

JAN 3 1 2006  
HUMAN RESOURCES

HOUSE FILE 2185  
BY UPMEYER

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

**A BILL FOR**

1 An Act providing for the establishment of a request for proposals  
2 process regarding hotel, home food establishment, and food  
3 establishment inspections.

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

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HF 2185

1 Section 1. Section 137C.11, Code 2005, is amended to read  
2 as follows:

3 137C.11 BIENNIAL INSPECTIONS.

4 1. The regulatory authority shall inspect each hotel in  
5 the state at least once biennially. The inspector may enter  
6 the hotel at any reasonable hour to make the inspection. The  
7 management shall afford free access to every part of the  
8 premises and render all aid and assistance necessary to enable  
9 the inspector to make a thorough and complete inspection.

10 2. The director shall develop a request for proposals  
11 process for the performance of inspections required under this  
12 chapter, to be applicable for inspections conducted on or  
13 after July 1, 2007. The process shall be utilized for all  
14 inspections other than inspections conducted by a municipal  
15 corporation pursuant to an agreement as provided in section  
16 137C.6. The provisions of section 137F.10 shall apply  
17 regarding the development of the process, determination of  
18 criteria, the authority and accountability of entities awarded  
19 inspection contracts, and compensation.

20 Sec. 2. Section 137D.2, subsection 5, Code 2005, is  
21 amended to read as follows:

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

27 b. The director shall develop a request for proposals  
28 process for the performance of inspections required under this  
29 chapter, to be applicable for inspections conducted on or  
30 after July 1, 2007. The provisions of section 137F.10 shall  
31 apply regarding the development of the process, determination  
32 of criteria, the authority and accountability of entities  
33 awarded inspection contracts, and compensation.

34 Sec. 3. Section 137F.10, Code 2005, is amended to read as  
35 follows:

1 137F.10 REGULAR INSPECTIONS.

2 1. The appropriate regulatory authority shall provide for  
3 the inspection of each food establishment and food processing  
4 plant in this state in accordance with this chapter and with  
5 rules adopted pursuant to this chapter in accordance with  
6 chapter 17A. A regulatory authority may enter a food  
7 establishment or food processing plant at any reasonable hour  
8 to conduct an inspection. The manager or person in charge of  
9 the food establishment or food processing plant shall afford  
10 free access to every part of the premises and render all aid  
11 and assistance necessary to enable the regulatory authority to  
12 make a thorough and complete inspection.

13 2. a. The director shall develop a request for proposals  
14 process for the performance of inspections required under this  
15 chapter, to be applicable for inspections conducted on or  
16 after July 1, 2007. The process shall be utilized for all  
17 inspections other than inspections conducted by a municipal  
18 corporation pursuant to an agreement as provided in section  
19 137F.3, and inspections of food processing plants which  
20 manufacture, package, or label food products. An entity  
21 awarded an inspection contract pursuant to the process shall  
22 not be considered a regulatory authority. The regulation,  
23 licensing, and collection of license fees for food  
24 establishments and food processing plants pursuant to this  
25 chapter shall continue to be provided by the department or by  
26 a municipal corporation.

27 b. The director shall develop criteria by rule to be  
28 applied in the awarding of an inspection contract, shall  
29 establish procedures for regular and ongoing monitoring of  
30 entities awarded an inspection contract and spot-checking of  
31 inspections, shall establish procedures relating to the  
32 development of a regular inspection schedule to be followed by  
33 the entity for the jurisdiction subject to the awarding of the  
34 inspection contract, shall provide for the referral to an  
35 entity of complaints requiring an inspection in the

1 jurisdiction pursuant to section 137F.11, and shall identify  
2 information to be provided by the entity to the department  
3 regarding the conduct and outcome of inspections. The  
4 director shall also establish by rule a process for allocation  
5 of a portion of license fees collected to the entity awarded  
6 an inspection contract, or an alternative method of  
7 compensation.

8 c. If the director determines that inspections are not  
9 being conducted pursuant to the requirements of this chapter  
10 or the terms of an inspection contract, the director may  
11 rescind the contract after reasonable notice and an  
12 opportunity for a hearing. If the contract is rescinded, the  
13 director shall assume responsibility for inspections in the  
14 jurisdiction involved pending issuance of a new request for  
15 proposals.

16 EXPLANATION

17 This bill provides for the establishment of a request for  
18 proposals process regarding hotel, home food establishment,  
19 and food establishment inspections by the director of the  
20 department of inspections and appeals.

21 The bill provides that the request for proposals process  
22 will be applicable for inspections conducted on or after July  
23 1, 2007, and that the process shall be utilized for all  
24 inspections other than inspections conducted by a municipal  
25 corporation pursuant to agreement as provided in Code sections  
26 137C.6 and 137F.3, and for inspections of food processing  
27 plants which manufacture, package, or label food products  
28 pursuant to Code chapter 137F. The bill provides that an  
29 entity awarded an inspection contract pursuant to the process  
30 shall not be considered a regulatory authority, and that the  
31 regulation, licensing, and collection of license fees shall  
32 continue to be provided by the department or by a municipal  
33 corporation.

34 The bill provides that the director shall develop criteria  
35 by rule to be applied in the awarding of an inspection

1 contract, establish procedures for monitoring of entities  
2 awarded an inspection contract and spot-checking of  
3 inspections, establish procedures relating to a regular  
4 inspection schedule and for the referral of complaints,  
5 identify information to be provided by the entity to the  
6 department regarding the conduct and outcome of inspections,  
7 and establish a process for allocation of a portion of fees  
8 collected to the inspection entity, or an alternative method  
9 of compensation. The bill also provides for contract rescission  
10 under specified circumstances.

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