

**137D.1 Definitions.**

As used in [this chapter](#), unless the context otherwise requires:

1. “*Department*” means the department of inspections, appeals, and licensing.
2. “*Food*” means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption.
3. “*Home food processing establishment*” means a business on the premises of a residence in which homemade food items are produced for sale or resale, for consumption off the premises, if the business has gross annual sales of less than fifty thousand dollars. However, “*home food processing establishment*” does not include a residence in which food is prepared to be used or sold by churches, fraternal societies, charitable organizations, or civic organizations.
  4. a. “*Homemade food item*” means a food that is produced and, if packaged, packaged at a home food processing establishment.
  - b. “*Homemade food item*” includes all of the following:
    - (1) Food that is not time/temperature control for safety food, but does not include such food if produced and sold under [section 137F.20](#).
    - (2) Made-to-order food that is all of the following:
      - (a) Regularly prepared, promptly served, delivered, or otherwise provided to a consumer immediately upon order.
      - (b) Intended for immediate consumption.
    - c. “*Homemade food item*” does not include unpasteurized fruit or vegetable juice, raw sprout seeds, foods containing game animals, fish or shellfish, alcoholic beverages, bottled water, packaged ice, consumable hemp products, food that will be further processed by a food processing plant, time/temperature control for safety food packaged using a reduced oxygen packaging method, milk or milk products regulated under [chapter 192](#) or [194](#), and meat, meat food products, poultry, or poultry products regulated under [chapter 189A](#), except for any of the following products when sold directly to the end consumer:
      - (1) Poultry, poultry byproduct, or poultry food product if the producer raised the poultry pursuant to the exemption set forth in [9 C.F.R. §381.10\(c\)\(1\)](#) limiting the producer to slaughtering not more than one thousand poultry during the calendar year.
      - (2) Poultry, poultry byproduct, or poultry food product if the poultry is from an inspected source exempted pursuant to [9 C.F.R. §381.10\(d\)](#).
      - (3) Meat, meat byproduct, or meat food product if the meat is from an inspected source exempted pursuant to [9 C.F.R. §303.1\(d\)](#).
  5. “*Produce*”, with respect to preparing homemade food items, means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, freezing, dehydrating, growing, raising, or other process. “*Produce*” does not include the preparation methods of low-acid canning, low-acid fermentation, acidification, curing, and smoking for preservation rather than flavor enhancement.
  6. “*Time/temperature control for safety food*” means a food that requires time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

[88 Acts, ch 1220, §7](#)

[C89, §170C.1](#)

[C91, §137D.1](#)

[2016 Acts, ch 1086, §2, 3; 2022 Acts, ch 1129, §2; 2022 Acts, ch 1153, §56; 2023 Acts, ch 19, §1907; 2023 Acts, ch 82, §1, 3](#)

Referred to in [§210.23](#)

Subsections 1 and 4 amended