

CHAPTER 35 CONTRACTOR REQUIREMENTS

Chapter rescission date pursuant to Iowa Code section 17A.7: 3/11/31

481—35.1(137C,137D,137F) Definitions. The definitions in rule 481—30.2(10A,137C,137F) and Iowa Code sections 137C.2, 137D.1 and 137F.1 are hereby incorporated by reference as part of this chapter.
[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.2(137C,137D,137F) Contracts. A municipal corporation or county may enter into an agreement with the department to license, inspect and enforce under Iowa Code chapters 137C, 137D and 137F.

35.2(1) The department will investigate the municipal corporation or county to determine if it possesses adequate resources to fulfill the requirements of the contract.

35.2(2) A copy of the contract is available from the Department of Inspections, Appeals, and Licensing, Food and Consumer Safety Bureau, 6200 Park Avenue, Des Moines, Iowa 50321.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.3(137C,137D,137F) Contractor.

35.3(1) The contractor will:

- a. Furnish the personnel, materials, services and facilities necessary to perform the required functions of the contract;
- b. Cooperate with the department's monitoring activities in areas under the scope of this agreement;
- c. Provide 24-hour-per-day, seven-day-per-week coverage of the facilities under contract;
- d. Ensure that personnel are available at all times to respond to complaints, investigations, emergencies and other situations;
- e. Supply trained personnel who are prepared and have the capability to perform inspections; and
- f. Provide other information as requested by the department in regard to inspections and licenses issued under the contract.

35.3(2) The contractor is not an authorized agent of the state of Iowa.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.4(137C,137D,137F) Contractor inspection personnel.

35.4(1) Contractor inspection personnel will possess experience and education qualifications equal to those required for state food inspectors, including application of the food code. Municipal corporations or counties that wish to contract with the department to perform food inspections under Iowa Code chapters 137C, 137D and 137F but do not have trained personnel to perform these services will reimburse the department for the cost of providing the required training.

35.4(2) The salary received by contractor inspection personnel should be comparable to state inspection personnel.

35.4(3) Contractor inspection personnel will participate in state-sponsored training activities.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.5(137C,137D,137F) Investigation. The contractor will investigate all alleged food-borne illnesses in areas licensed and inspected under the agreement. The contractor will notify the department immediately of the existence of any food-borne or other illness caused by, or suspected to have been caused by, unsanitary conditions existing within the jurisdiction of the contractor.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.6(137C,137D,137F) Inspection standards. Inspections will be completed using forms prescribed by the department for those inspections. The contractor will follow applicable standards for inspections found in Iowa Code chapters 137C, 137D and 137F and 481—Chapters 30, 31, 34, 35, and 37. Copies of inspection standards are available from the Department of Inspections, Appeals, and Licensing, Food and Consumer Safety Bureau, 6200 Park Avenue, Des Moines, Iowa 50321.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.7(137C,137D,137F) Enforcement. The contractor will enforce state laws and rules, including regulations adopted by reference. These regulations are the legal basis of authority in licensing and inspection of establishments under this contract.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.8(137C,137D,137F) Licensing. The contractor will issue licenses and collect license fees.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.9(137C,137D,137F) Records. The contractor will maintain records of all inspections, license applications and fees for a minimum of three years and provide the records to the department upon its request.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

481—35.10(137C,137D,137F) Contract rescinded. If the department determines that Iowa Code chapters 137C, 137D and 137F are not being enforced by the contractor, the department may rescind the agreement. Notification will be provided to the contractor at least 30 days in advance of the action. The contractor has the right to request a hearing with the department to contest the action.

[ARC 0060D, IAB 2/4/26, effective 3/11/26]

These rules are intended to implement Iowa Code chapters 137C, 137D and 137F.

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