

RESTAURANT INSPECTION SUBCOMMITTEE
OF THE
STANDING COMMITTEES ON STATE GOVERNMENT

Report to the Members of the
First Session of the Sixty-seventh General Assembly

State of Iowa
1977

1976 REPORT

RESTAURANT INSPECTION SUBCOMMITTEE OF THE STANDING COMMITTEES ON STATE GOVERNMENT

At its meeting on August 4, 1976, the Legislative Council authorized creation of the Restaurant Inspection Subcommittee of the Standing Committees on State Government.

The Restaurant Inspection Subcommittee named Senator George R. Kinley as its Chairperson and Representative William W. Dieleman as its Vice Chairperson. Other legislators appointed to the Subcommittee were Senator Leonard C. Andersen, Senator Eugene M. Hill, Representative Donald Binneboese, and Representative Reid W. Crawford.

During the 1976 Interim and early days of the Sixty-seventh General Assembly, 1977 Session, the Restaurant Inspection Subcommittee held a total of four meetings at the State House in Des Moines. The first was a two-day meeting. A bibliography of persons who attended at least one meeting of the 1976 Restaurant Inspection Subcommittee of the Standing Committees on State Government is attached to this report.

In the course of the four meetings, the Restaurant Inspection Subcommittee heard testimony from local health department personnel involved in restaurant inspection, from state Department of Agriculture personnel involved in restaurant inspection, and from a representative from the Regional Field Office of the Federal Food and Drug Administration in Kansas City, Missouri. The Subcommittee learned that the Department of Public Instruction plays a role in inspecting food service operations in schools, daycare facilities, and summer camps. The Subcommittee learned that the Department of Health plays a role in inspecting food service operations in nursing homes, hospitals, and residential care facilities. The Subcommittee also learned that the Department of Social Services plays a role in inspecting food service operations in daycare facilities. The Subcommittee solicited input from the Iowa Restaurant Association, the Iowa Hotel--Motel--Motor Inn Association, the Iowa State Association of Counties, and the Director of the State Hygienic Laboratory. The laboratory is involved in public health in general and in restaurant inspection by doing tests for local health department restaurant inspectors. Both the Secretary of Agriculture and Commissioner of Public Health addressed the Subcommittee on their views of Iowa's restaurant inspection program.

The Restaurant Inspection Subcommittee had three bill proposals drafted. From that point, the Subcommittee had two study bills drafted, and then had a proposed Subcommittee bill drafted. That bill was refined into the final form which was adopted as a Subcommittee bill and which is attached to this report.

The Restaurant Inspection Subcommittee bill is L.S.B. 419S/419H. Essentially, the bill adopts by reference the revised United States Public Service Food Service Sanitation Ordinance and Code as the Iowa Food Service Sanitation Code. The Iowa Food Service Sanitation Code relates to the regulation, licensure, and inspection of food service establishments in the state. Under the bill, the Department of Health will enforce the Iowa Food Service Sanitation Code throughout Iowa unless agreements are entered into which authorize local boards of health to enforce that Code within their respective jurisdictions. Cities and counties cannot regulate, license, or inspect food service establishments except pursuant to an agreement with the Commissioner of Public Health. If an agreement is entered into, the local board of health retains the license fee for its use. If the Department of Health collects the license fee, it is deposited into the general fund of the state. License fees are set by the state. Licenses will expire one year from date of issue and are renewable.

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

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

The bill makes the Department of Health responsible for enforcing Chapter 191A of the Code relating to food and beverage vending machines. The bill also makes the Department of Health responsible for enforcing the Iowa Hotel Sanitation Code throughout Iowa unless agreements are entered into which authorize local boards of health to enforce that Code within their respective jurisdictions.

The bill provides that the Department of Agriculture will continue to enforce Chapter 170 of the Code which will relate only to food establishments.

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

The bill will eliminate duplication of inspection and license fees for food service establishments because under it, a food operation will only have to obtain one license and will only be inspected by one governmental unit--either the state Department of Health or local board of health. In the past, many food service establishments had to obtain two licenses, pay two license fees, and be inspected by two governmental units--both the state Department of Agriculture and the local board of health.

The bill eliminates the 1977 Code provision requiring that a complaining citizen pay for an inspection when a complaint is found to be without reasonable grounds.

The bill allows the regulatory authority to close a food service establishment immediately if the inspector reasonably believes it constitutes an imminent health hazard. The bill prohibits food service establishments from opening or operating until they have been inspected. This applies to new, extensively remodeled, and existing structures that are converted for use as food service establishments.

The bill requires that every food service establishment be inspected at least twice a year.

The bill contains a grandfather clause for existing equipment until there is a change in ownership of a food service establishment. Since equipment must meet the requirements of the Iowa Food Service Sanitation Code after a change in ownership, the bill provides that a prospective buyer can request the regulatory authority to inspect a food service establishment at a cost to him or her of \$50. It is intended that the inspection results will assist the prospective buyer in determining what changes would have to be made in order to bring the food service establishment into compliance with the Iowa Food Service Sanitation Code.

Finally, the bill provides for a smooth transfer of employees, motor vehicles, records, and equipment from the Department of Agriculture to the Department of Health. The Act would be effective on January 1, 1978.

The minutes of the Subcommittee meetings, written testimony presented to the Subcommittee, and other supportive materials are on file at the Legislative Service Bureau. A bibliography of persons attending meetings and the recommended Subcommittee bill are attached to this report.

BIBLIOGRAPHY

The following persons attended at least one meeting of the 1976 Restaurant Inspection Subcommittee of the Standing Committees on State Government:

Mr. Alfred M. Ahern, Director, Linn County Health Department
Mr. Leo L. Becker, Des Moines County Health Department
Mr. John Brockway, Iowa Hotel-Motel-Motor Inn Association
Mr. Peter G. Canakes, Iowa Restaurant Association
Mr. Kenneth Choquette, Department of Health
Mr. Donald L. Cleveland, Iowa State Association of Counties
Mr. Thomas E. Corothers, Director, Sioux City-Woodbury County Health Department
Mr. Al Graham Dameron, Director, Johnson County Health Department
Mr. Lloyd Doane, Health Engineer
Ms. Linda Elliott, Iowa House Public Information Office
Mr. Ted R. Ellis, Department of Health
Mr. Mike Forrest, Attorney, Des Moines
Mr. Thom Freyer, Fiscal Analyst, Legislative Fiscal Bureau
Mr. Roger Grunow, Des Moines-Polk County Health Department
Mr. Eric Hauyst, Director, Waterloo-Black Hawk County Health Department
Mr. Robert B. Haxton, Supervisor, Licensing Section, Department of Agriculture
Kenneth K. Hazlet, M.D., Director, Dubuque City Health Department
Mr. Oscar L. Honomichl, Federal Department of Health, Education, and Welfare, Food and Drug Administration, Kansas City, Missouri
Ms. Jane Jensen, State Hygienic Laboratory
Mr. Ralph Kauffman, Administrative Assistant to the Senate Minority Leader
Mr. Art Kirchhoff, Iowa Dairy Products Association
Mr. Ronald N. Langston, Research Analyst, Legislative Service Bureau
Honorable R. H. Lounsberry, Secretary of Agriculture
Mr. John McCarroll, KRNT Radio
Ms. Carol Ann Nix, Legal Counsel, Legislative Service Bureau
Mr. Norman L. Pawlewski, Commissioner of Public Health
Mr. Harold Poore, Program Services, Department of Social Services
Mr. Earl Revell, Department of Agriculture
Ms. Carol Rice, Department of Health
Mr. Mark Truesdell, Law firm of Beving, Swanson and Forrest
Mr. Mel Vignaroli, Polk County Health Department
Ms. Gail Walker, Lee County Health Department

PROPOSED SENATE FILE _____

By (PROPOSED COMMITTEE ON STATE
GOVERNMENT BILL BY KINLEY
AND HILL OF JASPER)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to regulating, licensing, and inspecting food
2 service establishments, food establishments, food and
3 beverage vending machines, and hotels, and providing
4 penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 12. "United States public health service food service
14 sanitation ordinance and code" means the United States public
15 health service food service sanitation ordinance and code
16 as it appears as of January 28, 1977. Copies of the United
17 States public health service food service sanitation ordinance
18 and code shall be on file in the department.

19 Sec. 3. NEW SECTION. ADOPTION BY REFERENCE. By this
20 reference the United States public health service food service
21 sanitation ordinance and code is adopted as the Iowa food
22 service sanitation code with the following exceptions:

23 1. 1-102(h) is deleted.

24 2. 1-104 is deleted.

25 3. 10-101 is amended so that the following food service
26 establishments are exempt from the license requirement:

27 a. Food service operations in schools.

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

31 4. 10-201 is amended so that food service operations in
32 schools and summer camps shall be inspected at least once
33 every year instead of twice every year.

34 Sec. 4. NEW SECTION. AUTHORITY TO ENFORCE THE IOWA FOOD
35 SERVICE SANITATION CODE. The commissioner has sole and ex-

1 clusive authority to regulate, license, and inspect food
2 service establishments and to enforce the Iowa food service
3 sanitation code in Iowa. Municipal corporations shall not
4 regulate, license, inspect, or collect license fees from food
5 service establishments except as provided for in the Iowa
6 food service sanitation code.

7 If a municipal corporation wants its local board of health
8 to license, inspect, and otherwise enforce the Iowa food
9 service sanitation code within its jurisdiction, the municipal
10 corporation may enter into an agreement to do so with the
11 commissioner. The commissioner shall enter into such an
12 agreement if he or she finds that the local board of health
13 has qualified personnel to perform the required functions.

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 competently enforcing the Iowa food

1 pushcart, or temporary food service establishment shall provide
2 toilet and lavatory facilities.

3 Toilet facilities shall be available to the public and
4 employees. Separate toilet rooms shall be provided for men
5 and women. All toilet rooms shall be completely enclosed,
6 shall have tight fitting, self-closing solid doors, and shall
7 be vented to the outside of the building. Toilet fixtures
8 shall be of a sanitary design, readily cleanable, and kept
9 in a clean condition and in good repair. The floors of toilet
10 rooms shall be of suitable, nonabsorbent, impermeable material,
11 and the walls and ceilings shall be of material that can be
12 easily cleaned and kept in a sanitary condition. A supply
13 of toilet tissue shall be provided at each toilet at all
14 times. Toilet rooms used by women shall have at least one
15 covered waste receptacle.

16 Lavatories shall be provided in or adjacent to the toilet
17 rooms, in food preparation areas, and in utensil washing areas
18 to permit convenient use by employees. Sinks used for food
19 preparation or for washing equipment, dishes, or utensils
20 shall not be used for handwashing. Each lavatory shall be
21 provided with hot and cold running water tempered by means
22 of a mixing valve or combination faucet. Any self-closing,
23 slow-closing, or metering faucet used shall provide a flow
24 of water for at least fifteen seconds without the need to
25 reactivate the faucet. Steam mixing valves are prohibited.
26 Lavatories shall be supplied with hand-cleansing soap or de-
27 tergent. A supply of sanitary towels or a hand-drying device
28 providing heated air shall be conveniently located near each
29 lavatory. Common towels are prohibited. If disposable towels
30 are used, easily cleanable waste receptacles shall be
31 conveniently located near the handwashing facilities.

32 Sec. 8. NEW SECTION. PLUMBING IN FOOD SERVICE ESTAB-
33 LISHMENTS. A food service establishment shall have an ade-
34 quately designed plumbing system conforming to at least the
35 minimum requirements of the state plumbing code appearing

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

12 Sec. 5. NEW SECTION. LICENSE FEES. Either the depart-
13 ment or the local board of health enforcing the Iowa food
14 service sanitation code in a given jurisdiction shall collect
15 the following annual license fees:

- 16 1. For a food service establishment, forty dollars.
- 17 2. In addition to the fee set forth in subsection one
18 (1) of this section, a food service establishment with annual
19 gross sales of between fifteen thousand and one hundred
20 thousand dollars, seventy-five dollars.
- 21 3. In addition to the fee set forth in subsection one
22 (1) of this section, a food service establishment with annual
23 gross sales of more than one hundred thousand dollars, one
24 hundred ten dollars.

25 Fees collected by the department shall be deposited in
26 the general fund of the state. Fees collected by a local
27 board of health shall be retained by it and for its use.

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

34 Sec. 7. NEW SECTION. TOILET AND LAVATORY FACILITIES.
35 A food service establishment that is not a mobile food unit,

1 in chapter twenty-one (21), title three (III) of the Iowa
2 administrative code. The plumbing system shall have a
3 connection to a municipal water and sewerage system or to
4 a benefited water district or sanitary sewerage district
5 whenever such facilities become available.

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

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

16 Sec. 10. NEW SECTION. INSPECTION UPON COMPLAINT. Upon
17 receipt of a verified complaint signed by a customer of a
18 food service establishment and stating facts indicating the
19 place is in an insanitary condition, the regulatory authority
20 shall conduct an inspection. If the complaint is found to
21 be justified, the actual expenses necessarily incurred in
22 making the inspection shall be collected from the licensee
23 or person in charge. Money so collected shall be disposed
24 of by the regulatory authority as set forth in section five
25 (5) of this Act.

26 Sec. 11. NEW SECTION. INSPECTION UPON REQUEST OF PROS-
27 PECTIVE BUYER. If a prospective buyer of a food service
28 establishment asks the regulatory authority to make an
29 inspection of the establishment he or she is interested in
30 buying, the regulatory authority shall conduct the inspection
31 within a reasonable time at a cost of fifty dollars to the
32 prospective buyer. Money so collected shall be disposed of
33 as set forth in section five (5) of this Act.

34 Sec. 12. NEW SECTION. DUTY OF SELLER OF A FOOD SERVICE
35 ESTABLISHMENT. The seller of a food service establishment

1 shall notify a prospective buyer that the buyer may ask the
2 regulatory authority to inspect the seller's food service
3 establishment, at a cost of fifty dollars to the buyer. It
4 is intended that the inspection results will assist the
5 prospective buyer in determining what changes would have to
6 be made in order to bring the food service establishment into
7 compliance with the Iowa food service sanitation code upon
8 change in ownership.

9 Sec. 13. NEW SECTION. POSTING INSPECTION NOTICE. Immedi-
10 ately after an inspection of a food service establishment
11 is conducted by the regulatory authority, the licensee or
12 person in charge shall post, in a conspicuous place easily
13 accessible to the public, a notice stating the date of the
14 inspection and the name of the inspector who conducted the
15 inspection. This notice shall remain so posted until it is
16 replaced after the next inspection. The regulatory authority
17 shall provide these inspection notices after each inspection.

18 Sec. 14. NEW SECTION. POSTING "POOR" INSPECTION RESULTS.
19 If a food service establishment receives two consecutive
20 inspection ratings of under 76, the numerical rating along
21 with the designation of "poor" shall be posted by the licensee
22 or person in charge along with the inspection notice provided
23 for in section thirteen (13) of this Act. The rating and
24 "poor" designation shall remain posted until a rating above
25 75 is received at a subsequent inspection. When a food service
26 establishment receives a "poor" rating, the inspector shall
27 advise the licensee, or person in charge, of the posting
28 requirement set forth in this section.

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

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

1 Sec. 17. NEW SECTION. CONFLICTING STATUTES. Provisions
2 of the Iowa food service sanitation code in conflict with
3 the state building code shall not apply where the state build-
4 ing code has been adopted or when the state building code
5 applies throughout the state.

6 Sec. 18. NEW SECTION. SHORT TITLE. Sections eighteen
7 (18) through forty-four (44) of this Act shall be known as
8 the Iowa hotel sanitation code and shall appear as a separate
9 chapter in the Code.

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

13 1. "Commissioner" means the commissioner of public health.

14 2. "Department" means the department of health.

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

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

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

23 6. "Municipal corporation" means a political subdivi-
24 sion of this state.

25 7. "Regulatory authority" means the state department of
26 health or local board of health that has entered into an
27 agreement with the commissioner pursuant to section twenty
28 (20) of this Act for authority to enforce the Iowa hotel
29 sanitation code in its jurisdiction.

30 Sec. 20. NEW SECTION. AUTHORITY TO ENFORCE THE IOWA HOTEL
31 SANITATION CODE. The commissioner has sole and exclusive
32 authority to regulate, license, and inspect hotels and to
33 enforce the Iowa hotel sanitation code in Iowa. Municipal
34 corporations shall not regulate, license, inspect, or col-
35 lect license fees from hotels except as provided for in the

1 Iowa hotel sanitation code.

2 If a municipal corporation wants its local board of health
3 to license, inspect, and otherwise enforce the Iowa hotel
4 sanitation code within its jurisdiction, the municipal
5 corporation may enter into an agreement to do so with the
6 commissioner. The commissioner shall enter into such an
7 agreement if he or she finds that the local board of health
8 has qualified personnel to perform the required functions.

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

13 1. The total number of hotel licenses granted or renewed
14 during the year.

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

17 a. Hotels containing fifteen guest rooms or less.

18 b. Hotels containing more than fifteen but less than
19 thirty-one guest rooms.

20 c. Hotels containing more than thirty but less than
21 seventy-six guest rooms.

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

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

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

28 4. Other information the commissioner requests.

29 The commissioner shall monitor local boards of health to
30 determine if they are competently enforcing the Iowa hotel
31 sanitation code within their respective jurisdictions. If
32 the commissioner determines that the Iowa hotel sanitation
33 code is competently enforced by a local board of health, he
34 or she shall accept such enforcement in lieu of enforcement
35 by the department in that jurisdiction. If the commissioner

1 determines that the Iowa hotel sanitation code is not
2 competently enforced by a local board of health, he or she
3 may rescind the agreement after reasonable notice and an
4 opportunity for a hearing. If the agreement is rescinded,
5 the commissioner shall assume responsibility for enforcement
6 in the jurisdiction involved.

7 Sec. 21. NEW SECTION. LICENSE REQUIRED. No person shall
8 open or operate a hotel until he or she has obtained a license
9 from the regulatory authority and until the hotel has been
10 inspected by the regulatory authority. Each license shall
11 expire one year from date of issue. A license is renewable.
12 All licenses issued under the Iowa hotel sanitation code that
13 are not renewed by the licensee on or before the expiration
14 date shall be subject to a penalty of ten percent of the
15 license fee per month. A license is not transferable.

16 Sec. 22. NEW SECTION. APPLICATION FOR LICENSE. Every
17 application for a license under the Iowa hotel sanitation
18 code shall be made upon a blank furnished by the regulatory
19 authority and shall contain the items required by the
20 department as to ownership, management, location, buildings,
21 equipment, rates, and other data concerning the hotel for
22 which a license is desired. An application for a license
23 to operate an existing hotel shall be made at least thirty
24 days before the expiration of the existing license.

25 Sec. 23. NEW SECTION. LICENSE FEES. Either the depart-
26 ment or the local board of health enforcing the Iowa hotel
27 sanitation code in a given jurisdiction shall collect the
28 following annual license fees:

- 29 1. For a hotel containing fifteen guest rooms or less,
30 twenty dollars.
- 31 2. For a hotel containing more than fifteen but less than
32 thirty-one guest rooms, twenty-five dollars.
- 33 3. For a hotel containing more than thirty but less than
34 seventy-six guest rooms, thirty-five dollars.
- 35 4. For a hotel containing more than seventy-five but less

1 than one hundred fifty guest rooms, forty-five dollars.

2 5. For a hotel containing one hundred fifty or more guest
3 rooms, sixty dollars.

4 Fees collected by the department shall be deposited in
5 the general fund of the state. Fees collected by a local
6 board of health shall be retained by it and for its use.

7 Sec. 24. NEW SECTION. LICENSE REVOCATION. A license
8 issued under the Iowa hotel sanitation code may be revoked
9 by the regulatory authority for violation by the licensee
10 of a provision of the Iowa hotel sanitation code or applicable
11 rule of the department.

12 Sec. 25. NEW SECTION. TOILET AND LAVATORY FACILITIES.
13 A hotel shall provide toilet and lavatory facilities.

14 Toilet facilities shall be available to the public and
15 employees. Separate toilet rooms shall be provided for men
16 and women. All toilet rooms shall be completely enclosed,
17 shall have tight fitting, self-closing solid doors, and shall
18 be vented to the outside of the building. Toilet fixtures
19 shall be of a sanitary design, readily cleanable, and kept
20 in a clean condition and in good repair. The floors of toilet
21 rooms shall be of suitable, nonabsorbent, impermeable material,
22 and the walls and ceilings shall be of material that can be
23 easily cleaned and kept in a sanitary condition. A supply
24 of toilet tissues shall be provided at each toilet at all
25 times. Toilet rooms used by women shall have at least one
26 covered waste receptacle.

27 Lavatories shall be provided in or adjacent to the toilet
28 rooms. Each lavatory shall be provided with hot and cold
29 running water tempered by means of a mixing valve or
30 combination faucet. Any self-closing, slow-closing, or
31 metering faucet used shall provide a flow of water for at
32 least fifteen seconds without the need to reactivate the fau-
33 cet. Steam mixing valves are prohibited. Lavatories shall
34 be supplied with hand-cleansing soap or detergent. A supply
35 of sanitary towels or a hand-drying device providing heated

1 air shall be conveniently located near each lavatory. Common
2 towels are prohibited. If disposable towels are used, easily
3 cleanable waste receptacles shall be conveniently located
4 near the handwashing facilities.

5 Sec. 26. NEW SECTION. PLUMBING IN HOTELS. A hotel shall
6 have an adequately designed plumbing system conforming to
7 at least the minimum requirements of the state plumbing code
8 appearing in chapter twenty-one (21), title three (III) of
9 the Iowa administrative code. The plumbing system shall have
10 a connection to a municipal water and sewerage system or to
11 a benefited water district or sanitary sewerage district when-
12 ever such facilities become 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. 27. NEW SECTION. DRINKING UTENSILS. No common
18 drinking utensil shall be kept or used in a hotel. In a
19 hotel where beverages are dispensed, drinking utensils
20 intended for repeated use shall be sterilized before each
21 use by a chemical sterilizer or other method approved by
22 the commissioner. A person who desires to use a method which
23 has not been approved by the commissioner shall apply to
24 him or her for approval. The commissioner shall approve
25 any method proven to be an effective bactericidal process.

26 Sec. 28. NEW SECTION. EXPECTORATING. No person shall
27 expectorate within a hotel.

28 Sec. 29. NEW SECTION. SELF-CLOSING DOORS AND SCREENS.
29 The doors, windows, and other openings of a hotel shall be
30 fitted with self-closing doors and window screens during the
31 summer season, if they are not otherwise protected.

32 Sec. 30. NEW SECTION. EMPLOYMENT OF DISEASED PERSONS.
33 No person infected with a communicable disease as defined
34 in chapter one hundred thirty-nine (139) of the Code shall
35 work in a hotel. No employer shall permit such a person to

1 work in his or her hotel.

2 Sec. 31. NEW SECTION. BEDDING. A bed, bunk, cot, or
3 other sleeping place in a hotel shall be supplied with under
4 sheets, top sheets, and pillow slips. The sheets shall be
5 of sufficient width and length to completely cover the mat-
6 tress. The pillow slips and sheets shall be washed and
7 sanitized or disposed of after being used by a guest, and
8 a clean set shall be furnished each succeeding guest. The
9 other bedding shall be thoroughly aired and kept clean at
10 all times. A mattress, quilt, blanket, pillow, sheet,
11 comforter, or other bedding which becomes worn or insanitary
12 so as to be unfit for further use as bedding shall be condemned
13 by an inspector and shall not be used again.

14 Sec. 32. NEW SECTION. VERMIN INFESTATION. A room or
15 article in a hotel which has become infested with bedbugs
16 or other vermin shall be renovated by exterminating the vermin.

17 Sec. 33. NEW SECTION. ONE TOWEL FOR GUEST. Individual
18 towels shall be provided for the use of each guest in a hotel
19 so not more than one guest shall be required to use the same
20 towel.

21 Sec. 34. NEW SECTION. VENTILATION. A hotel shall be
22 properly ventilated. A guest room shall be provided with
23 at least one window or ventilating skylight equal to at least
24 one-eighth of the floor space of the room. It shall open
25 onto the outside of the building or court. No room with a
26 floor three feet below the average level of the ground shall
27 be used as a guest room. If storm windows are used, they
28 shall be constructed so that proper ventilation may be obtained
29 and so that they can be easily opened in case of fire.

30 Sec. 35. NEW SECTION. ADDITIONAL VENTILATION REQUIREMENT.
31 A hotel hereafter constructed and a building hereafter
32 remodeled for use as a hotel shall provide sufficient
33 ventilation in the door or doorway of each guest room or some
34 equivalent improvement. This requirement is in addition
35 to the requirements set forth in section thirty-four (34)

1 of this Act.

2 Sec. 36. NEW SECTION. LIST OF ROOM RATES TO BE POSTED.
3 A complete list of rooms by number together with the number
4 of the floor and the rate per day per person for each room
5 shall be kept continuously and conspicuously posted on the
6 wall near the office in the lobby of a hotel in such a way
7 as to be accessible to the public without request to the
8 management. The rate per day per person for each room shall
9 also be posted in the same manner in each room. No amount
10 greater than the one posted shall be charged.

11 Sec. 37. NEW SECTION. INCREASE OF RATES. The rates
12 posted under section thirty-six (36) of this Act shall not
13 be increased until sixty days' notice of the proposed increase
14 has been given to the department.

15 Sec. 38. 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
18 hotels in accordance with chapter seventeen A (17A) of the
19 Code.

20 Sec. 39. NEW SECTION. ANNUAL INSPECTION. The regulatory
21 authority shall inspect each hotel in the state at least once
22 each calendar year. The inspector may enter the hotel at
23 any reasonable hour to make the inspection. The management
24 shall afford free access to every part of the premises and
25 render all aid and assistance necessary to enable the inspector
26 to make a thorough and complete inspection.

27 Sec. 40. NEW SECTION. INSPECTION UPON COMPLAINT. Upon
28 receipt of a verified complaint signed by a guest of a hotel
29 and stating facts indicating the place is in an insanitary
30 condition, the regulatory authority shall conduct an
31 inspection. If the complaint is found to be justified, the
32 actual expenses necessarily incurred in making the inspection
33 shall be collected from the licensee or person in charge.
34 Money so collected shall be disposed of by the regulatory
35 authority as set forth in section twenty-three (23) of this

1 Act.

2 Sec. 41. NEW SECTION. PENALTY. A person who violates
3 a provision of the Iowa hotel sanitation code shall be guilty
4 of a simple misdemeanor. Each day upon which a violation
5 occurs constitutes a separate violation.

6 Sec. 42. NEW SECTION. INJUNCTION. A person conducting
7 a hotel in violation of a provision of the Iowa hotel
8 sanitation code may be restrained by injunction from operating
9 that hotel. No injunction shall issue until after the
10 defendant has had at least five days' notice of the application
11 for an injunction and the time fixed for hearing thereon.

12 Sec. 43. NEW SECTION. DUTY OF COUNTY ATTORNEY. The
13 county attorney in each county shall assist in the enforce-
14 ment of the Iowa hotel sanitation code.

15 Sec. 44. NEW SECTION. CONFLICTING STATUTES. Provisions
16 of the Iowa hotel sanitation code in conflict with the state
17 building code shall not apply where the state building code
18 has been adopted or when the state building code applies
19 throughout the state.

20 Sec. 45. Section one hundred thirty-five point eleven
21 (135.11), Code 1977, is amended by adding the following new
22 subsections:

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

26 NEW SUBSECTION. Enforce the Iowa hotel sanitation code
27 as set forth in sections eighteen (18) through forty-four
28 (44) of this Act.

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

32 Sec. 46. Section one hundred fifty-nine point six (159.6),
33 subsection seven (7), Code 1977, is amended to read as fol-
34 lows:

35 7. Hotels~~7~~-restaurants~~7~~-and-food Food establishments,

1 chapter 170.

2 Sec. 47. Section one hundred seventy point one (170.1),
3 Code 1977, is amended by striking the section and inserting
4 in lieu thereof the following:

5 170.1 DEFINITIONS. For the purpose of this chapter:

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

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

18 Sec. 48. Section one hundred seventy point two (170.2),
19 Code 1977, is amended by striking the section and inserting
20 in lieu thereof the following:

21 170.2 LICENSE REQUIRED. No person shall open or operate
22 a food establishment until he or she has obtained a license
23 from the department of agriculture. Each license shall expire
24 one year from date of issue. A license is renewable. This
25 section shall not require the licensing of establishments
26 exclusively engaged in the processing of meat and poultry
27 which are licensed pursuant to section one hundred eighty-
28 nine A point three (189A.3) of the Code.

29 Sec. 49. Section one hundred seventy point four (170.4),
30 Code 1977, is amended to read as follows:

31 170.4 OPERATION WITHOUT INSPECTION OR LICENSE. No person
32 shall open or operate a ~~hotel~~-~~motor-inn~~-~~tavern~~-~~restaurant~~,
33 or food establishment until inspection has been made by the
34 department of agriculture ~~or proper application for license~~
35 ~~has been made at least fourteen days in advance of opening.~~

1 Sec. 50. 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 All licenses issued under this chapter that are not renewed
19 by the licensee on or before the expiration date shall be
20 subject to a penalty of ten percent of the license fee per
21 month.

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

24 Sec. 51. Section one hundred seventy point nine (170.9),
25 Code 1977, is amended by striking the section and inserting
26 in lieu thereof the following:

27 170.9 PLUMBING IN BUILDINGS. Every food establishment
28 shall have an adequately designed plumbing system conforming
29 to at least the minimum requirements of the state plumbing
30 code appearing under chapter twenty-one (21), title three
31 (III), Iowa administrative code. The plumbing system shall
32 have a connection to a municipal water and sewerage system
33 or to a benefited water district or sanitary sewerage district
34 whenever such facilities become available.

35 Sec. 52. Section one hundred seventy point ten (170.10),

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

3 170.10 BUILDINGS NOT CONNECTED WITH PUBLIC WATER AND SEWER
4 FACILITIES. Every food establishment beyond the reach of
5 a central water or sewerage system shall be served by on-site
6 facilities which meet the technical requirements of the local
7 board of health, the department of health, and the department
8 of environmental quality.

9 Sec. 53. Section one hundred seventy point thirteen
10 (170.13), Code 1977, is amended to read as follows:

11 170.13 INTERIOR FINISH. The side walls and ceilings of
12 every bakery, confectionery, creamery, cheese factory, and
13 slaughterhouse, ~~and restaurant or hotel kitchen,~~ shall be
14 made of some a suitable material approved by the department,
15 and. They shall be either oil painted so that they can be
16 washed clean, or they shall be kept well limewashed.

17 Sec. 54. Section one hundred seventy point fourteen
18 (170.14), Code 1977, is amended to read as follows:

19 170.14 SELF-CLOSING DOORS AND SCREENS. The doors, windows,
20 and other openings of ~~every hotel, motor inn, restaurant,~~
21 ~~taavern, and~~ a food establishment, ~~during summer season~~ shall
22 be fitted with self-closing doors and window screens during
23 the summer season, if they are not otherwise protected.

24 Sec. 55. Section one hundred seventy point sixteen
25 (170.16), Code 1977, is amended to read as follows:

26 170.16 TOILET ROOMS. ~~Hotels, motor inns, taverns, cocktail~~
27 ~~lounges, restaurants, cafeterias, and food~~ Food establishments
28 shall provide toilet rooms. All toilet rooms shall be
29 completely enclosed, shall have tight fitting, self-closing
30 solid doors, and shall be vented to the outside of the
31 building. Toilet fixtures shall be of a sanitary design,
32 readily cleanable, and ~~shall be~~ kept in a clean condition
33 and in good repair. The floors of such toilet rooms shall
34 be of suitable, nonabsorbent, impermeable material, and the
35 walls and ceilings shall be of material that can be easily

1 cleaned and kept in a sanitary condition. All-places-serving
2 beer, cocktails, or alcoholic beverages shall provide separate
3 toilet rooms for men and women. A supply of toilet tissue
4 shall be provided at each toilet at all times. Toilet rooms
5 used by women shall have at least one covered waste receptacle.

6 Sec. 56. Section one hundred seventy point seventeen
7 (170.17), Code 1977, is amended to read as follows:

8 170.17 LAVATORIES. The lavatories in hotels, motor inns,
9 restaurants, taverns, and food establishments shall be in
10 or adjacent to toilet rooms and shall be supplied with soap
11 running water, and clean towels or air driers and shall be
12 maintained in a sanitary condition. Each lavatory shall be
13 provided with hot and cold running water tempered by means
14 of a mixing valve or combination faucet. Any self-closing,
15 slow-closing, or metering faucet used shall provide a flow
16 of water for at least fifteen seconds without the need to
17 reactivate the faucet. Steam mixing valves are prohibited.
18 Lavatories shall be supplied with hand-cleansing soap or
19 detergent. A supply of sanitary towels or a hand-drying
20 device providing heated air shall be conveniently located
21 near each lavatory. Common towels are prohibited. If
22 disposable towels are used, easily cleanable waste receptacles
23 shall be conveniently located near the handwashing facilities.

24 Sec. 57. Section one hundred seventy point eighteen
25 (170.18), Code 1977, is amended to read as follows:

26 170.18 LIGHTING AND VENTILATION Every hotel, motor inn,
27 restaurant, tavern, and a food establishment shall be properly
28 lighted, ventilated, and conducted with strict regard to the
29 influence of such conditions upon the food handled therein.

30 Sec. 58. Section one hundred seventy point nineteen
31 (170.19), Code 1977, is amended to read as follows:

32 170.19 SANITARY REGULATIONS. The following sanitary
33 regulations shall be complied with in every hotel, restaurant,
34 and a food establishment:

35 1. The floors, walls, ceilings, woodwork, utensils,

1 machinery, and other equipment, and all vehicles and equipment
2 used in the transportation of food shall be kept in a
3 thoroughly clean condition.

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

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

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

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

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

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

21 Sec. 59. Section one hundred seventy point twenty-two
22 (170.22), Code 1977, is amended to read as follows:

23 170.22 DRINKING EWPS UTENSILS--GLASSES STERILIZED. No
24 common drinking cup utensil shall be kept or used in any-place
25 er-room-in-any-hotel,--restaurant,--er a food establishment.
26 In all a food establishments establishment where beverages
27 are dispensed, all-glasses-and drinking utensils intended
28 for repeated use in-dispensing-beverages shall be sterilized
29 before each use by the-use-of a chemical sterilizer or other
30 methods method approved by the secretary of agriculture.
31 Any A person who desires to use a method which has not been
32 approved by the secretary of-agriculture shall apply to the
33 secretary-of-agriculture-who-upon-application-being-made him
34 or her for approval. The secretary shall approve any method
35 proven to be an effective bactericidal process.

1 Sec. 60. Section one hundred seventy point twenty-four
2 (170.24), Code 1977, is amended to read as follows:

3 170.24 EXPECTORATING. No person shall expectorate within
4 any a food establishment, restaurant, hotel, motor-inn,
5 cocktail-lounge or tavern.

6 Sec. 61. Section one hundred seventy point twenty-six
7 (170.26), Code 1977, is amended to read as follows:

8 170.26 EMPLOYMENT OF DISEASED PERSONS. No person infected
9 with any a communicable disease as defined in chapter 139
10 shall work in any hotel, motor-inn, restaurant, tavern,
11 cocktail-lounge or a food establishment nor shall any. No
12 employer shall permit any such a person to work at any such
13 in his or her food establishment.

14 Sec. 62. Section one hundred seventy point thirty-eight
15 (170.38), Code 1977, is amended to read as follows:

16 170.38 FIRE PROTECTION REGULATIONS. The state fire marshal
17 shall adopt, amend, promulgate, and enforce such rules and
18 standards relating to fire protection and fire safety in
19 hotels, restaurants and food establishments, but such rules
20 shall be promulgated only after public hearing. Any A person,
21 firm, or corporation violating any of said the rules of said
22 the fire marshal shall be deemed guilty of a simple
23 misdemeanor and upon conviction thereof shall be punished
24 by a fine of not less than twenty-five dollars nor more than
25 one hundred dollars, and each. Each day of a continuing
26 violation after conviction shall be considered a separate
27 offense.

28 All rules and standards adopted for nursing homes and
29 custodial homes shall be subject to regulations of chapter
30 135C.

31 Sec. 63. Section one hundred seventy point forty-six
32 (170.46), Code 1977, is amended to read as follows:

33 170.46 ANNUAL INSPECTION. The department shall cease
34 to be inspected inspect each food establishment in the state
35 at least once each calendar year, every hotel, restaurant,

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

8 Sec. 64. Section one hundred seventy point forty-seven
 9 (170.47), Code 1977, is amended to read as follows:

10 170.47 INSPECTION UPON COMPLAINT. Upon receipt of a
 11 verified complaint, signed by any-patron a customer of any
 12 ~~hotel,--restaurant,--or~~ a food establishment, and stating facts
 13 showing-such indicating the place to-be is in an insanitary
 14 condition, the department shall cause conduct an examination
 15 ~~to-be-made~~ inspection. If the complaint is found to be
 16 ~~justifiable~~ justified, the actual expenses necessarily incurred
 17 in making such the inspection shall be charged-and collected
 18 from the ~~person-conducting-such-place,--but-if-such-complaint~~
 19 ~~is-found-to-be-without-reasonable-grounds,--the-actual-expense~~
 20 ~~necessarily-incurred-in-making-such-inspection-shall-be~~
 21 ~~collected-from-the-person-or-persons-making-the-complaint~~
 22 licensee or person in charge. Money so collected shall be
 23 deposited in the general fund of the state.

24 Sec. 65. Section one hundred seventy point fifty (170.50),
 25 Code 1977, is amended to read as follows:

26 170.50 INJUNCTION. Any A person conducting operating
 27 ~~a hotel,--restaurant,--or~~ food establishment, in violation of
 28 any a provision of this chapter, may be restrained by
 29 injunction from further operating such-place-of-business that
 30 food establishment. No injunction shall issue until after
 31 the defendant has had at least five days' notice of the
 32 application ~~therefor,~~ for an injunction and the time fixed
 33 for hearing thereon.

34 Sec. 66. Section one hundred eighty-nine A point three
 35 (189A.3), unnumbered paragraphs one (1) and two (2), Code

1 1977, are amended to read as follows:

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

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

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

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

17 Sec. 67. Section one hundred ninety-one A point one
18 (191A.1), Code 1977, is amended by striking the section and
19 inserting in lieu thereof the following:

20 191A.1 DEFINITIONS. For the purpose of this chapter:

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

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

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

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

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

33 6. "Operator" means any person who by contract, agree-
34 ment, or ownership takes responsibility for furnishing, in-
35 stalling, servicing, operating, or maintaining one or more

1 vending machines.

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

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

16 9. "Perishable food" means any food of a type or in a
17 condition which may spoil.

18 Sec. 68. Section one hundred ninety-one A point two
19 (191A.2), Code 1977, is amended to read as follows:

20 191A.2 LICENSE TO OPERATE. No person shall operate one
21 or more vending machines until he or she has obtained a vending
22 machine operator's license from the department of agriculture.
23 The annual license shall expire one year from the date of
24 original issuance and be-renewed-annually is renewable.
25 Vending machines dispensing only ball gum, or similar
26 nonperishable snacks as prescribed and defined by regulation
27 of the ~~secretary~~ commissioner or bottled or canned soft
28 drinks shall not require a license or be subject to the fee
29 schedule provided in this chapter, but they may be inspected
30 pursuant to section 191A.8.

31 Sec. 69. Section one hundred ninety-one A point three
32 (191A.3), Code 1977, is amended to read as follows:

33 191A.3 APPLICATION. Every An application for a vond-
34 ing machine operator's license shall be made upon a form fur-
35 nished by the department. The application form shall provide

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

11 Sec. 70. Section one hundred ninety-one A point four
12 (191A.4), unnumbered paragraph two (2), Code 1977, is amended
13 to read as follows:

14 Fees for a vending machine commissary shall be the same
15 as those for a restaurant-or food establishment, whichever
16 is-applicable, as set forth in section 170.5 or for a food
17 service establishment as set forth in section five (5) of
18 this Act, whichever is applicable.

19 Sec. 71. Section one hundred ninety-one A point seven
20 (191A.7), Code 1977, is amended to read as follows:

21 191A.7 DISCIPLINARY ACTION. Any A license issued under
22 this chapter may be revoked by the department for violation
23 by the licensee of any a provision of this chapter or any
24 applicable-rules-or-regulations an applicable rule of the
25 department. In lieu of license revocation, the department
26 may require the immediate discontinuance of operation of any
27 a vending machine or commissary whenever the department finds
28 unsanitary insanitary conditions or any other conditions which
29 constitute a substantial hazard to the public health. The
30 order shall apply only to the vending machines, commissary,
31 or product involved. Any A person whose license is revoked,
32 or who is ordered to discontinue the operation of any a vending
33 machine or commissary, may appeal such that decision to the
34 secretary commissioner. The secretary commissioner or his
35 or her designee shall schedule and hold a hearing upon the

1 appeal not later than thirty days from the time of revocation
2 or the order of discontinuance, and. The commissioner shall
3 issue his or her decision immediately following the hearing.
4 Judicial review may be sought in accordance with the terms
5 of the Iowa administrative procedure Act.

6 Sec. 72. Section one hundred ninety-one A point eleven
7 (191A.11), Code 1977, is amended by striking the section and
8 inserting in lieu thereof the following:

9 191A.11 EXCEPTIONS TO LICENSE. The food establishment
10 license required by section one hundred seventy point two
11 (170.2) of the Code or the food service establishment license
12 required by sections one (1) through seventeen (17) of this
13 Act shall not be required for the area where vending machines
14 licensed under this chapter are located.

15 Sec. 73. Chapter one hundred ninety-one A (191A), Code
16 1977, is amended by adding the following new section:

17 NEW SECTION. FEES DEPOSITED IN GENERAL FUND. All fees
18 collected by the department under the requirements of this
19 chapter shall be deposited in the general fund of the state.

20 Sec. 74. Sections one hundred seventy point seven (170.7),
21 one hundred seventy point eleven (170.11), one hundred seventy
22 point twenty-one (170.21), one hundred seventy point twenty-
23 three (170.23), one hundred seventy point twenty-nine (170.29),
24 one hundred seventy point thirty (170.30), one hundred seventy
25 point thirty-one (170.31), one hundred seventy point thirty-
26 two (170.32), one hundred seventy point thirty-three (170.33),
27 one hundred seventy point thirty-five (170.35), one hundred
28 seventy point thirty-six (170.36), one hundred seventy point
29 thirty-seven (170.37), one hundred ninety-one A point five
30 (191A.5), one hundred ninety-two point one (192.1), one hundred
31 ninety-two point two (192.2), one hundred ninety-two point
32 three (192.3), and one hundred ninety-two point four (192.4),
33 Code 1977, are repealed.

34 Sec. 75. The commissioner of public health and secretary
35 of agriculture shall decide which employees and motor vehicles

1 and which records and equipment need to be transferred from
2 the department of agriculture to the department of health
3 in order to implement this Act. Those employees and items
4 shall then be transferred to the department of health. The
5 governor shall decide any such matter that is in dispute.
6 The Iowa merit employment commission shall promulgate rules
7 to carry out the transfer and shall arbitrate and decide any
8 written appeal made by an employee concerning a transfer made
9 necessary by this Act. An employee shall not lose benefits
10 he or she has accrued, including but not limited to salary,
11 retirement, vacation, sick leave, or longevity because of
12 transfer provided for in this section.

13 Sec. 76. This Act is effective January 1, 1978.

14 EXPLANATION

15 This bill is recommended for passage by the 1976 Restaurant
16 Inspection Subcommittee of the Standing Committees on State
17 Government.

18 Food Service Establishments

19 Essentially, the bill adopts the revised "United States
20 Public Service Food Service Sanitation Ordinance and Code"
21 by reference as the Iowa Food Service Sanitation Code. The
22 Iowa Food Service Sanitation Code relates to the regulation,
23 licensure, and inspection of food service establishments in
24 the state. The Department of Health will enforce the Iowa
25 Food Service Sanitation Code throughout Iowa unless agree-
26 ments are entered into which authorize local boards of health
27 to enforce that Code within their respective jurisdictions.
28 Cities and counties cannot regulate, license, or inspect food
29 service establishments except pursuant to an agreement with
30 the Commissioner of Public Health. If an agreement is entered
31 into, the local board of health 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.

14 Hotels

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

20 Food Establishments

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

24 Miscellaneous Licenses

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

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