Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 30
"Food and Consumer Safety"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 137F and 137C

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 137F and 137C and Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 4, 2025 9 a.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing's website prior to the hearing.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

The proposed rulemaking repromulgates Chapter 30 and implements Iowa Code chapters 137C and 137F in accordance with the goals and directives of Executive Order 10. Iowa Code section 137C.6 gives the Director of the Department the authority to regulate, license and inspect hotels and enforce the Iowa hotel sanitation code in Iowa. Iowa Code section 137F.2 requires the Department to adopt rules setting minimum standards to protect consumers from foodborne illness. Iowa Code section 137F.3 authorizes the Director to regulate, license, and inspect food establishments and food processing plants.

The proposed rulemaking implements the aforementioned Iowa Code chapters by describing the licensing process and setting out the inspection frequency. The rulemaking also sets forth the process for denial, suspension, or revocation of a license to operate, including the penalty for late and delinquent fees and returned checks.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Food establishment, food processing plant and hotel license holders will bear the costs of the proposed rulemaking. License fees are set by statute, but the holders will be responsible for payment of the penalty for late and delinquent fees and the fee for returned checks.

- **Classes of persons that will benefit from the proposed rulemaking:**

Consumers who purchase and consume food from Iowa food establishments and food processing plants will benefit from the rulemaking, as will consumers who rent rooms and stay in hotels located in Iowa. Food establishment, food processing plant, and hotel license holders will benefit from clear and effective administrative procedures.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

The costs associated with this chapter are primarily the cost of license and penalty fees that are established in Iowa Code chapters 137F and 137C. The additional costs established by this rulemaking are minimal and include the following:

- Transaction fees for online payments are $1.50 plus an additional 2.5 percent for credit card transactions. These fees are imposed by and retained by the payment provider.
- There is a $25 fee assessed for payments rejected for insufficient funds.
- A voluntary inspection fee of $100 is assessed when an establishment that is not covered under the chapter requests a voluntary food safety inspection. This primarily includes jails that are regulated by the Iowa Department of Corrections.

- **Qualitative description of impact:**

The chapter efficiently and effectively establishes definitions of regulatory terminology; establishes clear administrative processes for licensing, assessing penalties, refunds, license renewals, enforcement, appeals, and posting of inspections and licenses; and sets a minimum inspection frequency. The chapter also provides relief to operations that conduct activities covered by multiple licenses by establishing parameters whereby incidental activities do not necessitate an additional license or license fee.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

This chapter is heavily integrated with 481—Chapters 31 and 37, and costs to implement and enforce these rules cannot be separated by chapter or individual rule. Chapter 30 establishes definitions and administrative processes for food establishments, food processing plants and hotels. 481—Chapters 31 and 37 establish inspection standards for food establishments and food processing plants. The combined cost to implement and enforce these rules is as follows:

The licenses issued under these rules account for 98.346 percent of the Food and Consumer Safety Bureau's licensed establishment inventory and consume an equivalent percentage of the budget. This equals an annual cost of $5.52 million to implement and enforce these chapters. The Department assumes similar costs based on specific inventories of food establishments and hotels for local health departments that regulate and enforce these rules under a 28E agreement with the Department.

- **Anticipated effect on State revenues:**

License and penalty fees are set by statute. The anticipated revenue for license and penalty fees associated with this chapter is anticipated to be $4.25 million. The expected revenue from voluntary inspections and nonsufficient funds fees that are established by this chapter is expected to be approximately $1,000.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

481—Chapters 30, 31 and 37 are heavily integrated, and benefits of these rules cannot be separated by chapter or individual rule. Chapter 30 establishes definitions and administrative processes for food establishments, food processing plants and hotels. 481—Chapters 31 and 37

establish inspection standards for food establishments, food processing plants and hotels. The combined cost/benefit analysis for these rules is as follows:

The benefits achieved justify the costs. The benefits of conducting food safety and lodging inspections are the prevention of illness and consumer protection. While preventing an illness is difficult to demonstrate, the Department can show the number of interventions the Food and Consumer Safety Bureau has taken to reduce public health risks. During FY 2023, the Food and Consumer Safety Bureau:

- Conducted over 10,800 inspections,
- Identified over 18,000 code violations at 6,605 different facilities,
- Completed nearly 2,500 inspections to follow up on critical or significant violations that were not corrected during the initial inspection,
- Identified and resolved 60 imminent health hazards by issuing four immediate suspension orders and gaining voluntary suspension of operations on 56 occasions where conditions presented an imminent health hazard. Once an imminent health hazard is mitigated, operations are approved to resume,
- Identified foods that posed a risk to public health and gained voluntary removal of the products from the market on 720 occasions,
- Investigated 30 foodborne illness outbreaks in Iowa, and
- Participated in the response to two multistate outbreaks that impacted Iowa and provided critical information to the U.S. Food and Drug Administration (FDA) that identified the likely source of the multistate salmonella outbreak linked to melons during the summer of 2022.

These Food and Consumer Safety Bureau interventions protected public health and likely prevented additional foodborne illness cases from occurring. The U.S. Centers for Disease Control and Prevention (CDC) estimates that each year, 48 million Americans get sick from a foodborne illness, 128,000 are hospitalized and 3,000 die. Currently, Iowa has approximately 1 percent of the U.S. population. This translates to an estimated 480,000 Iowans who get sick from a foodborne illness, 1,280 hospitalizations and 30 deaths.

An article titled “State Estimates for the Annual Cost of Foodborne Illness” published in the Journal of Food Protection in June 2015 states that the estimated health cost of a foodborne illness in Iowa was $176 per resident and $1,154 per case in 2013. The article also used an enhanced model that includes the cost of pain and suffering, which nearly doubles these figures to $301 per resident and $1,972 per case.

Based on the CDC estimate and Iowa’s population, the cost of foodborne illness to the State of Iowa is staggering, even using the 2013 figures included in the article. Preventing just 1 percent of the estimated 480,000 foodborne illness cases in Iowa could result in health cost savings for Iowans totaling $5.53 million annually ($1,154 per case x 4,800 cases = $5.53 million).

The cost savings only rise when the cost of an outbreak for the establishment is included. An article published in Science News dated April 16, 2018, cited a study from researchers at the Johns Hopkins Bloomberg School of Public Health. The research findings estimated that the cost of a single outbreak for a restaurant could be anywhere from $4,000 for a small outbreak in which 5 people get sick to $1.9 million for an outbreak in which 250 people get sick.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The purpose of Chapter 30 is to establish definitions and clear administrative processes for licensing, assessing penalties, refunds, license renewals, enforcement, appeals, and posting of inspections and licenses and to set a minimum inspection frequency. The chapter also provides relief to operations that conduct activities covered by multiple licenses by establishing parameters whereby incidental activities do not necessitate an additional license or license fee. The chapter achieves this in a manner that is efficient and effective. The costs to a license holder are established in law where license and penalty fees are set. Most of the costs to the Department that are influenced by this

chapter are tied primarily to the minimum inspection frequency established by the chapter. The Food and Consumer Safety Bureau reassessed and updated inspection frequencies in 2022. The inspection frequencies are the least intrusive to accomplish the benefit. Iowa's minimum inspection frequency is less frequent than that of any other state surrounding Iowa. Inspection frequency in neighboring states ranges from a minimum of once every 6 months on the high end and once every 42 months on the low end. Iowa's minimum is once every 60 months for most operations and complaint-based for some establishments.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Department reassessed minimum inspection frequencies in 2022 with the intent to establish an effective frequency with the least intrusion and lowest cost. During this process, the Department researched inspection frequencies in neighboring states and in other jurisdictions across the nation, all of which were more frequent than Iowa's frequencies. The Department considered setting the minimum inspection frequency at the same frequency as neighboring states.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Department rejected setting the minimum inspection frequency to the same as those of neighboring states due to the increased cost of conducting more inspections.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The food and lodging industry in Iowa is extremely diverse. While some food and lodging operations are small independent businesses, others are large multinational companies. This chapter implements Iowa Code chapters 137F and 137C in a simple and effective manner for both small and large businesses. It clearly defines terms and sets simple administrative processes for licensing, assessing penalties, refunds, license renewals, enforcement, appeals, and posting of inspections and licenses. One of the most impactful methods by which this chapter implores to reduce impact on small businesses is in the establishment of a minimum inspection frequency that is less frequent than any neighboring state and possibly less frequent than any other state in the continental U.S.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 30 and adopt the following **new** chapter in lieu thereof:

INSPECTIONS DIVISION

CHAPTER 30
FOOD AND CONSUMER SAFETY

481—30.1(10A,137C,137F) Food and consumer safety bureau. The food and consumer safety bureau inspects food establishments and food processing plants, including food storage facilities (warehouses) and food and beverage vending machines, and hotels and motels. It is also responsible for social and charitable gambling and amusement devices.

481—30.2(10A,137C,137F) Definitions. The following definitions are applicable to 481—Chapters 30 and 31. If a term is defined herein and by the Food Code adopted in rule 481—31.1(137F), the definition set forth herein applies.

"Bed and breakfast home" means the same as defined in Iowa Code chapter 137F.

"Bed and breakfast inn" means the same as defined in Iowa Code section 137C.2.

"Catering" means the preparation of food for distribution to an individual, business, institution or organization for exclusive service to the individual's, business's or organization's nonpaying guests, employees or members or an institution's residents, students or employees.

"Certified wild-harvested mushroom identification expert" means an individual who has within the last three years successfully completed a wild-harvested mushroom identification training program provided by an accredited college, university, or state mycological society, as evidenced by a document issued therefrom specifying the species of wild mushrooms the individual is qualified to certify. The training program must include a component of actual identification of physical specimens or simulations of mushroom species.

"Commissary" means the same as defined in Iowa Code section 137F.1.

"Contractor" means a municipal corporation, county or other political subdivision that contracts with the department to license and inspect under Iowa Code chapter 137C or 137F.

"Cottage food" means the same as defined in Iowa Code section 137F.2.

"Criminal offense" means a public offense, as defined in Iowa Code section 701.2, that is prohibited by statute and is punishable by fine or imprisonment.

"Cultivated mushroom" means a mushroom grown through a process in which the grower inoculates a substrate (logs, beds, straw, etc.) with a known strain or species of mushroom spawn in a dedicated space, whether outdoors or indoors, that is under the control of the grower, for the purpose of fruiting mushrooms.

"Department" means the same as defined in Iowa Code section 137F.1.

"Event" means the same as defined in Iowa Code section 137F.1. For example, an event does not include a single store's grand opening or sale.

"Farmers market" means the same as defined in Iowa Code section 137F.1.

"Farmers market time/temperature control for safety food license" means a license for a temporary food establishment that sells unpackaged time/temperature control for safety foods at farmers markets. The license is only applicable at farmers markets and is not required in order to sell wholesome, fresh shell eggs to consumer customers.

"Food establishment" means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, nutrition program operated pursuant to Title III-C of the Older Americans Act, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school. Assisted living programs and adult day services are included in the definition of food establishment to the extent required by 481—subrules 69.28(6) and 70.28(6). "Food establishment" does not include the following:

1. A food processing plant.
2. An establishment that offers only prepackaged foods that are not time/temperature control for safety foods.
3. A produce stand or facility that sells only whole, uncut fresh fruits and vegetables.
4. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.

5. Premises that operate as a farmers market if unpackaged time/temperature control for safety foods are not sold or distributed from the premises.

6. Premises of a residence in which food is produced pursuant to Iowa Code section 137F.20.

7. A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home.

8. A private home or private party where a personal chef or hired cook is providing food preparation services to a client and the client's nonpaying guests.

9. A private home that receives catered or home-delivered food.

10. Child day care facilities and other food establishments located in hospitals or health care facilities that serve only patients and staff and are subject to inspection by other state agencies or divisions of the department.

11. Supply vehicles or vending machine locations.

12. Establishments that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.

13. A beer, wine or distilled spirits manufacturer, distributor or wholesaler under Iowa Code chapter 123, provided it is exclusively engaged in the sale of alcoholic beverages in prepackaged form.

14. Premises or operations that are exclusively engaged in the processing of milk and milk products, are regulated by Iowa Code sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.

15. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler's license.

16. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.

17. Premises regularly used by a nonprofit organization that engages in the serving of food on the premises as long as the nonprofit organization does not exceed the following:

- The nonprofit organization serves food no more than one day per calendar week and not on two or more consecutive days;
- Twice per year, the nonprofit organization may serve food to the public for up to three consecutive days;
- The nonprofit organization may use the premises of another nonprofit organization not more than twice per year for one day to serve food.

18. A stand operated by a minor.

"Food processing plant" means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer. "Food processing plant" does not include any of the following:

1. A beer, wine or distilled spirits manufacturer, distributor or wholesaler under Iowa Code chapter 123, provided it is exclusively engaged in the sale of alcoholic beverages in a prepackaged form.

2. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; or labeled or from which honey is distributed.

3. Premises or operations that are exclusively engaged in the processing of meat and poultry and are licensed pursuant to Iowa Code section 189A.3.

4. Premises or operations that are exclusively engaged in the processing of milk or milk products, are regulated by Iowa Code sections 192.107 and 194.1, and have a milk or milk products permit issued by the department of agriculture and land stewardship.

5. Premises or operations that are exclusively engaged in the production of shell eggs, are regulated by Iowa Code section 196.3, and have an egg handler's license.

6. Premises or operations that are exclusively engaged in the preparation or processing of Siluriformes, including catfish, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

7. Premises that are a home food processing establishment pursuant to Iowa Code chapter 137D.

8. Premises or operations that are exclusively engaged in the production or processing of egg products, as defined in 9 CFR Part 590 as amended to [effective date of this rulemaking], including egg substitutes and freeze-dried egg products, and are regulated and inspected by the United States Department of Agriculture under a federal grant of inspection.

"Food service establishment" means a food establishment where food is prepared or served for individual portion service intended for consumption on the premises or is subject to Iowa sales tax as provided in Iowa Code section 423.3.

"Hotel" means the same as defined in Iowa Code section 137C.2.

"Mobile food unit" means a food establishment that is self-contained, with the exception of grills and smokers, and readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.

"Patrol dog" means a dog that is accompanying a law enforcement officer or security officer.

"Personal chef" or *"hired cook"* means a person who provides food preparation services in a private home or at a private party for a client and the client's nonpaying guests. "Personal chef" or "hired cook" does not include a person who provides the ingredients intended to be used in food preparation.

"Pet dog" means a dog that does not meet the definition of a patrol dog or a service animal as defined in 28 CFR Part 36 as amended to [effective date of this rulemaking].

"Processed food" means the same as defined in 21 U.S.C. 321 as amended to [effective date of this rulemaking].

"Pushcart" means a non-self-propelled vehicle food establishment limited to serving foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.

"Raw agricultural commodity" means the same as defined in 21 U.S.C. 321 as amended to [effective date of this rulemaking].

"Retail food establishment" means a food establishment that sells to consumer customers food or food products intended for preparation or consumption off the premises.

"Stand operated by a minor" means the same as defined in Iowa Code section 137F.1.

"Temporary food establishment" means the same as defined in Iowa Code section 137F.1.

"Time/temperature control for safety food" means the same as defined in Iowa Code section 137F.1.

"Transient guest" means an overnight lodging guest who does not intend to stay for any permanent length of time. Any guest who rents a room for more than 31 consecutive days is presumed not to be a transient guest.

"Unattended food establishment" means an operation that provides packaged foods or whole fruit using an automated payment system and has controlled entry not accessible by the general public. "Controlled entry," for the purposes of the definition of "unattended food establishment," means selective restriction or limitation of access to a place or location.

"Unprocessed commodity" means a raw agricultural commodity.

"Vending" means selling or dispensing food to an individual consumer customer. Vending does not include catering.

"Vending machine" means the same as defined in Iowa Code section 137F.1. Vending machines that dispense only prepackaged foods that are not time/temperature control for safety foods, panned candies, gumballs or nuts are exempt from licensing but may be inspected by the department upon receipt of a written complaint. "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.

"Vending machine location" means the same as defined in Iowa Code section 137F.1.

"Wild-harvested mushroom" means a fresh mushroom that has been found or foraged in the natural environment and has not been processed (e.g., dried or frozen). "Wild-harvested mushroom"

does not include cultivated mushrooms or mushrooms that have been packaged in an approved food processing plant.

481—30.3(137C,137F) Licensing and postings. Applications for a license shall be completed using the department's online application system at least 30 days prior to the anticipated opening of the hotel, food establishment or food processing plant. If extenuating circumstances exist that prevent the applicant from completing the online application, paper applications are available from the department or its contractors. Temporary food establishment license applications shall be submitted a minimum of three business days prior to opening.

30.3(1) *Transferability.* A license is not transferable to a new owner or location. Any change in business ownership or business location requires a new license. Vending machines, mobile food units and pushcarts may be moved without obtaining a new license. A farmers market time/temperature control for safety food license or an annual temporary event food establishment license may be used at different locations without obtaining a new license. If the different locations are operated simultaneously, a separate license is required for each location. Nutrition sites for the elderly licensed under Iowa Code chapter 137F may change locations in the same city without obtaining a new license.

30.3(2) *Refunds.* License fees are refundable only if the license is surrendered to the department prior to the effective date of the license and only as follows:

a. License fees of $67.50 or less are an application processing fee and are not refundable.

b. If an inspection has not occurred, license fees of more than $67.50 will be refunded less the $67.50.

c. If an inspection has occurred, the entire license fee is nonrefundable.

30.3(3) *License expiration.* A license is renewable and expires after one year, with the exception of a temporary food establishment license issued in conjunction with a single event at a specific location, which is valid for a period not to exceed 14 consecutive days.

30.3(4) *Posting of inspection reports, licenses, and registration tags.* A valid license and the most recent inspection report, along with any current complaint or reinspection reports, shall be posted no higher than eye level where the public can see them and not be posted in such a manner that the public cannot reasonably read the report. Reports may be posted in paper form or through a QR code provided on the license. A paper report must be available upon request. The posting of a report behind a service area where the report can be seen but not easily read is not allowed. Vending machines shall bear a tag to affirm the license. For the purpose of this subrule, only founded complaint reports are considered complaints and shall be posted until either the mail-in recheck form has been submitted to the regulatory authority or a recheck inspection has been conducted to verify that the violations have been corrected.

30.3(5) *Documentation of gross sales.* Documentation of the annual gross sales of food and drink sold by a licensed food establishment or a licensed food processing plant is required unless the establishment is paying the highest license fee required by rule 481—30.4(137C,137F). Documentation will be kept confidential and will be used to verify that the license holder is paying the appropriate license fee based on annual gross sales of food and drink. For food processing plants that are food storage facilities and food establishments whose sales are included in a single rate with lodging or other services, the value of the food handled should be used. Documentation includes:

a. A copy of the firm's business tax return;

b. Quarterly sales tax data;

c. A letter from an independent tax preparer;

d. Other appropriate records.

30.3(6) *License eligibility for renewal limited to 60 days after expiration.* A delinquent license will only be renewed if application for renewal is made within 60 days of expiration. If a delinquent license is not renewed within 60 days, an establishment must apply for a new license and meet all the requirements for licensure. Establishments that have not renewed the license within 60 days will be closed by the department or a contractor.

481—30.4(137C,137F) License fees. License fees are set by Iowa Code chapters 137F and 137C. The license fee is the same for an initial license and a renewal license. The department will charge a voluntary inspection fee of $100 when a premises that is not a food establishment requests a voluntary inspection.

481—30.5(137F) Penalty and delinquent fees.

30.5(1) *Late penalty.* Renewals submitted after the license expiration are subject to a penalty of 10 percent of the license fee per month in accordance with Iowa Code section 137F.4. A license will only be renewed if the license holder has provided documentation pursuant to subrule 30.3(5).

30.5(2) *Penalty for opening or operating without a license.* Operating without a license is subject to a penalty of up to twice the amount of the annual license fee in accordance with Iowa Code section 137F.9.

481—30.6(137C,137F) Returned checks. If a check intended to pay for any license provided for under Iowa Code chapter 137C or 137F is not honored for payment, the department will attempt to redeem the check and notify the applicant of the need to provide sufficient payment. An additional fee of $25 will be assessed for each dishonored check. If the department does not receive payment, the establishment will be operating without a valid license. Late penalties assessed pursuant to rule 481—30.5(137F) will accrue and must be paid.

481—30.7(137F) Double licenses.

30.7(1) Any establishment that holds a food service establishment license and has gross sales over $20,000 annually in packaged food items intended for consumption off the premises is also required to obtain a retail food establishment license. The license holder shall keep a record of these food sales and make it available to the department upon request.

30.7(2) Licensed retail food establishments serving only coffee, soft drinks, popcorn, prepackaged sandwiches or other food items manufactured and packaged by a licensed establishment only need a retail food establishment license.

30.7(3) A food establishment that holds both a food service establishment license and a retail food establishment license shall pay a license fee based on the annual gross sales for the dominant form of business plus $150.

EXAMPLE: A food establishment holds a food service establishment license and a retail food establishment license. It has annual gross sales of more than $750,000 for its retail food establishment and $120,000 for its food service establishment. The food establishment pays a license fee of $400 for its retail food establishment license (Iowa Code section 137F.6) and $150 for its food service establishment license.

30.7(4) The business with higher annual gross sales determines the type of license for establishments that engage in operations covered under both the definition of a food establishment and of a food processing plant. Food establishments that process low-acid food in hermetically sealed containers or process acidified foods are required to have a food processing plant license in addition to the food establishment license. Regardless of the type of license, food processing plants will be inspected pursuant to food processing inspection standards and food establishments will be inspected pursuant to the Food Code.

481—30.8(137C,137F) Inspection frequency. Inspections are based on risk assessment.

30.8(1) *Food establishments.* Food establishments will have routine inspections at least once every 60 months. Very low risk food establishments will not have a routine inspection frequency.

30.8(2) *Food processing plants.* Food processing plants that process foods will have routine inspections at least once every 60 months. If the United States Food and Drug Administration completes an inspection in a facility, the inspection satisfies the state inspection frequency.

30.8(3) *Food processing plants that store foods.* Food processing plants that store foods will be inspected at least once every 84 months. If the United States Food and Drug Administration completes

an inspection in a facility, the inspection satisfies the state inspection frequency. Very low risk food processing plants that store food will not have a routine inspection frequency.

30.8(4) *Hotels.* Hotels will be inspected in accordance with Iowa Code chapter 137C.

30.8(5) *Farmers market time/temperature control for safety food.* Farmers market time/temperature control for safety food licensees will be inspected based on risk.

30.8(6) *Temporary food establishments.* Temporary food establishments issued an annual license will be inspected based on risk.

481—30.9(22) Examination of records.

30.9(1) *Public information.* Information collected by the food and consumer safety bureau and contractors is generally considered public information pursuant to Iowa Code chapter 22. Records are stored in computer files and are not matched with any other data system. Inspection reports are available at dial.iowa.gov. Requests for records of other state or federal agencies will be referred to the appropriate agency.

30.9(2) *Confidential records.* Certain records are confidential, including:

a. Trade secrets and proprietary information, including items such as formulations, processes, policies and procedures, and customer lists;

b. Health information related to foodborne illness complaints and outbreaks;

c. The name or any identifying information of a person who files a complaint.

481—30.10(17A,137C,137F) Denial, suspension, or revocation of a license to operate. A license denial, suspension or revocation is effective 30 days after mailing or personal service of the notice.

30.10(1) *Immediate suspension of license.* To the extent not inconsistent with Iowa Code chapters 17A, 137C, and 137F and rules adopted pursuant to those chapters, chapter 8 of the Food Code is adopted for food establishments. A license may be immediately suspended in cases of an imminent health hazard. Iowa Code section 17A.18A and Food Code chapter 8 will be followed in cases of an imminent health hazard. The appeal process in rule 481—30.11(10A,137C,137F) is available following an immediate suspension.

30.10(2) *Criminal offense—conviction of license holder.* The department may revoke the license of a license holder who conducts an activity constituting a criminal offense in the licensed food establishment resulting in a felony, serious misdemeanor or aggravated misdemeanor conviction. A certified copy of the final order or judgment of conviction or plea of guilty is conclusive evidence of the conviction.

481—30.11(10A,137C,137F) Formal hearing.

30.11(1) An establishment may contest adverse action taken pursuant to this chapter by submitting a request for hearing to the department within 30 days of the mailing or service of the department's action. Appeals and hearings are governed by 481—Chapter 9.

30.11(2) For contractors, license holders shall have the opportunity for a hearing before the local board of health. If the hearing is conducted before the local board of health, the license holder may appeal to the department and shall follow the process for review in rule 481—9.3(10A,17A).

481—30.12(137F) Primary servicing laboratory. The primary servicing laboratory for the food and consumer safety bureau is the State Hygienic Laboratory at the University of Iowa created under Iowa Code section 263.7. If the laboratory is unable to perform laboratory services, the laboratory will assist in finding another laboratory with a preference toward laboratories that are in the Food Emergency Response Network (FERN) and have achieved ISO 17025 accreditation.

481—30.13(10A,137F) Cottage food.

30.13(1) Cottage food is exempt from all licensing, permitting, inspection, packaging, and labeling laws of the state if the food complies with all of the following:

a. The food does not require time/temperature control for safety. When it is not obvious whether a food requires time/temperature control for safety, the food producer will provide documentation that a food does not require time/temperature control for safety to the regulatory authority upon request.

b. The food is not a milk or milk product regulated under Iowa Code chapters 192 and 194.

c. The food is not a meat, meat food product, poultry, or poultry food product regulated under Iowa Code chapter 189A.

d. The food is not unpasteurized fruit or vegetable juice.

e. The food is produced in a private residence.

f. The food is sold and delivered by the producer directly to the consumer.

g. The cottage food is labeled or affixed with the following information:

(1) Information to identify the name and address, phone number, or email address of the person preparing the food.

(2) The common name of the food.

(3) The ingredients of the cottage food in descending order of predominance.

(4) The following statement: "This product was produced at a residential property that is exempt from state licensing and inspection."

(5) If the cottage food contains one or more major food allergens, an additional allergen statement identifying each major allergen contained in the food by the common name of the allergen.

(6) If the food is home-processed and contains home-canned pickles, vegetables, or fruits permitted under this rule, the date that the food was processed and canned.

h. Home-processed and home-canned pickles, vegetables, or fruits sold under this rule must comply with the following:

(1) Each batch must be measured by a pH meter or a water activity meter and shall have a finished equilibrium pH value of 4.60 or lower or a water activity value of 0.85 or less.

(2) Each container that is sold or offered for sale must contain the date the food was processed and canned.

i. The cottage food producer must provide batch testing records to the regulatory authority upon request, including at the point of sale.

j. Cottage food shall not be offered for sale in a food establishment except in a temporary food establishment, provided that the temporary food establishment is operated by the cottage food producer and the cottage food is offered for sale in a packaged form and labeled in accordance with paragraph 30.13(1)*"g."*

30.13(2) Reserved.

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