

Senate File 2390 - Enrolled

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AN ACT

RELATING TO LICENSURE AND REGULATION FOR THE HOTEL SANITATION CODE, HOME BAKERIES, AND FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS, MODIFYING FEES AND PENALTIES, AND INCLUDING EFFECTIVE DATE PROVISIONS.

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

DIVISION I

HOTEL SANITATION CODE

Section 1. Section 137C.6, subsection 3, paragraph b, Code 2018, is amended by striking the paragraph.

Sec. 2. Section 137C.7, Code 2018, is amended to read as follows:

137C.7 License required.

~~No~~ A person shall not open or operate a hotel until the regulatory authority has inspected the hotel and issued a license ~~has been obtained from the regulatory authority and until the hotel has been inspected by the regulatory authority~~ to the person. The regulatory authority shall conduct inspections in accordance with standards adopted by the department by rule pursuant to chapter 17A. Each license shall expire one year from the date of issue. A license is renewable. All licenses issued under ~~the Iowa hotel sanitation code~~ this chapter that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent of the license fee per month if the license is renewed at a later date. A license is not transferable.

Sec. 3. Section 137C.9, subsection 1, Code 2018, is amended to read as follows:

1. Either the department or the municipal corporation shall collect the following annual license fees:

a. For a hotel containing ~~fifteen~~ thirty guest rooms or less, ~~twenty-seven~~ fifty dollars.

b. For a hotel containing more than ~~fifteen~~ thirty but less than ~~thirty-one~~ one hundred one guest rooms, ~~forty dollars and fifty cents~~ one hundred dollars.

c. For a hotel containing more than ~~thirty~~ but less than ~~seventy-six~~ one hundred one guest rooms, ~~fifty-four~~ one hundred fifty dollars.

~~d. For a hotel containing more than seventy-five but less than one hundred fifty guest rooms, fifty-seven dollars and fifty cents.~~

~~e. For a hotel containing one hundred fifty or more guest rooms, one hundred one dollars and twenty-five cents.~~

DIVISION II

HOME BAKERIES

Sec. 4. Section 137D.2, subsection 1, Code 2018, is amended to read as follows:

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

DIVISION III

FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS

Sec. 5. Section 137F.1, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 4A. "*Event*" means a significant occurrence or happening sponsored by a civic, business, governmental, community, or veterans organization and may include an athletic contest.

NEW SUBSECTION. 15A. "*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. 6. Section 137F.1, subsection 7, unnumbered paragraph 1, Code 2018, is amended to read as follows:

"Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school, ~~or the Iowa juvenile home~~. *"Food establishment"* does not include the following:

Sec. 7. Section 137F.1, subsection 7, paragraphs b, e, and f, Code 2018, are amended to read as follows:

b. An establishment that offers only prepackaged foods that are ~~nonpotentially hazardous~~ not time/temperature control for safety foods.

e. Premises where a person operates a farmers market, if ~~potentially hazardous food is~~ time/temperature control for safety foods are not sold or distributed from the premises.

f. Premises of a residence in which food that is ~~nonpotentially hazardous~~ not a time/temperature control for safety food is sold for consumption off the premises to a consumer customer, if the food is labeled to identify the name and address of the person preparing the food and the common name of the food.

Sec. 8. Section 137F.1, subsections 11 and 12, Code 2018, are amended by striking the subsections.

Sec. 9. Section 137F.1, subsections 13, 15, 16, and 17, Code 2018, are amended to read as follows:

13. *"Pushcart"* means a non-self-propelled vehicle food establishment limited to serving ~~nonpotentially hazardous foods~~ foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

15. *"Temporary food establishment"* means a food establishment that operates for a period of no more than fourteen consecutive days in conjunction with a single event ~~or celebration~~.

16. *"Vending machine"* means a ~~food establishment which is~~ a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

17. *"Vending machine location"* means the ~~physical site~~ room, enclosure, space, or area where a one or more vending machine ~~is~~ machines are installed and operated, including the storage and servicing areas on the premises that are used in ~~conjunction with~~ to service and maintain the vending machine.

Sec. 10. Section 137F.3, subsection 4, Code 2018, is amended to read as follows:

4. A municipal corporation that is responsible for enforcing ~~this chapter~~ within its jurisdiction pursuant to an agreement shall ~~make an annual report to the director providing the following information:~~

~~a. The total number of licenses granted or renewed by the municipal corporation under this chapter during the year.~~

~~b. The number of licenses granted or renewed by the municipal corporation under this chapter during the year in each of the following categories:~~

~~(1) Food establishments.~~

~~(2) Food processing plants.~~

~~(3) Mobile food units and pushcarts.~~

~~(4) Temporary food establishments.~~

~~(5) Vending machines.~~

~~c. The amount of money collected in license fees during the year.~~

~~d. The amount expended to perform the functions required under the agreement, submitted on a form prescribed by the department.~~

~~e. Other information the director requests~~ use the data system prescribed by the director for activities governed by an agreement executed pursuant to this section.

Sec. 11. Section 137F.4, Code 2018, is amended to read as follows:

137F.4 License required.

A person shall not operate a food establishment or food

processing plant to provide goods or services to the general public, or open a food establishment to the general public, until the appropriate license has been obtained from the regulatory authority. Sale of products at wholesale to outlets not owned by a commissary owner requires a food processing plant license. A license shall expire one year from the date of issue. A license is renewable if application for renewal is made prior to expiration of the license or within sixty days of the expiration date of the license. All licenses issued under [this chapter](#) that are not renewed by the licensee on or before the expiration date shall be subject to a penalty of ten percent per month of the license fee if the license is renewed at a later date.

Sec. 12. Section 137F.5, Code 2018, is amended to read as follows:

137F.5 Application for license.

1. An application form prescribed by the department for a license under [this chapter](#) shall be obtained from the department or from a municipal corporation which is a regulatory authority. A completed application shall be submitted to the appropriate regulatory authority.

2. A person conducting an event shall submit a license application and an application fee of fifty dollars to the appropriate regulatory authority at least sixty days in advance of the event. An "event" for purposes of this subsection does not include a function with ten or fewer temporary food establishments, a fair as defined in section 174.1, or a farmers market.

~~2.~~ 3. The dominant form of business shall determine the type of license for establishments which engage in operations covered under both the definition of a food establishment and of a food processing plant.

~~3.~~ 4. The regulatory authority where the unit is domiciled shall issue a license for a mobile food unit.

~~4. An application for renewal of a license shall be made at least thirty days before the expiration of the existing license.~~

Sec. 13. Section 137F.6, subsection 1, Code 2018, is amended to read as follows:

1. The regulatory authority shall collect the following annual license fees:

~~a.~~ For a mobile food unit or pushcart, ~~twenty-seven~~ two hundred fifty dollars.

~~b.~~ For a temporary food establishment per fixed location for a single event, ~~thirty-three dollars and fifty cents~~ fifty dollars.

~~c.~~ For a temporary food establishment for multiple nonconcurrent events during a calendar year, one annual license fee of two hundred dollars for each establishment on a countywide basis.

~~e.~~ ~~d.~~ For a vending machine, ~~twenty~~ fifty dollars for the first machine and ~~five~~ ten dollars for each additional machine.

~~d.~~ ~~e.~~ For a food establishment which prepares or serves food for individual portion service intended for consumption on-the-premises, the annual license fee shall correspond to the annual gross food and beverage sales of the food establishment, as follows:

(1) Annual gross sales of ~~under fifty~~ less than one hundred thousand dollars, sixty-seven dollars and fifty cents one hundred fifty dollars.

(2) Annual gross sales of at least ~~fifty~~ one hundred thousand dollars but less than ~~one~~ five hundred thousand dollars, ~~one hundred fourteen dollars and fifty cents~~ three hundred dollars.

(3) Annual gross sales of ~~at least one~~ five hundred thousand dollars but ~~less than two hundred fifty thousand dollars,~~ two hundred thirty-six dollars and twenty-five cents or more, four hundred dollars.

~~(4) Annual gross sales of two hundred fifty thousand dollars but less than five hundred thousand dollars, two hundred seventy-five dollars.~~

~~(5) Annual gross sales of five hundred thousand dollars or more, three hundred three dollars and seventy-five cents.~~

~~e.~~ ~~f.~~ For a food establishment which sells food or food products to consumer customers intended for preparation or consumption off-the-premises, the annual license fee shall correspond to the annual gross food and beverage sales of the food establishment, as follows:

(1) Annual gross sales of ~~under ten~~ less than two hundred fifty thousand dollars, forty dollars and fifty cents one hundred fifty dollars.

(2) Annual gross sales of at least ~~ten~~ two hundred fifty thousand dollars but less than two seven hundred fifty thousand dollars, one hundred one dollars and twenty-five cents three hundred dollars.

(3) Annual gross sales of at least ~~two~~ seven hundred fifty thousand dollars but less than five hundred thousand dollars, one hundred fifty-five dollars and twenty-five cents or more, four hundred dollars.

(4) ~~Annual gross sales of at least five hundred thousand dollars but less than seven hundred fifty thousand dollars, two hundred two dollars and fifty cents.~~

(5) ~~Annual gross sales of seven hundred fifty thousand dollars or more, three hundred three dollars and seventy-five cents.~~

~~f. g.~~ For a food processing plant, the annual license fee shall correspond to the annual gross food and beverage sales of the food processing plant, as follows:

(1) Annual gross sales of ~~under fifty~~ less than two hundred thousand dollars, sixty-seven dollars and fifty cents one hundred fifty dollars.

(2) Annual gross sales of at least ~~fifty~~ two hundred thousand dollars but less than two hundred fifty thousand million dollars, one hundred thirty-five three hundred dollars.

(3) Annual gross sales of at least ~~two hundred fifty thousand~~ million dollars but less than five hundred thousand dollars, two hundred two dollars and fifty cents or more, five hundred dollars.

(4) ~~Annual gross sales of five hundred thousand dollars or more, three hundred thirty-seven dollars and fifty cents.~~

~~g. h.~~ For a farmers market where potentially hazardous time/temperature control for safety food is sold or distributed, one annual license fee of one hundred fifty dollars for each vendor on a countywide basis.

i. For a certificate of free sale or sanitation, thirty-five dollars for the first certificate and ten dollars for each additional identical certificate requested at the same time.

~~h.~~ j. For a food establishment covered by both paragraphs ~~"d"~~ "e" and ~~"e"~~ "f", ~~the license fees assessed shall be an amount not to exceed seventy-five percent of the total fees applicable under both paragraphs~~ applicant shall pay the licensee fee based on the dominant form of business plus one hundred fifty dollars.

k. For an unattended food establishment, the annual license fee shall correspond to the annual gross food and beverage sales, as follows:

(1) Annual gross sales of less than one hundred thousand dollars, seventy-five dollars.

(2) Annual gross sales of one hundred thousand dollars or more, one hundred fifty dollars.

Sec. 14. Section 137F.6, subsection 2, Code 2018, is amended by striking the subsection.

Sec. 15. REPEAL. Section 137F.17, Code 2018, is repealed.

DIVISION IV

EFFECTIVE DATE

Sec. 16. EFFECTIVE DATE. This Act takes effect January 1, 2019.

CHARLES SCHNEIDER
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 2390, Eighty-seventh General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2018

KIM REYNOLDS
Governor