

CHAPTER 33
FOOD AND BEVERAGE VENDING MACHINES INSPECTIONS

[Prior to 8/26/87, see Inspections and Appeals Department[481]—Ch 24]

481—33.1(137E) Definitions.

“*Nonperishable foods*” means gum, canned or bottled soft drinks, panned candies, prepackaged ice, prepackaged nonhazardous snacks (such as candy, cookies, crackers, or similar items), peanuts or nuts.

“*Panned candies*” are those with a fine hard coating on the outside and a soft candy filling on the inside. Panned candies are easily dispensed by a gumball type machine.

“*Perishable foods*” means potentially hazardous food, or nonprepackaged items not exempted under the definition of nonperishable foods.

481—33.2(137E) Inspection standards. Standards in the 1978 edition of the Food and Drug Administration Food and Beverage Vending Machine Ordinance are used to inspect vending machines. Exceptions to this ordinance are below.

1. Sections 1-104, 6-108, and 6-601 are deleted.

2. Section 6-201 is changed to require one inspection each calendar year. Other inspections may be made to ensure compliance with the Iowa Code and rules and regulations.

A copy of the Vending Machine Ordinance is available from the Inspections Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083.

An inspector may inspect a commissary or vending machine at any reasonable hour and shall be given free access to every part of the premises for each inspection. A complete list of vending machines and their locations shall be maintained by the operator and shall be given to an inspector if requested.

481—33.3(137E) Enforcement. Violation of these rules or any provision of Iowa Code chapter 137E is a simple misdemeanor. The department may employ various remedies if violations are discovered.

A license may be revoked.

An injunction may be sought.

A case may be referred to a county attorney for criminal prosecution.

481—33.4(137E) Appeal rights. Any decision of the department may be appealed to the director in accordance with the procedures set out in 481—Chapter 30.

These rules are intended to implement Iowa Code chapter 137E.

[Filed 1/9/74; amended 3/13/74]

[Filed 10/13/78, Notice 8/23/78—published 11/1/78, effective 12/7/78]

[Filed 2/20/87, Notice 1/14/87—published 3/11/87, effective 4/15/87]

[Filed 8/6/87, Notice 7/1/87—published 8/26/87, effective 9/30/87]

[Filed emergency 6/9/88—published 6/29/88, effective 7/1/88]

[Filed 8/5/88, Notice 6/29/88—published 8/24/88, effective 9/28/88]

[Filed 4/12/91, Notice 3/6/91—published 5/1/91, effective 6/5/91]