



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

June 10, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 770**, an Act providing for the Iowa Department of Public Health to administer the hotel sanitation code, regulation of home food establishments, Iowa Food Code, regulation of egg handlers, and inspection of cosmetology and barbering licensees in place of the Department of Inspections and Appeals.

I have serious concerns about the policy change established by this bill relating to food regulation. Moving this program from the Department of Inspections and Appeals to the Department of Public Health is inconsistent with the philosophy of my administration of separating the steering and rowing functions of government. The action to move a regulatory function from a regulatory agency to an agency of advocacy is counterproductive and an inefficient use of government resources. My administration has worked hard to align activities of agencies with their core functions to provide better service to Iowans while improving efficiency. There is no efficiency to be gained by simply transferring regulatory oversight between departments.

The Department of Inspections and Appeals recommended two policy changes to improve the food regulation program that I encourage the Legislature to consider during the next session. Both are supported by the Department of Public Health, local public health agencies, and the Iowa Environmental Health Association. These changes are necessary first steps in working toward a food inspection program that will better protect the health security of Iowans.

First, Iowa policy should recognize the latest scientific advances by keeping the Iowa Food Code up to date with the most recent version of the FDA Food Code. The Iowa Food Code currently references the outdated 1997 FDA edition and needs to be amended by the Legislature.

Second, license fees must be increased to cover the full cost of food inspections. It takes a well-educated, well-trained, well-equipped and dedicated workforce completing regular inspections to provide the public with confidence that the food they purchase at a restaurant or grocery store is safe. For nearly all food inspection agencies in Iowa, license



fees currently fall short of covering the cost of a fully implemented inspection program by over \$800,000. The result is that local governments are forced to make up the difference with taxpayer dollars. Failure to address this inequity will likely result in some counties discontinuing contracts to provide this service, thereby turning the responsibility for food inspection back over to the State. This cost should be borne by inspection fees, and I encourage the Legislature to take action.

For the above reasons, I respectfully disapprove **House File 770**.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom J. Vilsack", with a stylized flourish at the end.

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House



HOUSE FILE 770

AN ACT

PROVIDING FOR THE IOWA DEPARTMENT OF PUBLIC HEALTH TO ADMINISTER THE HOTEL SANITATION CODE, REGULATION OF HOME FOOD ESTABLISHMENTS, IOWA FOOD CODE, REGULATION OF EGG HANDLERS, AND INSPECTION OF COSMETOLOGY AND BARBERING LICENSEES IN PLACE OF THE DEPARTMENT OF INSPECTIONS AND APPEALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 10A.104, subsection 9, Code 2005, is amended to read as follows:

9. Administer and enforce this chapter, and chapters 99B, 135B, 135C, 135H, and 135J, 137E, 137D, and 137F.

Sec. 2. Section 10A.104, subsection 15, Code 2005, is amended by striking the subsection.

Sec. 3. Section 123.3, subsection 15, Code 2005, is amended to read as follows:

15. "Hotel" or "motel" means premises licensed by the Iowa department of inspections and appeals public health under chapter 137C and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms.

Sec. 4. Section 135.11, subsection 17, Code 2005, is amended to read as follows:

17. Administer chapters 125, 136A, 136C, 137C, 137D, 137F, 139A, 142, 142A, 144, and 147A, and 196.

Sec. 5. Section 137C.2, subsections 2 and 3, Code 2005, are amended to read as follows:

2. "Director" means the director of the department of inspections and appeals public health or the director's designee.

3. "Department" means the Iowa department of inspections and appeals public health.

Sec. 6. Section 137D.1, subsection 2, Code 2005, is amended to read as follows:

2. "Department" means the Iowa department of ~~inspections and-appeals~~ public health.

Sec. 7. Section 137D.2, subsection 1, Code 2005, is amended to read as follows:

1. A person shall not open or operate a home food establishment until a license has been obtained from the Iowa department of ~~inspections-and-appeals~~ public health. The department shall collect a fee of twenty-five dollars for a license. After collection, the fees shall be deposited in the general fund of the state. A license shall expire one year from date of issue. A license is renewable.

Sec. 8. Section 137F.1, subsections 3 and 4, Code 2005, are amended to read as follows:

3. "Department" means the Iowa department of ~~inspections and-appeals~~ public health.

4. "Director" means the director of ~~the-department-of inspections-and-appeals~~ public health or the director's designee.

Sec. 9. Section 147.88, Code 2005, is amended to read as follows:

147.88 INSPECTIONS.

The department of inspections and appeals may perform inspections as required by this subtitle, except for the board of medical examiners, the board of pharmacy examiners, the board of nursing, and the board of dental examiners, the board of barber examiners, and the board of cosmetology arts and sciences examiners. The department of inspections and appeals shall employ personnel related to the inspection functions.

Sec. 10. Section 157.7, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The department ~~of-inspections-and-appeals~~ shall employ personnel pursuant to chapter 8A, subchapter IV, to perform duties related to inspection functions under this chapter. The department ~~of-inspections-and-appeals~~ shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter 158.

Sec. 11. Section 158.6, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The department ~~of-inspections-and-appeals~~ shall employ personnel pursuant to chapter 8A, subchapter IV, to perform

duties related to inspection functions under this chapter. The department ~~of inspections and appeals~~ shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter 157.

Sec. 12. Section 196.1, subsection 3, Code 2005, is amended to read as follows:

3. "Department" means the Iowa department of ~~inspections and appeals~~, ~~as established in section 10A.102~~ public health.

Sec. 13. Section 331.756, subsection 32, Code 2005, is amended to read as follows:

32. Assist the Iowa department of ~~inspections and appeals~~ public health in the enforcement of the Iowa food code and the Iowa hotel sanitation code as provided in sections 137F.19 and 137C.30.

Sec. 14. CODES, RULES, AGREEMENTS, AND APPROPRIATIONS TRANSFER.

1. The following codes and standards adopted by the director of the department of inspections and appeals shall remain in effect until modified or rescinded by the director of public health:

- a. Hotel sanitation code adopted under chapter 137C, Code 2005.
- b. Home food establishment standards adopted under chapter 137D, Code 2005.
- c. Food code adopted under chapter 137F, Code 2005.
- d. Egg handler standards adopted under chapter 196, Code 2005.

2. The administrative rules adopted by the department of inspections and appeals under chapters 137C, 137D, 137F, 157, 158, and 196, Code 2005, shall remain in effect until modified or rescinded by the Iowa department of public health.

3. Effective July 1, 2005, an agreement entered into under chapter 137C or 137F, Code 2005, between the director of the department of inspections and appeals and a municipal corporation for the municipal corporation to license, inspect, and enforce chapter 137C or 137F within the municipal corporation's jurisdiction shall be deemed to be an agreement with the director of public health and shall remain in effect until expiration of the agreement or the agreement is modified or rescinded by the parties to the agreement.

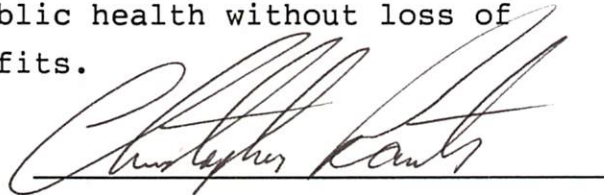
4. Effective July 1, 2005, the Iowa department of public health shall assume the departmental duties outlined in the

codes, standards, and administrative rules adopted under chapters 137C, 137D, 137F, 157, 158, and 196 in place of the department of inspections and appeals.

5. Appropriations made from the general fund of the state for the fiscal year beginning July 1, 2005, and ending June 30, 2006, to the department of inspections and appeals for administration and enforcement of chapters 137C, 137D, 137F, 157, 158, and 196 shall be transferred to the Iowa department of public health.

Sec. 15. REVIEW OF FEES. The Iowa department of public health may perform a review of the license and examination fees charged by the department under chapters 137C, 137D, 137F, 157, 158, and 196.

Sec. 16. TRANSITION OF EMPLOYEES. Effective July 1, 2005, all employees of the department of inspections and appeals performing functions related to chapters 137C, 137D, 137F, 157, 158, and 196, as of June 30, 2005, shall become employees of the Iowa department of public health without loss of classification, pay, or benefits.

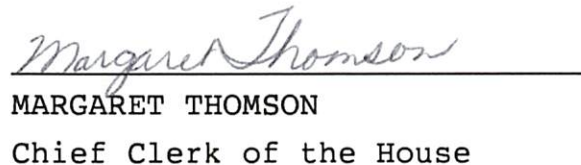


CHRISTOPHER C. RANTS
Speaker of the House



JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 770, Eighty-first General Assembly.



MARGARET THOMSON
Chief Clerk of the House

Disapproved
Approved June 10, 2005



THOMAS J. VILSACK
Governor