa hotel sanitation code pursuant  
26 to section eighteen (18) of this Act and to enforce the food  
27 and beverage vending machine laws pursuant to section sixty-  
28 one (61) of this Act.

29 Each local board of health that is responsible for en-  
30 forcing the Iowa food service sanitation code within its  
31 jurisdiction pursuant to an agreement shall make an annual  
32 report to the secretary providing the following information:

- 33 1. The total number of food service establishment li-  
34 censes granted or renewed during the year.
- 35 2. The number of food service establishment licenses

1 granted or renewed during the year broken down into the  
2 following categories:

- 3 a. Mobile food units and pushcarts.  
4 b. Temporary food service establishments.  
5 c. Food service establishments with annual gross sales  
6 of under fifty thousand dollars other than mobile food units,  
7 pushcarts, or temporary food service establishments.  
8 d. Food service establishments with annual gross sales  
9 of between fifty thousand and one hundred thousand dollars  
10 other than mobile food units, pushcarts, or temporary food  
11 service establishments.  
12 e. Food service establishments with annual gross sales  
13 of more than one hundred thousand dollars other than mobile  
14 food units, pushcarts, or temporary food service  
15 establishments.

16 3. The amount of money collected in license fees during  
17 the year.

18 4. Other information the secretary requests.

19 The secretary shall monitor local boards of health to  
20 determine if they are enforcing the Iowa food service  
21 sanitation code within their respective jurisdictions. If  
22 the secretary determines that the Iowa food service sanitation  
23 code is enforced by a local board of health, such enforcement  
24 shall be accepted in lieu of enforcement by the department  
25 in that jurisdiction. If the secretary determines that the  
26 Iowa food service sanitation code is not enforced by a local  
27 board of health, the secretary may rescind the agreement after  
28 reasonable notice and an opportunity for a hearing. If the  
29 agreement is rescinded, the secretary shall assume  
30 responsibility for enforcement in the jurisdiction involved.

31 Sec. 5. NEW SECTION. LICENSE FEES. Either the depart-  
32 ment or the municipal corporation shall collect the following  
33 annual license fees:

- 34 1. For a mobile food unit or pushcart, ten dollars.  
35 2. For a temporary food service establishment per fixed

1 location, ten dollars.

2 3. For a food service establishment with annual gross  
3 sales of under fifty thousand dollars other than a mobile  
4 food unit, pushcart, or temporary food service establishment,  
5 forty dollars.

6 4. For a food service establishment with annual gross  
7 sales of between fifty thousand and one hundred thousand  
8 dollars other than a mobile food unit, pushcart, or temporary  
9 food service establishment, seventy dollars.

10 5. For a food service establishment with annual gross  
11 sales of more than one hundred thousand dollars other than  
12 a mobile food unit, pushcart, or temporary food service  
13 establishment, one hundred dollars.

14 Fees collected by the department shall be deposited in  
15 the general fund of the state. Fees collected by a municipal  
16 corporation shall be retained by it and for its use.

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

23 Sec. 7. NEW SECTION. TOILET AND LAVATORY FACILITIES.  
24 A food service establishment that is not a mobile food unit,  
25 pushcart, or temporary food service establishment shall provide  
26 toilet and lavatory facilities in accordance with rules adopted  
27 by the department pursuant to chapter seventeen A (17A) of  
28 the Code.

29 Sec. 8. NEW SECTION. PLUMBING IN FOOD SERVICE ESTAB-  
30 LISHMENTS. A food service establishment shall have an ade-  
31 quately designed plumbing system conforming to at least the  
32 minimum requirements of the state plumbing code. The plumbing  
33 system shall have a connection to a municipal water and  
34 sewerage system or to a benefited water district or sanitary  
35 sewerage district whenever such facilities become available.

1 A food service establishment beyond the reach of a cen-  
2 tral water or sewerage system shall be served by on-site  
3 facilities which meet the technical requirements of the local  
4 board of health, the department, and the department of en-  
5 vironmental quality.

6 Sec. 9. NEW SECTION. FIRE PROTECTION REGULATIONS. The  
7 state fire marshal shall adopt, amend, promulgate, and enforce  
8 standards relating to fire protection and fire safety in food  
9 service establishments in accordance with chapter seventeen  
10 A (17A) of the Code.

11 Sec. 10. NEW SECTION. INSPECTION UPON COMPLAINT. Upon  
12 receipt of a verified complaint signed by a customer of a  
13 food service establishment and stating facts indicating the  
14 place is in an insanitary condition, the regulatory authority  
15 shall conduct an inspection.

16 Sec. 11. NEW SECTION. POSTING INSPECTION NOTICE. Immedi-  
17 ately after an inspection of a food service establishment  
18 is conducted by the regulatory authority, the licensee or  
19 person in charge shall post, in a conspicuous place easily  
20 accessible to the public, a notice stating the date of the  
21 inspection and the name of the inspector who conducted the  
22 inspection. This notice shall remain so posted until it is  
23 replaced after the next inspection. The regulatory authority  
24 shall provide these inspection notices after each inspection.

25 Sec. 12. NEW SECTION. POSTING "POOR" INSPECTION RESULTS.  
26 If a food service establishment receives two consecutive  
27 inspection ratings of under 76, the numerical rating along  
28 with the designation of "poor" shall be posted by the licensee  
29 or person in charge along with the inspection notice provided  
30 for in section eleven (11) of this Act. The rating and "poor"  
31 designation shall remain posted until a rating above 75 is  
32 received at a subsequent inspection. When a food service  
33 establishment receives a "poor" rating, the inspector shall  
34 advise the licensee, or person in charge, of the posting  
35 requirement set forth in this section.

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

5       Sec. 14. NEW SECTION. DUTY OF COUNTY ATTORNEY. The  
6 county attorney in each county shall assist in the enforce-  
7 ment of the Iowa food service sanitation code.

8       Sec. 15. NEW SECTION. CONFLICTING STATUTES. Provisions  
9 of the Iowa food service sanitation code in conflict with  
10 the state building code shall not apply where the state build-  
11 ing code has been adopted or when the state building code  
12 applies throughout the state.

13       Sec. 16. NEW SECTION. SHORT TITLE. Sections sixteen  
14 (16) through thirty-four (34) of this Act shall be known as  
15 the Iowa hotel sanitation code and shall appear as a separate  
16 chapter in the Code.

17       Sec. 17. NEW SECTION. DEFINITIONS. For purposes of the  
18 Iowa hotel sanitation code, unless a different meaning is  
19 clearly indicated by the context:

20       1. "Secretary" means the secretary of agriculture.

21       2. "Department" means the department of agriculture.

22       3. "Guest room" shall mean any bedroom or other sleep-  
23 ing quarters for transient guests in a hotel.

24       4. "Hotel" shall mean any building or structure, equipped,  
25 used, advertised as, or held out to the public to be an inn,  
26 motel, motor inn, or place where sleeping accom-  
27 modations are furnished transient guests for hire.

28       5. "Local board of health" means a county, city, or dis-  
29 trict board of health.

30       6. "Municipal corporation" means a political subdivi-  
31 sion of this state.

32       7. "Regulatory authority" means the state department of  
33 agriculture or local board of health that has entered into  
34 an agreement with the secretary pursuant to section eighteen  
35 (18) of this Act for authority to enforce the Iowa hotel

1 sanitation code in its jurisdiction.

2       Sec. 18. NEW SECTION. AUTHORITY TO ENFORCE THE IOWA HOTEL  
3 SANITATION CODE. The secretary has sole and exclusive  
4 authority to regulate, license, and inspect hotels and to  
5 enforce the Iowa hotel sanitation code in Iowa. Municipal  
6 corporations shall not regulate, license, inspect, or col-  
7 lect license fees from hotels except as provided for in the  
8 Iowa hotel sanitation code.

9       If a municipal corporation wants its local board of health  
10 to license, inspect, and otherwise enforce the Iowa hotel  
11 sanitation code within its jurisdiction, the municipal  
12 corporation may enter into an agreement to do so with the  
13 secretary. The secretary may enter into such an agreement  
14 if the secretary finds that the local board of health has  
15 adequate resources to perform the required functions. A  
16 municipal corporation may only enter into an agreement to  
17 enforce the Iowa hotel sanitation code if it also agrees to  
18 enforce the Iowa food service sanitation code pursuant to  
19 section four (4) of this Act and to enforce the food and  
20 beverage vending machine laws pursuant to section sixty-one  
21 (61) of this Act.

22       Each local board of health that is responsible for en-  
23 forcing the Iowa hotel sanitation code within its jurisdiction,  
24 pursuant to an agreement, shall make an annual report to the  
25 secretary providing the following information:

- 26       1. The total number of hotel licenses granted or renewed  
27 during the year.
- 28       2. The number of hotel licenses granted or renewed during  
29 the year broken down into the following categories:
- 30       a. Hotels containing fifteen guest rooms or less.
- 31       b. Hotels containing more than fifteen but less than  
32 thirty-one guest rooms.
- 33       c. Hotels containing more than thirty but less than  
34 seventy-six guest rooms.
- 35       d. Hotels containing more than seventy-five but less than

1 one hundred fifty guest rooms.

2 e. Hotels containing one hundred fifty or more guest  
3 rooms.

4 3. The amount of money collected in license fees during  
5 the year.

6 4. Other information the secretary requests.

7 The secretary shall monitor local boards of health to  
8 determine if they are enforcing the Iowa hotel sanitation  
9 code within their respective jurisdictions. If the secretary  
10 determines that the Iowa hotel sanitation code is enforced  
11 by a local board of health, such enforcement shall be accepted  
12 in lieu of enforcement by the department in that jurisdiction.  
13 If the secretary determines that the Iowa hotel sanitation  
14 code is not enforced by a local board of health, the secretary  
15 may rescind the agreement after reasonable notice and an  
16 opportunity for a hearing. If the agreement is rescinded,  
17 the secretary shall assume responsibility for enforcement  
18 in the jurisdiction involved.

19 Sec. 19. NEW SECTION. LICENSE REQUIRED. No person shall  
20 open or operate a hotel until a license has been obtained  
21 from the regulatory authority and until the hotel has been  
22 inspected by the regulatory authority. A license issued by  
23 the department of agriculture prior to the effective date  
24 of this Act shall be valid until its expiration date. An  
25 inspection conducted by the department of agriculture prior  
26 to the effective date of this Act shall be valid for purposes  
27 of this section. Each license shall expire one year from  
28 date of issue. A license is renewable. All licenses issued  
29 under the Iowa hotel sanitation code that are not renewed  
30 by the licensee on or before the expiration date shall be  
31 subject to a penalty of ten percent of the license fee per  
32 month. A license is not transferable.

33 Sec. 20. NEW SECTION. APPLICATION FOR LICENSE. Every  
34 application for a license under the Iowa hotel sanitation  
35 code shall be made upon a blank furnished by the regulatory

1 authority and shall contain the items required by the  
2 department as to ownership, management, location, buildings,  
3 equipment, rates, and other data concerning the hotel for  
4 which a license is desired. An application for a license  
5 to operate an existing hotel shall be made at least thirty  
6 days before the expiration of the existing license.

7 Sec. 21. NEW SECTION. LICENSE FEES. Either the depart-  
8 ment or the municipal corporation shall collect the following  
9 annual license fees:

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

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

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

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

18 5. For a hotel containing one hundred fifty or more guest  
19 rooms, seventy-five dollars.

20 Fees collected by the department shall be deposited in  
21 the general fund of the state. Fees collected by a muni-  
22 cipal corporation shall be retained by it and for its use.

23 Sec. 22. NEW SECTION. LICENSE REVOCATION. A license  
24 issued under the Iowa hotel sanitation code may be revoked  
25 by the regulatory authority for violation by the licensee  
26 of a provision of the Iowa hotel sanitation code or applicable  
27 rule of the department.

28 Sec. 23. NEW SECTION. TOILET AND LAVATORY FACILITIES.  
29 A hotel shall provide toilet and lavatory facilities in  
30 accordance with rules adopted by the department pursuant to  
31 chapter seventeen A (17A) of the Code.

32 Sec. 24. NEW SECTION. PLUMBING IN HOTELS. A hotel shall  
33 have an adequately designed plumbing system conforming to  
34 at least the minimum requirements of the state plumbing code.  
35 The plumbing system shall have a connection to a municipal

1 water and sewerage system or to a benefited water district  
2 or sanitary sewerage district whenever such facilities become  
3 available.

4 A hotel beyond the reach of a central water or sewerage  
5 system shall be served by on-site facilities which meet the  
6 technical requirements of the local board of health, the de-  
7 partment, and the department of environmental quality.

8 Sec. 25. NEW SECTION. EMPLOYMENT OF DISEASED PERSONS.  
9 No person infected with a communicable disease as defined  
10 in chapter one hundred thirty-nine (139) of the Code shall  
11 work in a hotel. No employer shall permit such a person to  
12 work in the employer's hotel.

13 Sec. 26. NEW SECTION. LIST OF ROOM RATES TO BE POSTED.  
14 A complete list of rooms by number together with the number  
15 of the floor and the rate per day per person for each room  
16 shall be kept continuously and conspicuously posted on the  
17 wall near the office in the lobby of a hotel in such a way  
18 as to be accessible to the public without request to the  
19 management. The rate per day per person for each room shall  
20 also be posted in the same manner in each room. No amount  
21 greater than the one posted shall be charged.

22 Sec. 27. NEW SECTION. INCREASE OF RATES. The rates  
23 posted under section twenty-six (26) of this Act shall not  
24 be increased until sixty days' notice of the proposed increase  
25 has been given to the regulatory authority.

26 Sec. 28. NEW SECTION. FIRE PROTECTION REGULATIONS. The  
27 state fire marshal shall adopt, amend, promulgate, and enforce  
28 standards relating to fire protection and fire safety in  
29 hotels in accordance with chapter seventeen A (17A) of the  
30 Code.

31 Sec. 29. NEW SECTION. ANNUAL INSPECTION. The regulatory  
32 authority shall inspect each hotel in the state at least once  
33 each calendar year. The inspector may enter the hotel at  
34 any reasonable hour to make the inspection. The management  
35 shall afford free access to every part of the premises and

1 render all aid and assistance necessary to enable the inspector  
2 to make a thorough and complete inspection.

3 Sec. 30. NEW SECTION. INSPECTION UPON COMPLAINT. Upon  
4 receipt of a verified complaint signed by a guest of a hotel  
5 and stating facts indicating the place is in an insanitary  
6 condition, the regulatory authority shall conduct an  
7 inspection.

8 Sec. 31. NEW SECTION. PENALTY. A person who violates  
9 a provision of the Iowa hotel sanitation code shall be guilty  
10 of a simple misdemeanor. Each day upon which a violation  
11 occurs constitutes a separate violation.

12 Sec. 32. NEW SECTION. INJUNCTION. A person conducting  
13 a hotel in violation of a provision of the Iowa hotel  
14 sanitation code may be restrained by injunction from operating  
15 that hotel. If an imminent health hazard exists, the hotel,  
16 or as much of the hotel as is necessary, must cease operation.  
17 Operation shall not be resumed until authorized by the  
18 regulatory authority.

19 Sec. 33. NEW SECTION. DUTY OF COUNTY ATTORNEY. The  
20 county attorney in each county shall assist in the enforce-  
21 ment of the Iowa hotel sanitation code.

22 Sec. 34. NEW SECTION. CONFLICTING STATUTES. Provisions  
23 of the Iowa hotel sanitation code in conflict with the state  
24 building code shall not apply where the state building code  
25 has been adopted or when the state building code applies  
26 throughout the state.

\* 27 Sec. 35. Section one hundred fifty-nine point six (159.6),  
28 subsection seven (7), Code 1977, is amended to read as fol-  
29 lows:

30 7. ~~Hotels, restaurants, and food~~ Food establishments,  
31 chapter 170.

32 Sec. 36. Section one hundred fifty-nine point six (159.6),  
33 Code 1977, is amended by adding the following new subsections:

34 NEW SUBSECTION. Food service establishments as set forth  
35 in sections one (1) through fifteen (15) of this Act.

NEW SUBSECTION. Hotels as set forth in sections sixteen (16) through thirty-four (34) of this Act.

Sec. 37. Section one hundred seventy point one (170.1), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

170.1 DEFINITIONS. For the purpose of this chapter:

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

2. "Food establishment" shall mean any 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 consumption, except those premises covered by a current class "A" beer permit as provided in chapter one hundred twenty-three (123) of the Code.

Sec. 38. Section one hundred seventy point two (170.2), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

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

Sec. 39. Section one hundred seventy point four (170.4), Code 1977, is amended to read as follows:

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

1       Sec. 40. Section one hundred seventy point five (170.5),  
2 Code 1977, is amended by striking the section and inserting  
3 in lieu thereof the following:

4       170.5 LICENSE FEES. The department of agriculture shall  
5 collect the following fees for licenses:

6       For a food establishment with an annual gross sales volume  
7 of:

8       1. Less than ten thousand dollars, twenty dollars.

9       2. Ten thousand dollars but less than two hundred fifty  
10 thousand dollars, seventy dollars.

11       3. Two hundred fifty thousand dollars but less than five  
12 hundred thousand dollars, ninety dollars.

13       4. Five hundred thousand dollars but less than seven  
14 hundred fifty thousand dollars, one hundred twenty-five  
15 dollars.

16       5. Seven hundred fifty thousand dollars or more, one  
17 hundred eighty dollars.

18       The fees paid by a food establishment to the department  
19 shall be reduced by fifty percent of the amount of any fees  
20 paid to the department by it for a food service establishment  
21 license for the same premises.

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

26       After collection, the fees shall be deposited in the gen-  
27 eral fund of the state.

28       Sec. 41. Section one hundred seventy point nine (170.9),  
29 Code 1977, is amended by striking the section and inserting  
30 in lieu thereof the following:

31       170.9 PLUMBING IN BUILDINGS. Every food establishment  
32 shall have an adequately designed plumbing system conforming  
33 to at least the minimum requirements of the state plumbing  
34 code. The plumbing system shall have a connection to a  
35 municipal water and sewerage system or to a benefited water

1 district or sanitary sewerage district whenever such facilities  
2 become available.

3 Sec. 42. Section one hundred seventy point ten (170.10),  
4 Code 1977, is amended by striking the section and inserting  
5 in lieu thereof the following:

6 170.10 BUILDINGS NOT CONNECTED WITH PUBLIC WATER AND SEWER  
7 FACILITIES. Every food establishment beyond the reach of  
8 a central water or sewerage system shall be served by on-site  
9 facilities which meet the technical requirements of the local  
10 board of health, the department of health, and the department  
11 of environmental quality.

12 Sec. 43. Section one hundred seventy point nineteen  
13 (170.19), Code 1977, is amended to read as follows:

14 170.19 SANITARY REGULATIONS. The following sanitary  
15 regulations shall be complied with in ~~every hotel, restaurant,~~  
16 and a food establishment:

17 1. The floors, walls, ceilings, woodwork, utensils,  
18 machinery, and other equipment, and all vehicles and equipment  
19 used in the transportation of food shall be kept in a  
20 thoroughly clean condition.

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

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

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

29 5. Smoking by proprietors, cooks, and help shall be  
30 strictly forbidden while preparing or serving food.  
31 Proprietors shall be held responsible when employees violate  
32 this rule.

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

35 7. No dogs or pets shall be allowed in any a food

1 establishment~~7-restaurant7-cafeteria7-cocktail-lounge7-or~~  
 2 ~~tavern7~~ except as provided in section 601D.5.

3 Sec. 44. Section one hundred seventy point twenty-six  
 4 (170.26), Code 1977, is amended to read as follows:

5 170.26 EMPLOYMENT OF DISEASED PERSONS. No person infected  
 6 with any a communicable disease as defined in chapter 139  
 7 shall work in ~~any-hotel7-motor-inn7-restaurant7-tavern7~~  
 8 ~~cocktail-lounge7-or~~ a food establishment ~~nor-shall-any.~~ No  
 9 employer shall permit any such a person to work ~~at-any-such~~  
 10 in the employer's food establishment.

11 Sec. 45. Section one hundred seventy point thirty-eight  
 12 (170.38), Code 1977, is amended by striking the section and  
 13 inserting in lieu thereof the following:

14 170.38 FIRE PROTECTION REGULATIONS. The state fire marshal  
 15 shall adopt, amend, promulgate, and enforce standards relating  
 16 to fire protection and fire safety in food establishments  
 17 in accordance with chapter seventeen A (17A) of the Code.

18 Sec. 46. Section one hundred seventy point forty-six  
 19 (170.46), Code 1977, is amended to read as follows:

20 170.46 ANNUAL INSPECTION. The department shall ~~cause~~  
 21 ~~to-be-inspected~~ inspect each food establishment in the state  
 22 at least once each calendar year~~7-every-hotel7-restaurant7~~  
 23 ~~and-food-establishment-in-the-state7-and-any.~~ The inspector  
 24 ~~of-said-department~~ may enter any-such the place food  
 25 establishment at any reasonable hour to make ~~such~~ the  
 26 inspection. The management shall afford free access to every  
 27 part of the premises and render all aid and assistance  
 28 necessary to enable the inspector to make a thorough and  
 29 complete ~~examination~~ inspection.

30 Sec. 47. Section one hundred seventy point forty-seven  
 31 (170.47), Code 1977, is amended by striking the section and  
 32 inserting in lieu thereof the following:

33 170.47 INSPECTION UPON COMPLAINT. Upon receipt of a veri-  
 34 fied complaint signed by a customer of a food establishment  
 35 and stating facts indicating the place is in an insanitary

1 condition, the department shall conduct an inspection.

2 Sec. 48. Section one hundred seventy point fifty (170.50),  
3 Code 1977, is amended to read as follows:

4 170.50 INJUNCTION. Any A person conducting operating  
5 a hotel, restaurant, or food establishment, in violation of  
6 any a provision of this chapter, may be restrained by  
7 injunction from further operating such place-of-business that  
8 food establishment. No injunction shall issue until after  
9 the defendant has had at least five days' notice of the  
10 application therefor, and the time fixed for hearing thereon.  
11 If an imminent health hazard exists, the food establishment  
12 must cease operation. Operation shall not be resumed until  
13 authorized by the department.

14 Sec. 49. Chapter one hundred seventy (170), Code 1977,  
15 is amended by adding the following new section:

16 NEW SECTION. TOILET AND LAVATORY FACILITIES. A food  
17 establishment shall provide toilet and lavatory facilities  
18 in accordance with rules adopted by the department pursuant  
19 to chapter seventeen A (17A) of the Code.

20 Sec. 50. Section one hundred eighty-nine A point three  
21 (189A.3), unnumbered paragraphs one (1) and two (2), Code  
22 1977, are amended to read as follows:

23 No person shall operate an establishment other than a  
24 grocery store or food service establishment as defined in  
25 section two (2) of this Act without first obtaining a li-  
26 cense from the department. The license fee for each estab-  
27 lishment, ~~excluding restaurants and grocery stores,~~ per year  
28 or any part of a year shall be:

29 1. For all meat and poultry slaughtered or otherwise  
30 prepared not exceeding twenty thousand pounds per year for  
31 sale, resale, or custom, twenty-five dollars.

32 2. For all meat and poultry slaughtered or otherwise  
33 prepared in excess of twenty thousand pounds per year for  
34 sale or, resale, or custom, fifty dollars.

35 ~~The license fee for each restaurant selling twenty pounds~~

1 ~~er-more-of-meat-or-meat-products-annually-and-each-grocery~~  
2 ~~store-per-year-or-any-part-of-a-year-shall-be-five-dollars.~~

3 Sec. 51. Section one hundred ninety-one A point one  
4 (191A.1), Code 1977, is amended by striking the section and  
5 inserting in lieu thereof the following:

6 191A.1 DEFINITIONS. For the purpose of this chapter:

- 7 1. "Commissary" or "vending machine commissary" means  
8 a catering establishment, restaurant, or any other place in  
9 which food, containers, or supplies are kept, handled, pre-  
10 pared, packaged, or stored.
- 11 2. "Secretary" means the secretary of agriculture.
- 12 3. "Department" means the department of agriculture.
- 13 4. "Food" means any raw, cooked, or processed edible sub-  
14 stance, ice, beverage, or ingredient used or intended for  
15 use or for sale in whole or in part for human consumption.
- 16 5. "Local board of health" means a county, city, or dis-  
17 trict board of health.
- 18 6. "Machine location" means the room, enclosure, space,  
19 or area where one or more vending machines are installed and  
20 operated.
- 21 7. "Municipal corporation" means a political subdivision  
22 of this state.
- 23 8. "Operator" means any person who by contract, agree-  
24 ment, or ownership takes responsibility for furnishing, in-  
25 stalling, servicing, operating, or maintaining one or more  
26 vending machines.
- 27 9. "Potentially hazardous food" means any food that  
28 consists in whole or in part of milk or milk products, eggs,  
29 meat, poultry, fish, shell fish, edible crustacea, or other  
30 ingredients including synthetic ingredients, in a form capa-  
31 ble of supporting rapid and progressive growth or infectious  
32 or toxigenic microorganisms. The term does not include clean,  
33 whole, uncracked, odor-free shell eggs or foods which have  
34 a pH level of 4.5 or below or a water activity (Aw) value  
35 of 0.85 or less.

1 10. "Regulatory authority" means the state department  
2 of agriculture or local board of health that has entered into  
3 an agreement with the secretary of agriculture pursuant to  
4 section sixty-one (61) of this Act for authority to enforce  
5 the food and beverage vending machine laws in its jurisdiction.

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

11 12. "Perishable food" means any food of a type or in a  
12 condition which may spoil.

13 Sec. 52. Section one hundred ninety-one A point two  
14 (191A.2), Code 1977, is amended to read as follows:

15 191A.2 LICENSE TO OPERATE. No person shall operate one  
16 or more vending machines until ~~he has obtained~~ a vending  
17 machine operator's license has been obtained from the  
18 ~~department of agriculture~~ regulatory authority. A license  
19 issued by the department of agriculture prior to the effective  
20 date of this Act shall be valid until its expiration date.

21 The annual license shall expire one year from the date of  
22 original issuance and ~~be renewed annually~~ is renewable.

23 Vending machines dispensing only ball gum, or similar  
24 nonperishable snacks as prescribed and defined by regulation  
25 of the secretary, or bottled or canned soft drinks shall not  
26 require a license or be subject to the fee schedule provided  
27 in this chapter, but they may be inspected pursuant to section  
28 191A.8.

29 Sec. 53. Section one hundred ninety-one A point three  
30 (191A.3), Code 1977, is amended to read as follows:

31 191A.3 APPLICATION. ~~Every~~ An application for a vend-  
32 ing machine operator's license shall be made upon a form fur-  
33 nished by the ~~department~~ regulatory authority. The application  
34 form shall provide for obtaining information relating to  
35 ownership of commissaries, location of commissaries, location

1 of shops and other servicing centers, and the total number  
2 of licensable vending machines by general product type owned  
3 and operated by the applicant and such other information  
4 required by the secretary. The operator shall agree in the  
5 application to maintain within the jurisdiction of the  
6 department regulatory authority a complete list of all vending  
7 machines and machine locations operated by the applicant and  
8 to make the list available to the department regulatory  
9 authority at the time of inspection or auditing.

10 Sec. 54. Section one hundred ninety-one A point four  
11 (191A.4), Code 1977, is amended by striking the section and  
12 inserting in lieu thereof the following:

13 191A.4 The regulatory authority shall collect a fee of  
14 two dollars per vending machine for a vending machine  
15 operator's license.

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

19 Fees for a vending machine commissary shall be the same  
20 as those for a food establishment as set forth in section  
21 one hundred seventy point five (170.5) of the Code or for  
22 a food service establishment as set forth in section five  
23 (5) of this Act, whichever is applicable.

24 Sec. 55. Section one hundred ninety-one A point six  
25 (191A.6), Code 1977, is amended to read as follows:

26 191A.6 IDENTIFICATION TAG. Each vending machine licensed  
27 under the provisions of this chapter shall bear a readily  
28 visible identification tag or decal provided by the licensee,  
29 containing his or her business address and phone number, and  
30 a company permit number assigned by the department regulatory  
31 authority.

32 Sec. 56. Section one hundred ninety-one A point seven  
33 (191A.7), Code 1977, is amended to read as follows:

34 191A.7 DISCIPLINARY ACTION. Any A license issued under  
35 this chapter may be revoked by the department regulatory

1 authority for violation by the licensee of any a provision  
2 of this chapter or ~~any-applicable-rules-or-regulations~~ an  
3 applicable rule of the department. In lieu of license  
4 revocation, the ~~department~~ regulatory authority may require  
5 the immediate discontinuance of operation of any a vending  
6 machine or commissary whenever ~~the-department~~ it finds  
7 ~~unsanitary~~ insanitary conditions or any other conditions which  
8 constitute a substantial hazard to the public health. The  
9 order shall apply only to the vending machines, commissary,  
10 or product involved. Any A person whose license is revoked,  
11 or who is ordered to discontinue the operation of any a vending  
12 machine or commissary, may appeal ~~such~~ that decision to the  
13 secretary. The secretary or ~~his~~ the secretary's designee  
14 shall schedule and hold a hearing upon the appeal not later  
15 than thirty days from the time of revocation or the order  
16 of discontinuance~~7-and~~. The secretary shall issue ~~his a~~  
17 decision immediately following the hearing. Judicial review  
18 may be sought in accordance with the terms of the Iowa  
19 administrative procedure Act.

20 Sec. 57. Section one hundred ninety-one A point eight  
21 (191A.8), Code 1977, is amended to read as follows:

22 191A.8 INSPECTION. The department regulatory authority  
23 shall inspect all vending machine commissaries at least once  
24 each calendar year, and shall inspect representative vending  
25 machines and vehicles as often as deemed necessary to determine  
26 compliance with this chapter and applicable rules of the  
27 department. Section ~~470-47~~ thirty (30) of this Act shall  
28 be applicable to the operation of vending machines.

29 Sec. 58. Section one hundred ninety-one A point nine  
30 (191A.9), Code 1977, is amended to read as follows:

31 191A.9 APPLICABLE PROVISIONS. The provisions of sections  
32 ~~470-46~~ twenty-nine (29) of this Act, 170.50, and 170.51 shall  
33 apply in the enforcement of this chapter.

34 Sec. 59. Section one hundred ninety-one A point eleven  
35 (191A.11), Code 1977, is amended by striking the section and

1 inserting in lieu thereof the following:

2 191A.11 EXCEPTIONS TO LICENSE. The food establishment  
3 license required by section one hundred seventy point two  
4 (170.2) of the Code or the food service establishment license  
5 required by the Iowa food service sanitation code shall not  
6 be required for the area where vending machines licensed under  
7 this chapter are located.

8 Sec. 60. Chapter one hundred ninety-one A (191A), Code  
9 1977, is amended by adding the following new section:

10 NEW SECTION. FEES DEPOSITED IN GENERAL FUND. All fees  
11 collected by the department under the requirements of this  
12 chapter shall be deposited in the general fund of the state.  
13 Fees collected by a municipal corporation under the  
14 requirements of this chapter shall be retained by it and for  
15 its use.

16 Sec. 61. Chapter one hundred ninety-one A (191A), Code  
17 1977, is amended by adding the following new section:

18 NEW SECTION. AUTHORITY TO ENFORCE THE FOOD AND BEVERAGE  
19 VENDING MACHINE LAWS. The secretary has sole and exclusive  
20 authority to regulate, license, and inspect food and beverage  
21 vending machines and operators and to otherwise enforce the  
22 food and beverage vending machine laws. Municipal corporations  
23 shall not regulate, license, inspect, or collect license fees  
24 for food and beverage vending machines or their operation  
25 except pursuant to this section.

26 If a municipal corporation wants its local board of health  
27 to enforce the food and beverage vending machine laws within  
28 its jurisdiction, the municipal corporation may enter into  
29 an agreement to do so with the secretary. The secretary may  
30 enter into such an agreement if the secretary finds that the  
31 local board of health has adequate resources to perform the  
32 required functions. A municipal corporation may only enter  
33 into an agreement to enforce the food and beverage vending  
34 machine laws if it also agrees to enforce the Iowa food service  
35 sanitation code pursuant to section four (4) of this Act and

1 to enforce the Iowa hotel sanitation code pursuant to section  
2 eighteen (18) of this Act.

3 Each local board of health that is responsible for enforcing  
4 the food and beverage vending machine laws within its  
5 jurisdiction pursuant to an agreement shall make an annual  
6 report to the secretary providing the following information:

7 1. The total number of food or beverage vending machine  
8 operator's licenses granted or renewed during the year.

9 2. The amount of money collected in license fees during  
10 the year.

11 3. Other information the secretary requests.

12 The secretary shall monitor local boards of health to  
13 determine if they are enforcing the food and beverage vending  
14 machine laws within their respective jurisdictions. If the  
15 secretary determines that the food and beverage vending machine  
16 laws are enforced by a local board of health, the secretary  
17 shall accept such enforcement in lieu of enforcement by the  
18 department in that jurisdiction. If the secretary determines  
19 that the food and beverage vending machine laws are not  
20 enforced by a local board of health, the secretary may rescind  
21 the agreement after reasonable notice and an opportunity for  
22 a hearing. If the agreement is rescinded, the secretary shall  
23 assume responsibility for enforcement in the jurisdiction  
24 involved.

25 Sec. 62. Sections one hundred seventy point seven (170.7),  
26 one hundred seventy point eleven (170.11), one hundred seventy  
27 point thirteen (170.13), one hundred seventy point fourteen  
28 (170.14), one hundred seventy point sixteen (170.16), one  
29 hundred seventy point seventeen (170.17), one hundred seventy  
30 point eighteen (170.18), one hundred seventy point twenty-  
31 one (170.21), one hundred seventy point twenty-two (170.22),  
32 one hundred seventy point twenty-three (170.23), one hun-  
33 dred seventy point twenty-four (170.24), one hundred seventy  
34 point twenty-nine (170.29), one hundred seventy point thirty  
35 (170.30), one hundred seventy point thirty-one (170.31), one

1 hundred seventy point thirty-two (170.32), one hundred seventy  
2 point thirty-three (170.33), one hundred seventy point thirty-  
3 five (170.35), one hundred seventy point thirty-six (170.36),  
4 one hundred seventy point thirty-seven (170.37), one hundred  
5 ninety-one A point five (191A.5), one hundred ninety-two point  
6 one (192.1), one hundred ninety-two point two (192.2), one  
7 hundred ninety-two point three (192.3), and one hundred ninety-  
8 two point four (192.4), Code 1977, are repealed.

\* 9 Sec. 63. Section three (3) of this Act is effective July  
10 1, 1977.

11 Sec. 64. Except as otherwise specifically provided, this  
12 Act is effective January 1, 1978.

13 EXPLANATION

14

15 Except as otherwise specifically provided, this bill is  
16 recommended for passage by the 1976 Restaurant Inspection  
17 Subcommittee of the Standing Committees on State Government.

18

Food Service Establishments

19 Essentially, the bill adopts the 1976 edition of the federal  
20 food and drug administration food service sanitation ordinance  
21 as the Iowa Food Service Sanitation Code. The Iowa Food  
22 Service Sanitation Code relates to the regulation, licensure,  
23 and inspection of food service establishments in the state.  
24 The Department of Health will enforce the Iowa Food Service  
25 Sanitation Code throughout Iowa unless agreements are entered  
26 into which authorize local boards of health to enforce that  
27 Code within their respective jurisdictions. Cities and  
28 counties cannot regulate, license, or inspect food service  
29 establishments except pursuant to an agreement with the  
30 Commissioner of Public Health. If an agreement is entered  
31 into, the municipal corporation retains the license fee for  
32 its use. If the Department of Health collects the license  
33 fee, it is deposited in the general fund of the state. License  
34 fees are set by the state. Licenses will expire one year  
35 from date of issue and are renewable.

1 After each inspection, an inspection notice stating the  
2 date of inspection and the inspector's name must be posted  
3 in a food service establishment where the public can easily  
4 see it.

5 If a food service establishment receives two consecutive  
6 "poor" inspection ratings (ratings under 76), the "poor"  
7 rating must be posted where the public can easily see it.  
8 The inspector must advise the licensee of this when a food  
9 service establishment receives a "poor" rating.

10 Vending Machines

11 The bill makes the Department of Health responsible for  
12 enforcing chapter 191A of the Code relating to food and  
13 beverage vending machines. It also provides for local  
14 enforcement by contract.

15 Hotels

16 The bill makes the Department of Health responsible for  
17 enforcing the Iowa Hotel Sanitation Code throughout Iowa unless  
18 agreements are entered into which authorize local boards of  
19 health to enforce that Code within their respective  
20 jurisdictions.

21 Food Establishments

22 The bill provides that the Department of Agriculture will  
23 continue to enforce chapter 170 of the Code which will relate  
24 to food establishments.

25 Miscellaneous Licenses

26 The bill repeals the milk dealer's license. It also  
27 eliminates the need for operators of grocery stores or food  
28 service establishments to obtain a meat and poultry license.

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SENATE FILE 365

AN ACT

RELATING TO FOOD SERVICE ESTABLISHMENTS, FOOD ESTABLISHMENTS,  
FOOD AND BEVERAGE VENDING MACHINES, AND HOTELS, AND PRO-  
VIDING PENALTIES.

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

Section 1. NEW SECTION. SHORT TITLE. Sections one (1) through fifteen (15) of this Act shall be known as the Iowa food service sanitation code and shall appear as a separate chapter in the Code.

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

1. "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.
2. "Secretary" means the secretary of agriculture.
3. "Department" means the department of agriculture.
4. "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
5. "Food service establishment" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service and food service operations in schools and summer camps. The term does not include private homes where food is prepared or stored for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles. The term does not include child day care facilities, food service facilities

subject to inspection by other agencies of the state and located in nursing homes, health care facilities, or hospitals.

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

7. "Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

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

9. "Pushcart" means a non-self propelled vehicle limited to serving non-potentially hazardous foods, commissary wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

10. "Regulatory authority" means the state department of agriculture or local board of health that has entered into an agreement with the secretary of agriculture pursuant to section four (4) of this Act for authority to enforce the Iowa food service sanitation code in its jurisdiction.

11. "Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than twelve consecutive days in conjunction with a single event or celebration.

12. "Food service sanitation ordinance" means the 1976 edition of the federal food and drug administration food service sanitation ordinance. Copies of the food service sanitation ordinance shall be on file in the department.

Sec. 3. NEW SECTION. ADOPTION BY RULE. As soon as practicable, the secretary shall adopt the food service sanitation ordinance by rule as part of the Iowa food service sanitation code with the following exceptions:

1. 1-102 (b), (1), and (2) shall be deleted.
2. 1-104 shall be deleted.
3. 10-101 shall be amended so that the following food service establishments are exempt from the license requirement:
  - a. Food service operations in schools.
  - b. Places used by churches, fraternal societies, and civic organizations which engage in the serving of food not more often than ten times per month.

10-101 shall also be amended so that a license issued by the department of agriculture prior to the effective date of this Act shall be valid until its expiration date.

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

5. 10-601 shall be deleted.

Sec. 4. NEW SECTION. AUTHORITY TO ENFORCE THE IOWA FOOD SERVICE SANITATION CODE. The secretary has sole and exclusive authority to regulate, license, and inspect food service establishments and to enforce the Iowa food service sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from food service establishments except as provided for in the Iowa food service sanitation code.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa food service sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary. The secretary may enter into such an agreement if the secretary finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa food service sanitation code if it also agrees to enforce the Iowa hotel sanitation code pursuant to section eighteen (18) of this Act and to enforce the food and beverage vending machine laws pursuant to section sixty-one (61) of this Act. To avoid duplication of inspection, the department, not a local board of health, shall inspect a food service establishment located within a food establishment.

If the secretary enters into an agreement with a municipal corporation as provided by this section, the secretary shall cause the inspection practices of a municipal corporation to be spot checked on a regular basis.

Each local board of health that is responsible for enforcing the Iowa food service sanitation code within its

jurisdiction pursuant to an agreement shall make an annual report to the secretary providing the following information:

1. The total number of food service establishment licenses granted or renewed during the year.

2. The number of food service establishment licenses granted or renewed during the year broken down into the following categories:

- a. Mobile food units and pushcarts.
- b. Temporary food service establishments.
- c. Food service establishments with annual gross sales of under fifty thousand dollars other than mobile food units, pushcarts, or temporary food service establishments.
- d. Food service establishments with annual gross sales of between fifty thousand and one hundred thousand dollars other than mobile food units, pushcarts, or temporary food service establishments.
- e. Food service establishments with annual gross sales of more than one hundred thousand but less than two hundred fifty thousand dollars other than mobile food units, pushcarts, or temporary food service establishments.
- f. Food service establishments with annual gross sales of two hundred fifty thousand dollars or more other than mobile food units, pushcarts, or temporary food service establishments.

3. The amount of money collected in license fees during the year.

4. Other information the secretary requests.

The secretary shall monitor local boards of health to determine if they are enforcing the Iowa food service sanitation code within their respective jurisdictions. If the secretary determines that the Iowa food service sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the secretary determines that the Iowa food service sanitation code is not enforced by a local board of health, the secretary may rescind the agreement after reasonable notice and an opportunity for a hearing. If the

agreement is rescinded, the secretary shall assume responsibility for enforcement in the jurisdiction involved.

Sec. 5. NEW SECTION. LICENSE FEES. Either the department or the municipal corporation shall collect the following annual license fees:

1. For a mobile food unit or pushcart, ten dollars.
2. For a temporary food service establishment per fixed location, ten dollars.
3. For a food service establishment with annual gross sales of under fifty thousand dollars other than a mobile food unit, pushcart, or temporary food service establishment, forty dollars.
4. For a food service establishment with annual gross sales of between fifty thousand and one hundred thousand dollars other than a mobile food unit, pushcart, or temporary food service establishment, seventy dollars.
5. For a food service establishment with annual gross sales of more than one hundred thousand but less than two hundred fifty thousand dollars other than a mobile food unit, pushcart, or temporary food service establishment, one hundred twenty-five dollars.
6. For a food service establishment with annual gross sales of two hundred fifty thousand dollars or more, one hundred fifty dollars.

Fees collected by the department shall be deposited in the general fund of the state. Fees collected by a municipal corporation shall be retained by it and for its use.

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

Sec. 7. NEW SECTION. TOILET AND LAVATORY FACILITIES. A food service establishment that is not a mobile food unit, pushcart, or temporary food service establishment shall provide

toilet and lavatory facilities in accordance with rules adopted by the department pursuant to chapter seventeen A (17A) of the Code.

Sec. 8. NEW SECTION. PLUMBING IN FOOD SERVICE ESTABLISHMENTS. A food service establishment shall have an adequately designed plumbing system conforming to at least the minimum requirements of the state plumbing code. The water supply service and sewerage system of a food service establishment shall meet the technical requirements of the local board of health, the department of health, and the department of environmental quality.

Sec. 9. NEW SECTION. FIRE PROTECTION REGULATIONS. The state fire marshal shall adopt, amend, promulgate, and enforce standards relating to fire protection and fire safety in food service establishments in accordance with chapter seventeen A (17A) of the Code.

Sec. 10. NEW SECTION. INSPECTION UPON COMPLAINT. Upon receipt of a verified complaint signed by a customer of a food service establishment and stating facts indicating the place is in an insanitary condition, the regulatory authority may conduct an inspection.

Sec. 11. NEW SECTION. POSTING INSPECTION NOTICE. Immediately after an inspection of a food service establishment is conducted by the regulatory authority, the licensee or person in charge shall post, in a conspicuous place easily accessible to the public, a notice stating the date of the inspection and the name of the inspector who conducted the inspection. This notice shall remain so posted until it is replaced after the next inspection. The regulatory authority shall provide these inspection notices after each inspection.

Sec. 12. NEW SECTION. POSTING "POOR" INSPECTION RESULTS. If a food service establishment receives two consecutive inspection ratings of under 76, the numerical rating along with the designation of "poor" shall be posted by the licensee or person in charge along with the inspection notice provided for in section eleven (11) of this Act. The rating and "poor" designation shall remain posted until a rating above 75 is

received at a subsequent inspection. When a food service establishment receives a "poor" rating, the inspector shall advise the licensee, or person in charge, of the posting requirement set forth in this section.

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

Sec. 14. NEW SECTION. DUTY OF COUNTY ATTORNEY. The county attorney in each county shall assist in the enforcement of the Iowa food service sanitation code.

Sec. 15. NEW SECTION. CONFLICTING STATUTES. Provisions of the Iowa food service sanitation code 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.

Sec. 16. NEW SECTION. SHORT TITLE. Sections sixteen (16) through thirty-four (34) of this Act shall be known as the Iowa hotel sanitation code and shall appear as a separate chapter in the Code.

Sec. 17. NEW SECTION. DEFINITIONS. For purposes of the Iowa hotel sanitation code, unless a different meaning is clearly indicated by the context:

1. "Secretary" means the secretary of agriculture.
2. "Department" means the department of agriculture.
3. "Guest room" shall mean any bedroom or other sleeping quarters for transient guests in a hotel.
4. "Hotel" shall mean any building or structure, equipped, used, advertised as, or held out to the public to be an inn, hotel, motel, motor inn, or place where sleeping accommodations are furnished transient guests for hire.
5. "Local board of health" means a county, city, or district board of health.
6. "Municipal corporation" means a political subdivision of this state.
7. "Regulatory authority" means the state department of agriculture or local board of health that has entered into

an agreement with the secretary pursuant to section eighteen (18) of this Act for authority to enforce the Iowa hotel sanitation code in its jurisdiction.

Sec. 18. NEW SECTION. AUTHORITY TO ENFORCE THE IOWA HOTEL SANITATION CODE. The secretary has sole and exclusive authority to regulate, license, and inspect hotels and to enforce the Iowa hotel sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from hotels except as provided for in the Iowa hotel sanitation code.

If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary. The secretary may enter into such an agreement if the secretary finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa hotel sanitation code if it also agrees to enforce the Iowa food service sanitation code pursuant to section four (4) of this Act and to enforce the food and beverage vending machine laws pursuant to section sixty-one (61) of this Act.

Each local board of health that is responsible for enforcing the Iowa hotel sanitation code within its jurisdiction, pursuant to an agreement, shall make an annual report to the secretary providing the following information:

1. The total number of hotel licenses granted or renewed during the year.
2. The number of hotel licenses granted or renewed during the year broken down into the following categories:
  - a. Hotels containing fifteen guest rooms or less.
  - b. Hotels containing more than fifteen but less than thirty-one guest rooms.
  - c. Hotels containing more than thirty but less than seventy-six guest rooms.
  - d. Hotels containing more than seventy-five but less than

one hundred fifty guest rooms.

e. Hotels containing one hundred fifty or more guest rooms.

3. The amount of money collected in license fees during the year.

4. Other information the secretary requests.

The secretary shall monitor local boards of health to determine if they are enforcing the Iowa hotel sanitation code within their respective jurisdictions. If the secretary determines that the Iowa hotel sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the secretary determines that the Iowa hotel sanitation code is not enforced by a local board of health, the secretary may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the secretary shall assume responsibility for enforcement in the jurisdiction involved.

Sec. 19. NEW SECTION. LICENSE REQUIRED. No person shall open or operate a hotel until a license has been obtained from the regulatory authority and until the hotel has been inspected by the regulatory authority. A license issued by the department of agriculture prior to the effective date of this Act shall be valid until its expiration date. An inspection conducted by the department of agriculture prior to the effective date of this Act shall be valid for purposes of this section. Each license shall expire one year from date of issue. A license is renewable. All licenses issued under the Iowa hotel sanitation code that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent of the license fee if the license is renewed at a later date. A license is not transferable.

Sec. 20. NEW SECTION. APPLICATION FOR LICENSE. Every application for a license under the Iowa hotel sanitation code shall be made upon a blank furnished by the regulatory authority and shall contain the items required by the

department as to ownership, management, location, buildings, equipment, rates, and other data concerning the hotel for which a license is desired. An application for a license to operate an existing hotel shall be made at least thirty days before the expiration of the existing license.

Sec. 21. NEW SECTION. LICENSE FEES. Either the department or the municipal corporation shall collect the following annual license fees:

1. For a hotel containing fifteen guest rooms or less, twenty dollars.
2. For a hotel containing more than fifteen but less than thirty-one guest rooms, thirty dollars.
3. For a hotel containing more than thirty but less than seventy-six guest rooms, forty dollars.
4. For a hotel containing more than seventy-five but less than one hundred fifty guest rooms, fifty dollars.
5. For a hotel containing one hundred fifty or more guest rooms, seventy-five dollars.

Fees collected by the department shall be deposited in the general fund of the state. Fees collected by a municipal corporation shall be retained by it and for its use.

Sec. 22. NEW SECTION. LICENSE REVOCATION. A license issued under the Iowa hotel sanitation code may be revoked by the regulatory authority for violation by the licensee of a provision of the Iowa hotel sanitation code or applicable rule of the department.

Sec. 23. NEW SECTION. TOILET AND LAVATORY FACILITIES. A hotel shall provide toilet and lavatory facilities in accordance with rules adopted by the department pursuant to chapter seventeen A (17A) of the Code.

Sec. 24. NEW SECTION. PLUMBING IN HOTELS. A hotel shall have an adequately designed plumbing system conforming to at least the minimum requirements of the state plumbing code. The plumbing system shall have a connection to a municipal water and sewerage system or to a benefited water district or sanitary sewerage district whenever such facilities become available.

A hotel beyond the reach of a central water or sewerage system shall be served by on-site facilities which meet the technical requirements of the local board of health, the department of health, and the department of environmental quality.

Sec. 25. NEW SECTION. EMPLOYMENT OF DISEASED PERSONS. No person infected with a communicable disease as defined in chapter one hundred thirty-nine (139) of the Code shall work in a hotel. No employer shall permit such a person to work in the employer's hotel.

Sec. 26. NEW SECTION. LIST OF ROOM RATES TO BE POSTED. A complete list of rooms by number together with the number of the floor and the rate per day per person for each room shall be kept continuously and conspicuously posted on the wall near the office in the lobby of a hotel in such a way as to be accessible to the public without request to the management. The rate per day per person for each room shall also be posted in the same manner in each room. No amount greater than the one posted shall be charged.

Sec. 27. NEW SECTION. INCREASE OF RATES. The rates posted under section twenty-six (26) of this Act shall not be increased until sixty days' notice of the proposed increase has been given to the regulatory authority.

Sec. 28. NEW SECTION. FIRE PROTECTION REGULATIONS. The state fire marshal shall adopt, amend, promulgate, and enforce standards relating to fire protection and fire safety in hotels in accordance with chapter seventeen A (17A) of the Code.

Sec. 29. NEW SECTION. ANNUAL INSPECTION. The regulatory authority shall inspect each hotel in the state at least once each calendar year. The inspector may enter the hotel at any reasonable hour to make the inspection. The management shall afford free access to every part of the premises and render all aid and assistance necessary to enable the inspector to make a thorough and complete inspection.

Sec. 30. NEW SECTION. INSPECTION UPON COMPLAINT. Upon receipt of a verified complaint signed by a guest of a hotel

and stating facts indicating the place is in an insanitary condition, the regulatory authority may conduct an inspection.

Sec. 31. NEW SECTION. PENALTY. A person who violates a provision of the Iowa hotel sanitation code shall be guilty of a simple misdemeanor. Each day upon which a violation occurs constitutes a separate violation.

Sec. 32. NEW SECTION. INJUNCTION. A person conducting a hotel in violation of a provision of the Iowa hotel sanitation code may be restrained by injunction from operating that hotel. If an imminent health hazard exists, the hotel, or as much of the hotel as is necessary, must cease operation. Operation shall not be resumed until authorized by the regulatory authority.

Sec. 33. NEW SECTION. DUTY OF COUNTY ATTORNEY. The county attorney in each county shall assist in the enforcement of the Iowa hotel sanitation code.

Sec. 34. NEW SECTION. CONFLICTING STATUTES. Provisions of the Iowa hotel sanitation code 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.

Sec. 35. Section one hundred fifty-nine point six (159.6), subsection seven (7), Code 1977, is amended to read as follows:

7. ~~Hotels--restaurants--and-food~~ Food establishments, chapter 170.

Sec. 36. Section one hundred fifty-nine point six (159.6), Code 1977, is amended by adding the following new subsections:

NEW SUBSECTION. Food service establishments as set forth in sections one (1) through fifteen (15) of this Act.

NEW SUBSECTION. Hotels as set forth in sections sixteen (16) through thirty-four (34) of this Act.

Sec. 37. Section one hundred seventy point one (170.1), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

170.1 DEFINITIONS. For the purpose of this chapter:

1. "Food" shall mean any raw, cooked, or processed edible

substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

2. "Food establishment" shall mean any 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 consumption, except those premises covered by a current class "A" beer permit as provided in chapter one hundred twenty-three (123) of the Code.

Sec. 38. Section one hundred seventy point two (170.2), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

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

Sec. 39. Section one hundred seventy point four (170.4), Code 1977, is amended to read as follows:

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

Sec. 40. Section one hundred seventy point five (170.5), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

170.5 LICENSE FEES. The department of agriculture shall collect the following fees for licenses:  
For a food establishment with an annual gross sales volume of:

1. Less than ten thousand dollars, twenty dollars.
2. Ten thousand dollars but less than two hundred fifty

thousand dollars, fifty dollars.

3. Two hundred fifty thousand dollars but less than five hundred thousand dollars, seventy-five dollars.

4. Five hundred thousand dollars but less than seven hundred fifty thousand dollars, one hundred dollars.

5. Seven hundred fifty thousand dollars or more, one hundred fifty dollars.

The fees paid by a food establishment to the department shall be reduced by fifty percent of the amount of any fees paid to the department by it for a food service establishment license for the same premises.

All licenses issued under this chapter that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent of the license fee if the license is renewed at a later date.

After collection, the fees shall be deposited in the general fund of the state.

Sec. 41. Section one hundred seventy point nine (170.9), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

170.9 PLUMBING IN BUILDINGS. Every food establishment shall have an adequately designed plumbing system conforming to at least the minimum requirements of the state plumbing code. The plumbing system shall have a connection to a municipal water and sewerage system or to a benefited water district or sanitary sewerage district whenever such facilities become available.

Sec. 42. Section one hundred seventy point ten (170.10), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

170.10 FOOD ESTABLISHMENTS WITH PRIVATE WATER AND SEWER FACILITIES. When a food establishment is served by privately owned water or waste treatment facilities these facilities shall meet the technical requirements of the local board of health, the department of health, and the department of environmental quality.

Sec. 43. Section one hundred seventy point nineteen

(170.19), Code 1977, is amended to read as follows:

170.19 SANITARY REGULATIONS. The following sanitary regulations shall be complied with in ~~every hotel, restaurant, and a~~ food establishment:

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

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

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

4. ~~The clothing of all persons employed shall be kept clean, and those who handle food shall keep themselves clean, keep their fingernails well-trimmed, and wash their hands and arms before beginning work and after visiting the toilet.~~ Clean clothing shall be worn by all food handlers and employees and all employees shall wash themselves after engaging in activities which may affect their cleanliness.

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

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

7. No dogs or pets shall be allowed in ~~any a~~ food establishment, ~~restaurant, cafeteria, cocktail lounge, or tavern,~~ except as provided in section 601D.5.

Sec. 44. Section one hundred seventy point twenty-six (170.26), Code 1977, is amended to read as follows:

170.26 EMPLOYMENT OF DISEASED PERSONS. No person infected with ~~any a~~ communicable disease as defined in chapter 139 shall work in ~~any hotel, motor inn, restaurant, tavern, cocktail lounge, or a~~ food establishment ~~nor shall any.~~ No employer shall permit any such a person to work at any such in the employer's food establishment.

Sec. 45. Section one hundred seventy point thirty-eight

(170.38), Code 1977 Supplement, is amended by striking the section and inserting in lieu thereof the following:

170.38 FIRE PROTECTION REGULATIONS. The state fire marshal shall adopt, amend, promulgate, and enforce standards relating to fire protection and fire safety in food establishments in accordance with chapter seventeen A (17A) of the Code.

Sec. 46. Section one hundred seventy point forty-six (170.46), Code 1977, is amended to read as follows:

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

Sec. 47. Section one hundred seventy point forty-seven (170.47), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

170.47 INSPECTION UPON COMPLAINT. Upon receipt of a verified complaint signed by a customer of a food establishment and stating facts indicating the place is in an insanitary condition, the department may conduct an inspection.

Sec. 48. Section one hundred seventy point fifty (170.50), Code 1977, is amended to read as follows:

170.50 INJUNCTION. Any A person conducting operating a hotel, restaurant, or food establishment, in violation of any a provision of this chapter, may be restrained by injunction from further operating such place-of-business that food establishment. No injunction shall issue until after the defendant has had at least five days' notice of the application therefor, and the time fixed for hearing thereon. If an imminent health hazard exists, the food establishment must cease operation. Operation shall not be resumed until authorized by the department.

Sec. 49. Chapter one hundred seventy (170), Code 1977, is amended by adding the following new section:

NEW SECTION. TOILET AND LAVATORY FACILITIES. A food establishment shall provide toilet and lavatory facilities in accordance with rules adopted by the department pursuant to chapter seventeen A (17A) of the Code.

Sec. 50. Section one hundred eighty-nine A point three (189A.3), unnumbered paragraphs one (1) and two (2), Code 1977, are amended to read as follows:

No person shall operate an establishment other than a grocery store or food service establishment as defined in section two (2) of this Act without first obtaining a license from the department. The license fee for each establishment, ~~excluding restaurants and grocery stores~~, per year or any part of a year shall be:

1. For all meat and poultry slaughtered or otherwise prepared not exceeding twenty thousand pounds per year for sale, resale, or custom, twenty-five dollars.

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

~~The license fee for each restaurant selling twenty pounds or more of meat or meat products annually and each grocery store per year or any part of a year shall be five dollars.~~

Sec. 51. Section one hundred ninety-one A point one (191A.1), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

191A.1 DEFINITIONS. For the purpose of this chapter:

1. "Commissary" or "vending machine commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

2. "Secretary" means the secretary of agriculture.

3. "Department" means the department of agriculture.

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

5. "Local board of health" means a county, city, or district board of health.

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

7. "Municipal corporation" means a political subdivision of this state.

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

9. "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shell fish, edible crustacea, or other ingredients including synthetic ingredients, in a form capable of supporting rapid and progressive growth or infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.5 or below or a water activity (Aw) value of 0.85 or less.

10. "Regulatory authority" means the state department of agriculture or local board of health that has entered into an agreement with the secretary of agriculture pursuant to section sixty-one (61) of this Act for authority to enforce the food and beverage vending machine laws in its jurisdiction.

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

12. "Perishable food" means any food of a type or in a condition which may spoil.

Sec. 52. Section one hundred ninety-one A point two (191A.2), Code 1977, is amended to read as follows:

191A.2 LICENSE TO OPERATE. No person shall operate one or more vending machines until ~~he has obtained~~ a vending machine operator's license has been obtained from the

~~department-of-agriculture regulatory authority.~~ A license issued by the department of agriculture prior to the effective date of this Act shall be valid until its expiration date. The annual license shall expire one year from the date of original issuance and ~~be renewed annually~~ is renewable. Vending machines dispensing only ball gum or similar nonperishable snacks as prescribed and defined by regulation of the secretary, or bottled or canned soft drinks shall not require a license or be subject to the fee schedule provided in this chapter, but they may be inspected pursuant to section 191A.8.

Sec. 53. Section one hundred ninety-one A point three (191A.3), Code 1977, is amended to read as follows:

191A.3 APPLICATION. ~~Every~~ An application for a vending machine operator's license shall be made upon a form furnished by the department regulatory authority. The application form shall provide for obtaining information relating to ownership of commissaries, location of commissaries, location of shops and other servicing centers, and the total number of licensable vending machines by general product type owned and operated by the applicant and ~~such~~ other information required by the secretary. The operator shall agree in the application to maintain within the jurisdiction of the department regulatory authority a complete list of all vending machines and machine locations operated by the applicant and to make the list available to the department regulatory authority at the time of inspection or auditing.

Sec. 54. Section one hundred ninety-one A point four (191A.4), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

191A.4 The regulatory authority shall collect a fee of two dollars per vending machine for a vending machine operator's license.

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

Fees for a vending machine commissary shall be the same

as those for a food establishment as set forth in section one hundred seventy point five (170.5) of the Code or for a food service establishment as set forth in section five (5) of this Act, whichever is applicable.

Sec. 55. Section one hundred ninety-one A point six (191A.6), Code 1977, is amended to read as follows:

191A.6 IDENTIFICATION TAG. Each vending machine licensed under the provisions of this chapter shall bear a readily visible identification tag or decal provided by the licensee, containing his or her business address and phone number, and a company permit number assigned by the department regulatory authority.

Sec. 56. Section one hundred ninety-one A point seven (191A.7), Code 1977, is amended to read as follows:

191A.7 DISCIPLINARY ACTION. Any A license issued under this chapter may be revoked by the department regulatory authority for violation by the licensee of any a provision of this chapter or ~~any applicable rules or regulations~~ an applicable rule of the department. In lieu of license revocation, the department regulatory authority may require the immediate discontinuance of operation of any a vending machine or commissary whenever ~~the department~~ it finds ~~unsanitary~~ insanitary conditions or any other conditions which constitute a substantial hazard to the public health. The order shall apply only to the vending machines, commissary, or product involved. Any A person whose license is revoked, or who is ordered to discontinue the operation of any a vending machine or commissary, may appeal ~~such~~ that decision to the secretary. The secretary or ~~his~~ the secretary's designee shall schedule and hold a hearing upon the appeal not later than thirty days from the time of revocation or the order of discontinuance, ~~and~~. The secretary shall issue ~~his~~ a decision immediately following the hearing. Judicial review may be sought in accordance with the terms of the Iowa administrative procedure Act.

Sec. 57. Section one hundred ninety-one A point eight (191A.8), Code 1977, is amended to read as follows:

191A.8 INSPECTION. The department regulatory authority shall inspect all vending machine commissaries at least once each calendar year, and shall inspect representative vending machines and vehicles as often as deemed necessary to determine compliance with this chapter and applicable rules of the department. Section ~~470-47~~ thirty (30) of this Act shall be applicable to the operation of vending machines.

Sec. 58. Section one hundred ninety-one A point nine (191A.9), Code 1977, is amended to read as follows:

191A.9 APPLICABLE PROVISIONS. The provisions of sections ~~470-46~~ twenty-nine (29) of this Act, 170.50, and 170.51 shall apply in the enforcement of this chapter.

Sec. 59. Section one hundred ninety-one A point eleven (191A.11), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

191A.11 EXCEPTIONS TO LICENSE. The food establishment license required by section one hundred seventy point two (170.2) of the Code or the food service establishment license required by the Iowa food service sanitation code shall not be required for the area where vending machines licensed under this chapter are located.

Sec. 60. Chapter one hundred ninety-one A (191A), Code 1977, is amended by adding the following new section:

NEW SECTION. FEES DEPOSITED IN GENERAL FUND. All fees collected by the department under the requirements of this chapter shall be deposited in the general fund of the state. Fees collected by a municipal corporation under the requirements of this chapter shall be retained by it and for its use.

Sec. 61. Chapter one hundred ninety-one A (191A), Code 1977, is amended by adding the following new section:

NEW SECTION. AUTHORITY TO ENFORCE THE FOOD AND BEVERAGE VENDING MACHINE LAWS. The secretary has sole and exclusive authority to regulate, license, and inspect food and beverage vending machines and operators and to otherwise enforce the food and beverage vending machine laws. Municipal corporations shall not regulate, license, inspect, or collect license fees

for food and beverage vending machines or their operation except pursuant to this section.

If a municipal corporation wants its local board of health to enforce the food and beverage vending machine laws within its jurisdiction, the municipal corporation may enter into an agreement to do so with the secretary. The secretary may enter into such an agreement if the secretary finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the food and beverage vending machine laws if it also agrees to enforce the Iowa food service sanitation code pursuant to section four (4) of this Act and to enforce the Iowa hotel sanitation code pursuant to section eighteen (18) of this Act.

Each local board of health that is responsible for enforcing the food and beverage vending machine laws within its jurisdiction pursuant to an agreement shall make an annual report to the secretary providing the following information:

1. The total number of food or beverage vending machine operator's licenses granted or renewed during the year.
2. The amount of money collected in license fees during the year.
3. Other information the secretary requests.

The secretary shall monitor local boards of health to determine if they are enforcing the food and beverage vending machine laws within their respective jurisdictions. If the secretary determines that the food and beverage vending machine laws are enforced by a local board of health, the secretary shall accept such enforcement in lieu of enforcement by the department in that jurisdiction. If the secretary determines that the food and beverage vending machine laws are not enforced by a local board of health, the secretary may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the secretary shall assume responsibility for enforcement in the jurisdiction involved.

Sec. 62. Sections one hundred seventy point seven (170.7),

one hundred seventy point eleven (170.11), one hundred seventy point thirteen (170.13), one hundred seventy point fourteen (170.14), one hundred seventy point sixteen (170.16), one hundred seventy point seventeen (170.17), one hundred seventy point eighteen (170.18), one hundred seventy point twenty-one (170.21), one hundred seventy point twenty-two (170.22), one hundred seventy point twenty-three (170.23), one hundred seventy point twenty-four (170.24), one hundred seventy point twenty-nine (170.29), one hundred seventy point thirty (170.30), one hundred seventy point thirty-one (170.31), one hundred seventy point thirty-two (170.32), one hundred seventy point thirty-three (170.33), one hundred seventy point thirty-five (170.35), one hundred seventy point thirty-six (170.36), one hundred seventy point thirty-seven (170.37), one hundred ninety-one A point five (191A.5), one hundred ninety-two point one (192.1), one hundred ninety-two point two (192.2), one hundred ninety-two point three (192.3), and one hundred ninety-two point four (192.4), Code 1977, are repealed.

Sec. 63. Section three (3) of this Act is effective July 1, 1978.

Sec. 64. Except as otherwise specifically provided, this Act is effective January 1, 1979.

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ARTHUR A. NEU  
President of the Senate

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DALE M. COCHRAN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 365, Sixty-seventh General Assembly.

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KEVIN P. LIGHT  
Acting Secretary of the Senate

Approved \_\_\_\_\_, 1978

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ROBERT D. RAY  
Governor