

FEB 18 2005  
HUMAN RESOURCES

HOUSE FILE 348  
BY MASCHER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for the Iowa department of public health to  
2 administer the Iowa food code in place of the department of  
3 inspections and appeals.

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

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HF 348

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

3 9. Administer and enforce this chapter, and chapters 99B,  
4 135B, 135C, 135H, 135J, 137C, and 137D~~7~~-and-137F.

5 Sec. 2. Section 135.11, subsection 17, Code 2005, is  
6 amended to read as follows:

7 17. Administer chapters 125, 136A, 136C, 137F, 139A, 142,  
8 142A, 144, and 147A.

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

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

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

16 Sec. 4. Section 137F.6, Code 2005, is amended to read as  
17 follows:

18 137F.6 LICENSE FEES.

19 1. The regulatory authority shall collect annual fees, in  
20 amounts established in administrative rules adopted by the  
21 department to reflect the cost of regulation, for licenses  
22 issued for the following ~~annual-license-fees~~ purposes:

23 1- a. For-a A mobile food unit or pushcart, ~~twenty~~  
24 dollars.

25 2- b. For-a A temporary food establishment per fixed  
26 location, ~~twenty-five-dollars.~~

27 3- c. For-a A vending machine, ~~twenty-dollars-for-the~~  
28 first-machine-and-five-dollars-for-each-additional-machine.

29 The annual license fee for vending machines shall be graduated  
30 based upon the quantity of machines.

31 4- d. For-a A food establishment ~~which~~ that prepares or  
32 serves food for individual portion service intended for  
33 consumption on-the-premises, ~~the.~~ The annual license fee  
34 shall correspond be graduated according to the dollar value of  
35 the annual gross food and beverage sales of the food

1 establishment, as follows:

2 a. -- Annual gross sales of under fifty thousand dollars,  
3 fifty dollars.

4 b. -- Annual gross sales of at least fifty thousand dollars  
5 but less than one hundred thousand dollars, eighty-five  
6 dollars.

7 c. -- Annual gross sales of at least one hundred thousand  
8 dollars but less than two hundred fifty thousand dollars, one  
9 hundred seventy-five dollars.

10 d. -- Annual gross sales of two hundred fifty thousand  
11 dollars but less than five hundred thousand dollars, two  
12 hundred dollars.

13 e. -- Annual gross sales of five hundred thousand dollars or  
14 more, two hundred twenty-five dollars.

15 5. e. For a A food establishment which that sells food or  
16 food products to consumer customers intended for preparation  
17 or consumption off the premises, the. The annual license fee  
18 shall correspond be graduated according to the annual gross  
19 food and beverage sales of the food establishment, as follows:

20 a. -- Annual gross sales of under ten thousand dollars,  
21 thirty dollars.

22 b. -- Annual gross sales of at least ten thousand dollars but  
23 less than two hundred fifty thousand dollars, seventy-five  
24 dollars.

25 c. -- Annual gross sales of at least two hundred fifty  
26 thousand dollars but less than five hundred thousand dollars,  
27 one hundred fifteen dollars.

28 d. -- Annual gross sales of at least five hundred thousand  
29 dollars but less than seven hundred fifty thousand dollars,  
30 one hundred fifty dollars.

31 e. -- Annual gross sales of seven hundred fifty thousand  
32 dollars or more, two hundred twenty-five dollars.

33 6. f. For a A food processing plant, the. The annual  
34 license fee shall correspond be graduated according to the  
35 annual gross food and beverage sales of the food processing

1 plant, as follows:

2 a. --- Annual gross sales of under fifty thousand dollars,  
3 fifty dollars.

4 b. --- Annual gross sales of at least fifty thousand dollars  
5 but less than two hundred fifty thousand dollars, one hundred  
6 dollars.

7 c. --- Annual gross sales of at least two hundred fifty  
8 thousand dollars but less than five hundred thousand dollars,  
9 one hundred fifty dollars.

10 d. --- Annual gross sales of five hundred thousand dollars or  
11 more, two hundred fifty dollars.

12 7. g. For a A farmers market where potentially hazardous  
13 food is sold or distributed, one. A seasonal license fee of  
14 one hundred dollars shall be imposed for each vendor on a  
15 countywide basis.

16 2. A food establishment covered by subsections 4 and 5  
17 subsection 1, paragraphs "d" and "e", shall be assessed  
18 license fees not to exceed seventy-five percent of the total  
19 combined fees otherwise applicable under both subsections the  
20 paragraphs.

21 3. Fees collected by the department shall be deposited in  
22 credited to the general fund of the state. Fees collected by  
23 a municipal corporation shall be retained by the municipal  
24 corporation for regulation of food establishments and food  
25 processing plants licensed under this chapter.

26 4. Each vending machine licensed under this chapter shall  
27 bear a readily visible identification tag or decal provided by  
28 the licensee, containing the licensee's business address and  
29 phone number, and a company license number assigned by the  
30 regulatory authority.

31 Sec. 5. Section 331.756, subsection 32, Code 2005, is  
32 amended to read as follows:

33 32. Assist the department of inspections and appeals in  
34 the enforcement of the ~~Iowa food code and the Iowa hotel~~  
35 sanitation code as provided in ~~sections 137F.19 and~~ section

1 137C.30.

2 Sec. 6. Section 331.756, Code 2005, is amended by adding  
3 the following new subsection:

4 NEW SUBSECTION. 32A. Assist the Iowa department of public  
5 health in the enforcement of the Iowa food code as provided in  
6 section 137F.19.

7 Sec. 7. FOOD CODE, RULES, AGREEMENTS, AND APPROPRIATIONS  
8 TRANSFER.

9 1. The food code adopted by the director of the department  
10 of inspections and appeals under section 137F.2, Code 2005,  
11 shall remain in effect until modified or rescinded by the  
12 director of public health.

13 2. The administrative rules adopted by the department of  
14 inspections and appeals under chapter 137F, Code 2005, shall  
15 remain in effect until modified or rescinded by the Iowa  
16 department of public health.

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

26 4. Effective July 1, 2005, the Iowa department of public  
27 health shall assume the departmental duties outlined in the  
28 food code and administrative rules adopted under chapter 137F  
29 in place of the department of inspections and appeals.

30 5. The license fees specified in section 137F.6, Code  
31 2005, shall remain in effect until the effective date of the  
32 rules adopted by the Iowa department of public health  
33 establishing license fees as provided in section 137F.6, as  
34 amended by this Act.

35 6. Appropriations made from the general fund of the state

1 for the fiscal year beginning July 1, 2005, and ending June  
2 30, 2006, to the department of inspections and appeals for  
3 administration and enforcement of the Iowa food code shall be  
4 transferred to the Iowa department of public health.

5 EXPLANATION

6 This bill provides for the Iowa department of public health  
7 to administer the Iowa food code under Code chapter 137F in  
8 place of the department of inspections and appeals.

9 Code section 10A.104 is amended to strike this  
10 responsibility from the duties of the department of  
11 inspections and appeals.

12 Code section 135.11 is amended to add this duty in the list  
13 of responsibilities provided to the Iowa department of public  
14 health.

15 Code chapter 137F references to the department of  
16 inspections and appeals are changed to the Iowa department of  
17 public health.

18 Code section 137F.6 is amended to allow the department to  
19 establish annual license fee amounts in administrative rule  
20 based upon the cost of regulation. The current fee amounts  
21 are stricken.

22 The duties of the county attorney in Code section 331.756  
23 are amended to change references to the two departments.

24 A transition section provides for the food code adopted by  
25 the director of inspections and appeals and the administrative  
26 rules adopted by the department of inspections and appeals to  
27 remain in effect until rescinded or modified by the director  
28 of public health and the Iowa department of public health.  
29 Agreements entered into for municipal corporations to license,  
30 inspect, and enforce Code chapter 137F within the municipal  
31 corporation's jurisdiction are deemed to be with the Iowa  
32 department of public health in place of the department of  
33 inspections and appeals. The license fees specified in  
34 current law remain in effect until rules are adopted  
35 establishing the fee amounts by rule. Appropriations made for

1 fiscal year 2005-2006 for purposes of the Iowa food code are  
2 transferred to the Iowa department of public health.

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