

Senate File 2273 - Enrolled

Senate File 2273

AN ACT

RELATING TO LICENSURE OF HOME FOOD ESTABLISHMENTS.

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

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

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

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

3. ~~"Home food establishment"~~ "Home bakery" means a business on the premises of a residence in which prepared food is created for sale or resale, for consumption off the premises, if the business has gross annual sales of prepared food of less than ~~twenty~~ thirty-five thousand dollars. However, ~~a home food establishment~~ "home bakery" 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. "Prepared food" means soft pies, bakery products with a custard or cream filling, or ~~any other potentially hazardous~~ baked goods that are a time/temperature control for safety food. "Prepared food" does not mean ~~nonhazardous~~ include baked

goods that are not a time/temperature control for safety food, including but not limited to breads, fruit pies, cakes, or other ~~nonhazardous~~ pastries that are not a time/temperature control for safety food.

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

NEW SUBSECTION. 5. *“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.

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

137D.2 Licenses and inspections.

1. A person shall not open or operate a home ~~food establishment~~ bakery until a license has been obtained from the department of inspections and appeals. The department shall collect a fee of thirty-three dollars and seventy-five cents 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.

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

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

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

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

6. The department shall regulate and inspect food prepared at a home ~~food establishment~~ bakery according to standards

adopted by rule. The inspection may occur at any place where the prepared food is created, transported, or stored for sale or resale.

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

137D.3 Penalty.

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

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

137D.4 Injunction.

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

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

137D.6 Conflicts with state building code.

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

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

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

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

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

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

PAM JOCHUM
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2273, Eighty-sixth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2016

TERRY E. BRANSTAD
Governor