

Senate File 2273

H-8100

1 Amend Senate File 2273, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 10A.104, subsection 12, Code
6 2016, is amended to read as follows:

7 12. Administer inspections and licensing of hotels
8 and home ~~food establishments~~ bakeries.

9 Sec. 2. Section 137D.1, subsections 3 and 4, Code
10 2016, are amended to read as follows:

11 3. ~~"Home food establishment"~~ "Home bakery" means
12 a business on the premises of a residence in which
13 prepared food is created for sale or resale, for
14 consumption off the premises, if the business has
15 gross annual sales of prepared food of less than
16 ~~twenty~~ thirty-five thousand dollars. However, a ~~home~~
17 ~~food establishment~~ "home bakery" does not include a
18 residence in which food is prepared to be used or
19 sold by churches, fraternal societies, charitable
20 organizations, or civic organizations.

21 4. "Prepared food" means soft pies, bakery
22 products with a custard or cream filling, or ~~any~~
23 ~~other potentially hazardous~~ baked goods that are a
24 time/temperature control for safety food. "Prepared
25 food" does not ~~mean nonhazardous~~ include baked goods
26 that are not a time/temperature control for safety
27 food, including but not limited to breads, fruit pies,
28 cakes, or other ~~nonhazardous~~ pastries that are not a
29 time/temperature control for safety food.

30 Sec. 3. Section 137D.1, Code 2016, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 5. "Time/temperature control
33 for safety food" means a food that requires time and
34 temperature controls for safety to limit pathogenic
35 microorganism growth or toxin formation.

1 Sec. 4. Section 137D.2, Code 2016, is amended to
2 read as follows:

3 **137D.2 Licenses and inspections.**

4 1. A person shall not open or operate a home ~~food~~
5 ~~establishment~~ bakery until a license has been obtained
6 from the department of inspections and appeals. The
7 department shall collect a fee of ~~thirty-three dollars~~
8 ~~and seventy-five cents~~ fifty dollars for a license.
9 After collection, the fees shall be deposited in the
10 general fund of the state. A license shall expire one
11 year from date of issue. A license is renewable.

12 2. A person shall not sell or distribute from
13 a home ~~food establishment~~ bakery if the home ~~food~~
14 ~~establishment~~ bakery is unlicensed, the license of the
15 home ~~food establishment~~ bakery is suspended, or the
16 food fails to meet standards adopted for such food by
17 the department.

18 3. An application for a license under **this chapter**
19 shall be made upon a form furnished by the department
20 and shall contain the items required by it according to
21 rules adopted by the department.

22 4. The department shall regulate, license, and
23 inspect home ~~food establishments~~ bakeries according to
24 standards adopted by rule.

25 5. The department shall provide for the periodic
26 inspection of a home ~~food establishment~~ bakery. The
27 inspector may enter the home ~~food establishment~~ bakery
28 at any reasonable hour to make the inspection. The
29 department shall inspect only those areas related to
30 preparing food for sale.

31 6. The department shall regulate and inspect food
32 prepared at a home ~~food establishment~~ bakery according
33 to standards adopted by rule. The inspection may
34 occur at any place where the prepared food is created,
35 transported, or stored for sale or resale.

1 Sec. 5. Section 137D.3, Code 2016, is amended to
2 read as follows:

3 **137D.3 Penalty.**

4 A person who violates a provision of [this chapter](#),
5 including a standard adopted by departmental rule,
6 relating to home ~~food establishments~~ bakeries or
7 prepared foods created in a home ~~food establishment~~
8 bakery, is guilty of a simple misdemeanor. Each day
9 that the violation continues constitutes a separate
10 offense.

11 Sec. 6. Section 137D.4, Code 2016, is amended to
12 read as follows:

13 **137D.4 Injunction.**

14 A person operating a home ~~food establishment~~
15 bakery or selling prepared foods created at a home
16 ~~food establishment~~ bakery in violation of a provision
17 of [this chapter](#) may be restrained by injunction
18 from further operating that home ~~food establishment~~
19 bakery. If an imminent health hazard exists, the
20 home ~~food establishment~~ bakery must cease operation.
21 Operation shall not be resumed until authorized by the
22 department.

23 Sec. 7. Section 137D.6, Code 2016, is amended to
24 read as follows:

25 **137D.6 Conflicts with state building code.**

26 Provisions of [this chapter](#), including standards
27 for home ~~food establishments~~ bakeries adopted by the
28 department, in conflict with the state building code,
29 as adopted pursuant to [section 103A.7](#), shall not apply
30 where the state building code has been adopted or when
31 the state building code applies throughout the state.

32 Sec. 8. Section 137D.8, subsections 1 and 3, Code
33 2016, are amended to read as follows:

34 1. The person's home ~~food establishment~~ bakery does
35 not conform to a provision of [this chapter](#) or a rule

1 adopted pursuant to [this chapter](#).

2 3. The person conducts an activity constituting a
3 criminal offense in the home ~~food establishment~~ bakery
4 and is convicted of a serious misdemeanor or a more
5 serious offense as a result.

6 Sec. 9. Section 137F.1, subsection 7, paragraph d,
7 Code 2016, is amended to read as follows:

8 *d.* Premises which are a home ~~food establishment~~
9 bakery pursuant to [chapter 137D](#).>

10 2. Title page, by striking lines 1 through 3 and
11 inserting <An Act relating to licensure of home food
12 establishments.>

COMMITTEE ON STATE GOVERNMENT

VANDER LINDEN of Mahaska, Chairperson