

CHAPTER 82

HOMEMADE FOOD ITEMS AND LICENSES FOR FOOD ESTABLISHMENTS AND FOOD PROCESSING PLANTS

H.F. 661

AN ACT providing for the issuance of annual statewide licenses for certain establishments offering food for sale, including license fees, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 137D.1, subsection 4](#), Code 2023, is amended to read as follows:

4. a. “Homemade food item” means a food that is produced and, if packaged, packaged at a home food processing establishment.

b. “Homemade food item” includes ~~food~~ all of the following:

(1) Food that is not time/temperature control for safety food, but does not include such food if produced and sold under [section 137F.20](#).

(2) Made-to-order food that is all of the following:

(a) Regularly prepared, promptly served, delivered, or otherwise provided to a consumer immediately upon order.

(b) Intended for immediate consumption.

c. “Homemade food item” does not include unpasteurized fruit or vegetable juice, raw sprout seeds, foods containing game animals, fish or shellfish, alcoholic beverages, bottled water, packaged ice, consumable hemp products, food that will be further processed by a food processing plant, time/temperature control for safety food packaged using a reduced oxygen packaging method, milk or milk products regulated under [chapter 192](#) or [194](#), and meat, meat food products, poultry, or poultry products regulated under [chapter 189A](#), except for any of the following products when sold directly to the end consumer:

a. (1) Poultry, poultry byproduct, or poultry food product if the producer raised the poultry pursuant to the exemption set forth in [9 C.F.R. §381.10\(c\)\(1\)](#) limiting the producer to slaughtering not more than one thousand poultry during the calendar year.

b. (2) Poultry, poultry byproduct, or poultry food product if the poultry is from an inspected source exempted pursuant to [9 C.F.R. §381.10\(d\)](#).

e. (3) Meat, meat byproduct, or meat food product if the meat is from an inspected source exempted pursuant to [9 C.F.R. §303.1\(d\)](#).

Sec. 2. [Section 137F.6, subsection 1](#), paragraphs c, g, and h, Code 2023, are amended to read as follows:

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 statewide basis.

g. (1) 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: A food processing plant’s annual gross sales shall not correspond to sales of an unprocessed commodity.

(2) The annual license fee for an initial license shall be calculated based on the food processing plant’s projected gross annual sales. Otherwise, the annual license fee shall be based on the food processing plant’s prior annual sales.

(3) The amount of the annual license fee shall be as follows:

(a) For annual gross sales of less than fifty thousand dollars, seventy-five dollars.

(4) (b) Annual For annual gross sales of at least fifty thousand dollars but less than two hundred thousand dollars, one hundred fifty dollars.

(2) (c) Annual For annual gross sales of at least two hundred thousand dollars but less than two million dollars, three hundred dollars.

(3) (d) Annual For annual gross sales of two million dollars or more, five hundred dollars.

h. For a farmers market where 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 statewide basis.

Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 11, 2023