

House File 2444 - Introduced

HOUSE FILE 2444
BY INGELS

A BILL FOR

- 1 An Act providing for the sale and distribution of certain food,
- 2 making penalties applicable, and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

FARM-TO-TABLE EVENT

Section 1. Section 137F.1, Code 2026, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. "Farm-to-table event" means an event where food is stored, prepared, and served on a farm as defined in section 673A.3, if all of the following apply:

a. The person operating the event holds a legal interest in the farm.

b. The principal source of income annually generated from the farm does not, during the previous licensing period if applicable, derive from the operation of all events conducted on the farm during that period.

c. Any meal served by the person or on behalf of the person at the event complies with all of the following:

(1) Is prepared on the farm for on-premises consumption.

(2) Is served outside a building, unless otherwise provided by rules adopted by the department pursuant to section 137F.22.

(3) Includes a food entree that has as a principal ingredient, but not necessarily the main ingredient, a farm commodity as defined in section 673A.3 that was produced on the farm.

Sec. 2. Section 137F.1, subsection 9, Code 2026, is amended by adding the following new paragraph:

NEW PARAGRAPH. p. A farm-to-table event.

Sec. 3. Section 137F.6, subsection 1, Code 2026, is amended by adding the following new paragraph:

NEW PARAGRAPH. l. For a farm-to-table event as provided in section 137F.22, regardless of the number of events conducted on the farm for the period of the license, one hundred dollars.

Sec. 4. NEW SECTION. **137F.22 Farm-to-table event.**

1. A person shall not operate a farm-to-table event until the person is issued an annual license under this section. The license shall cover all farm-to-table events conducted on the farm.

1 2. The department shall regulate, license, and inspect a
2 farm-to-table event. The department may enter into an agreement
3 with a municipal corporation to act as a regulatory authority in
4 the same manner as provided in sections 137F.3 and 137F.3A.

5 3. a. The department shall adopt rules pursuant to chapter
6 17A to administer and enforce the provisions of this section.

7 b. The rules described in paragraph "a" may provide for all
8 of the following:

9 (1) Food safety, including equipment, practices, and
10 parameters.

11 (2) Sanitary conditions, including facilities, practices, and
12 parameters.

13 (3) Fire control, including devices, practices, and
14 parameters.

15 c. The rules described in paragraph "a" may provide for meals
16 being served inside a building if unforeseen circumstances would
17 otherwise prevent the event from occurring.

18 4. A person who violates this section is subject to the same
19 penalty as provided in section 137F.9.

20 DIVISION II

21 COTTAGE FOOD

22 Sec. 5. NEW SECTION. **137F.21 Cottage food — sale at a food**
23 **establishment — requirements.**

24 1. Cottage food is exempt from all licensing, permitting,
25 inspection, packaging, and labeling laws of the state if the food
26 is sold and delivered by the producer to a food establishment and
27 the food is intended for preparation or consumption off premises.

28 2. The food establishment shall not intermingle cottage food
29 with food that is not cottage food. The food establishment shall
30 not store cottage food and other food on the same shelf or as
31 part of the same display.

32 3. The food establishment shall not sell cottage food unless
33 all of the following apply:

34 a. Packaged cottage food must be affixed or labeled with the
35 information required under section 137F.20.

1 b. The food establishment must post a conspicuous notice at
2 the location where the cottage food is offered for sale or sold.
3 The notice shall state the following:

4 "COTTAGE FOOD

5 This product was produced at a residential property that is
6 exempt from state licensing and inspection. See the available
7 information provided on the packaged label or a fact sheet made
8 available at this store."

9 c. The food establishment shall make available in a prominent
10 place at the location where the cottage food is offered for sale
11 or sold a fact sheet that includes the information described in
12 paragraph "a".

13 4. Compliance with the cottage food exemption provided in
14 this section does not represent compliance with federal law.

15 DIVISION III

16 DISTRIBUTION OF RAW MILK AND ASSOCIATED PRODUCTS

17 Sec. 6. Section 137D.2A, Code 2026, is amended to read as
18 follows:

19 **137D.2A Raw milk — associated products.**

20 1. A home food processing establishment shall not market,
21 advertise for sale, offer for sale, sell or otherwise distribute,
22 or use raw milk, or a manufactured raw milk product or raw milk
23 dairy product, as provided in chapter 195.

24 2. Notwithstanding subsection 1, a home food processing
25 establishment may market, advertise for sale, offer for sale,
26 or sell or otherwise distribute raw milk, or a manufactured raw
27 milk product or a raw milk dairy product, if all of the following
28 apply:

29 a. The home food processing establishment is operating under
30 a license issued pursuant to section 137D.2.

31 b. The home food processing establishment is located on the
32 premises of a raw milk dairy farm where the raw milk is produced
33 and processed, or the raw milk product or raw milk dairy product
34 is manufactured, as provided in chapter 195.

35 c. The raw milk producer operating the raw milk dairy farm

1 acts in compliance with the requirements in chapter 195.

2 d. The raw milk, or the raw milk product or raw milk
3 dairy product, meets the requirements of chapter 195, including
4 requirements for distribution as provided in section 195.8.

5 Sec. 7. Section 137F.8B, Code 2026, is amended to read as
6 follows:

7 **137F.8B Raw milk — associated products.**

8 1. A food establishment or farmers market shall not advertise
9 for sale, offer for sale, sell or otherwise distribute, or use
10 raw milk, or a manufactured raw milk product or a raw milk
11 dairy product, regardless of whether the food establishment or
12 farmers market is regulated by the department under this chapter
13 or another chapter, another state agency, or a municipality.

14 2. Notwithstanding subsection 1, a food establishment that
15 sells or otherwise distributes food for off-premises consumption
16 may market, advertise for sale, offer for sale, or sell or
17 otherwise distribute raw milk, or a manufactured raw milk product
18 or a raw milk dairy product, if all of the following apply:

19 a. The food establishment is operating under a license issued
20 pursuant to section 137F.4.

21 b. The food establishment is located on the premises of a raw
22 milk dairy farm where the raw milk is produced and processed, or
23 the raw milk product or raw milk dairy product is manufactured,
24 as provided in chapter 195.

25 c. The raw milk producer operating the raw milk dairy farm
26 acts in compliance with the requirements in chapter 195.

27 d. The raw milk, or the raw milk product or raw milk
28 dairy product, meets the requirements of chapter 195, including
29 requirements for distribution as provided in section 195.8.

30 Sec. 8. Section 195.8, subsection 1, paragraph c, Code 2026,
31 is amended to read as follows:

32 c. (1) The raw milk producer shall distribute the raw milk
33 directly to the individual at the raw milk dairy or to a location
34 specified by the individual. However,

35 (2) (a) Except as provided in subparagraph division (b), a

1 person shall not deliver the raw milk to a place of business
2 where food or food items are distributed on a retail basis,
3 including but not limited to a farmers market regulated under
4 chapter 137F.

5 (b) A person may deliver the raw milk to a licensed home
6 food processing establishment regulated under chapter 137D as
7 provided in section 137D.2A or to a licensed food establishment
8 or farmers market regulated under chapter 137F as provided in
9 section 137F.8B.

10 (3) The raw milk shall only be used for consumption by
11 the individual, members of the individual's household, and the
12 individual's nonpaying guests or nonpaying employees.

13 Sec. 9. Section 195.8, subsection 2, paragraph c, Code 2026,
14 is amended to read as follows:

15 c. (1) The raw milk producer shall distribute the raw milk
16 product or raw milk dairy product directly to the individual at
17 the raw milk dairy or to a location specified by the individual.
18 ~~However,~~

19 (2) (a) Except as provided in subparagraph division (b), a
20 person shall not deliver the raw milk product or raw milk dairy
21 product to a place of business where food or a food item is
22 distributed on a retail basis, including but not limited to a
23 farmers market regulated under chapter 137F.

24 (b) A person may deliver the raw milk product or a raw milk
25 dairy product to a licensed home food processing establishment
26 regulated under chapter 137D as provided in section 137D.2A or to
27 a licensed food establishment or farmers market regulated under
28 chapter 137F as provided in section 137F.8B.

29 (3) The raw milk product or raw milk dairy product shall
30 only be used for consumption by the individual, members of the
31 individual's household, or the individual's nonpaying guests or
32 nonpaying employees.

33 DIVISION IV

34 RULEMAKING AND EFFECTIVE DATE

35 Sec. 10. EMERGENCY RULES. The department of inspections,

1 appeals, and licensing shall adopt emergency rules under section
2 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph
3 "b", to implement the provisions of this Act within one hundred
4 eighty days of the effective date of this Act and shall submit
5 such rules to the administrative rules coordinator and the
6 administrative code editor pursuant to section 17A.5, subsection
7 1, within the same period. The rules shall be effective
8 immediately upon filing unless a later date is specified in the
9 rules. Any rules adopted in accordance with this section shall
10 also be published as a notice of intended action as provided in
11 section 17A.4.

12 Sec. 11. EFFECTIVE DATE. This Act, being deemed of immediate
13 importance, takes effect upon enactment.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 HOME FOOD ESTABLISHMENTS — BACKGROUND. Under Code chapter
18 137F, the department of inspections, appeals, and licensing
19 (DIAL) regulates food establishments that provide food for sale
20 on a retail basis, including grocery stores and restaurants
21 (see Code section 137F.3). A food establishment may also be
22 regulated by a political subdivision (referred to as a municipal
23 corporation) under contract with DIAL. Generally, a food
24 establishment is subject to certain administrative requirements,
25 including licensing and the payment of an associated licensing
26 fee (Code sections 137F.5, 137F.7, and 137F.6), and inspections
27 (Code sections 137F.9, 137F.10, 137F.11, and 137F.11A). A food
28 establishment must comply with a number of requirements that
29 apply to indoor facilities, including those relating to plumbing
30 (Code section 137F.12), water and waste treatment (Code section
31 137F.13), toilets and lavatories (Code section 137F.14), and fire
32 safety (Code section 137F.15). A person who does not operate
33 with a valid license is subject to a civil penalty of up to twice
34 the amount of the annual license fee (Code section 137F.9). A
35 food establishment operating in violation of the Code chapter may

1 be enjoined from further operation (Code section 137F.18).

2 HOME FOOD PROCESSING ESTABLISHMENTS — BACKGROUND. Under Code
3 chapter 137D, a home food processing establishment is a business
4 operating on the premises of a residence in which homemade food
5 items are produced for sale or resale, for consumption off
6 premises, if the business has gross annual sales of less than
7 \$50,000. The home food processing establishment is required
8 to be licensed and inspected by DIAL (Code section 137D.2). A
9 home food processing establishment is subject to regulations
10 governing time/temperature control for safety food. A person
11 who violates the Code chapter is subject to a civil penalty of
12 \$100 per violation (Code section 137D.3). A home food processing
13 establishment operating in violation of the Code chapter may be
14 enjoined from further operation (Code section 137D.4).

15 FARM-TO-TABLE EVENTS — BILL'S PROVISIONS. This bill amends
16 Code chapter 137F by providing for a new farm-to-table event
17 license that is separate from a food establishment license. A
18 farm-to-table event is an event where food is stored, prepared,
19 and served on a farm, subject to certain conditions: (1) the
20 person operating the event must hold a legal interest in the
21 farm, (2) the principal source of income annually generated from
22 the farm cannot derive from the events, (3) any meal prepared on
23 the farm must be for on-premises consumption, (4) the meal must
24 be served outside a building, unless otherwise provided by rules
25 adopted by DIAL, and (5) the meal must include a food entree
26 that includes as a principal ingredient a farm commodity that
27 was produced on the farm. The license is for a period of one
28 year and the license fee is \$100, which covers any number of
29 events conducted on the farm. DIAL is required to adopt rules
30 as necessary to administer and enforce these provisions, which
31 may provide for (1) food safety, (2) sanitary facilities, (3)
32 fire control, and (4) the possibility of moving an event inside
33 due to unforeseen circumstances. A person who violates new Code
34 section 137F.22 is subject to the same penalty as provided in
35 Code section 137F.9.

1 COTTAGE FOODS — BACKGROUND. A cottage food is a food produced
2 at a private residence that is not a time/temperature control
3 for safety food. A cottage food is exempt from all licensing,
4 permitting, inspection, packaging, and labeling laws of the state
5 if the food is sold and delivered by the producer directly to the
6 consumer or delivered by mail or by an agent of the producer.
7 Cottage food sold in such manner must be affixed or labeled
8 with information to identify the name and contact information
9 of the person preparing the food, the common name of the food,
10 the ingredients, a disclaimer, and, if the food is home-processed
11 and home-canned pickles, vegetables, or fruits, the date that the
12 food was processed and canned.

13 COTTAGE FOODS — BILL'S PROVISIONS. The bill provides that
14 a cottage food may be sold to a food establishment commonly
15 referred to as a grocery store (selling a food sold for intended
16 preparation or consumption off premises). The food establishment
17 cannot intermingle cottage food with other food. The food
18 establishment cannot store cottage food and other food on the
19 same shelf or as part of the same display. Packaged cottage food
20 must be affixed or labeled with the same information required
21 to be affixed or labeled with cottage food that is delivered
22 directly to consumers. The food establishment must post a notice
23 advertising that the food is cottage food and make available a
24 fact sheet with the same information required to be affixed or
25 labeled to a packaged cottage food.

26 DISTRIBUTION OF RAW MILK AND ASSOCIATED PRODUCTS —
27 BACKGROUND. Under Code chapter 195, a milk producer may elect to
28 produce, process, market, or distribute raw milk, or to use the
29 raw milk to manufacture, market, or distribute a raw milk product
30 or raw milk dairy product. In order to make this election,
31 the raw milk producer must comply with a number of requirements
32 relating to the health of the dairy herd and the distribution
33 of the raw milk or associated products, including labeling
34 requirements (Code sections 195.8 and 195.9). Generally, raw
35 milk or its associated products must be distributed directly to

1 an individual customer at the raw milk dairy or to a location
2 specified by the customer. However, a person cannot deliver
3 the raw milk or associated product to a place of business where
4 food or food items are distributed on a retail basis, including
5 but not limited to a home food processing establishment, food
6 establishment, or farmers market.

7 DISTRIBUTION OF RAW MILK AND ASSOCIATED PRODUCTS — BILL'S
8 PROVISIONS. The bill provides that a home food processing
9 establishment or a food establishment operating under a valid
10 license to sell or otherwise distribute food for off-premises
11 consumption may also sell raw milk or associated products if
12 (1) the home food processing establishment or food establishment
13 is located on the raw dairy farm, (2) the raw milk producer is
14 acting in compliance with Code chapter 195, and (3) the raw milk
15 is produced and any associated products are manufactured on the
16 raw milk dairy farm in compliance with that Code chapter.

17 EMERGENCY RULES. DIAL must adopt rules to implement the bill
18 on an emergency basis, which rules are to take effect within 180
19 days of the effective date of the bill.

20 EFFECTIVE DATE. The bill takes effect upon enactment.