

FEB 15 2006
HUMAN RESOURCES

HOUSE FILE 2373
BY UPMEYER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to regulation of food safety, providing for a
2 transfer of administrative authority to the Iowa department of
3 public health to administer the regulation of the hotel
4 sanitation code, home food establishments, the Iowa food code,
5 and the regulation of egg handlers, and providing for adoption
6 of the 2005 edition of the United States food and drug
7 administration food code.

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

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HF 2373

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, and 135J, ~~137E, 137D, and 137F.~~

5 Sec. 2. Section 123.3, subsection 15, Code Supplement
6 2005, is amended to read as follows:

7 15. "Hotel" or "motel" means premises licensed by the Iowa
8 department of ~~inspections-and-appeals~~ public health under
9 chapter 137C and regularly or seasonally kept open in a bona
10 fide manner for the lodging of transient guests, and with
11 twenty or more sleeping rooms.

12 Sec. 3. Section 135.11, subsection 17, Code Supplement
13 2005, is amended to read as follows:

14 17. Administer chapters 125, 136A, 136C, 137C, 137D, 137F,
15 139A, 142, 142A, 144, and 147A, and 196.

16 Sec. 4. Section 137C.2, subsections 2 and 3, Code 2005,
17 are amended to read as follows:

18 2. "Director" means the director of ~~the department of~~
19 ~~inspections-and-appeals~~ public health or the director's
20 designee.

21 3. "Department" means the Iowa department of ~~inspections~~
22 ~~and-appeals~~ public health.

23 Sec. 5. Section 137D.1, subsection 2, Code 2005, is
24 amended to read as follows:

25 2. "Department" means the Iowa department of ~~inspections~~
26 ~~and-appeals~~ public health.

27 Sec. 6. Section 137D.2, subsection 1, Code 2005, is
28 amended to read as follows:

29 1. A person shall not open or operate a home food
30 establishment until a license has been obtained from the
31 department ~~of-inspections-and-appeals~~. The department shall
32 collect a fee of twenty-five dollars for a license. After
33 collection, the fees shall be deposited in the general fund of
34 the state. A license shall expire one year from date of
35 issue. A license is renewable.

1 Sec. 7. Section 137F.1, subsections 3, 4, and 7, Code
2 2005, are amended to read as follows:

3 3. "Department" means the Iowa department of inspections
4 ~~and-appeals~~ public health.

5 4. "Director" means the director of ~~the-department-of~~
6 ~~inspections-and-appeals~~ public health or the director's
7 designee.

8 7. "Food code" means the ~~1997~~ 2005 edition of the United
9 States food and drug administration food code.

10 Sec. 8. Section 137F.2, Code 2005, is amended by striking
11 the section and inserting in lieu thereof the following:

12 137F.2 FOOD CODE -- ADOPTION.

13 The director shall adopt the food code, and shall adopt any
14 amendments or exceptions to the food code by rule.

15 Sec. 9. Section 196.1, subsection 3, Code 2005, is amended
16 to read as follows:

17 3. "Department" means the Iowa department of inspections
18 ~~and-appeals,--as-established-in-section-10A-102~~ public health.

19 Sec. 10. Section 331.756, subsection 32, Code Supplement
20 2005, is amended to read as follows:

21 32. Assist the Iowa department of ~~inspections-and-appeals~~
22 public health in the enforcement of the Iowa food code and the
23 Iowa hotel sanitation code as provided in ~~sections-137F-19-and~~
24 section 137C.30.

25 Sec. 11. CODES, RULES, AGREEMENTS, AND APPROPRIATIONS
26 TRANSFER.

27 1. The following codes and standards adopted by the
28 director of the department of inspections and appeals shall
29 remain in effect until modified or rescinded by the director
30 of public health:

31 a. Hotel sanitation code adopted under chapter 137C, Code
32 2005.

33 b. Home food establishment standards adopted under chapter
34 137D, Code 2005.

35 c. Food code adopted under chapter 137F, Code 2005.

1 d. Egg handler standards adopted under chapter 196, Code
2 2005.

3 2. The administrative rules adopted by the department of
4 inspections and appeals under chapters 137C, 137D, 137F, and
5 196, Code 2005, shall remain in effect until modified or
6 rescinded by the Iowa department of public health.

7 3. Effective July 1, 2006, an agreement entered into under
8 chapter 137C or 137F, Code 2005, between the director of the
9 department of inspections and appeals and a municipal
10 corporation for the municipal corporation to license, inspect,
11 and enforce chapter 137C or 137F within the municipal
12 corporation's jurisdiction shall be deemed to be an agreement
13 with the director of public health and shall remain in effect
14 until expiration of the agreement or the agreement is modified
15 or rescinded by the parties to the agreement.

16 4. Effective July 1, 2006, the Iowa department of public
17 health shall assume the departmental duties outlined in the
18 codes, standards, and administrative rules adopted under
19 chapters 137C, 137D, 137F, and 196 in place of the department
20 of inspections and appeals.

21 5. Appropriations made from the general fund of the state
22 for the fiscal year beginning July 1, 2006, and ending June
23 30, 2007, to the department of inspections and appeals for
24 administration and enforcement of chapters 137C, 137D, 137F,
25 and 196 shall be transferred to the Iowa department of public
26 health.

27 Sec. 12. TRANSITION OF EMPLOYEES. Effective July 1, 2006,
28 all employees of the department of inspections and appeals
29 performing functions related to chapters 137C, 137D, 137F, and
30 196, as of June 30, 2006, shall become employees of the Iowa
31 department of public health without loss of classification,
32 pay, or benefits.

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EXPLANATION

34 This bill provides for the Iowa department of public health
35 to administer the hotel sanitation code under Code chapter

1 137C, regulation of home food establishments under Code
2 chapter 137D, Iowa food code under Code chapter 137F, and
3 regulation of egg handlers under Code chapter 196 in place of
4 the department of inspections and appeals.

5 Code section 10A.104 is amended to strike these duties from
6 the responsibilities of the department of inspections and
7 appeals.

8 Code section 135.11 is amended to add these duties in the
9 list of responsibilities provided to the Iowa department of
10 public health.

11 Code chapter 137C, 137D, 137F, and 196 references to the
12 department of inspections and appeals are changed to the Iowa
13 department of public health.

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

16 Code section 137F.1 is amended to provide that references
17 to the food code adopted in Code section 137F.2 refer to the
18 2005 edition of the United States food and drug administration
19 food code. The bill deletes provisions in Code section 137F.2
20 amending or providing exceptions to the food code, providing
21 instead that the director of public health shall adopt
22 amendments or exceptions to the food code by administrative
23 rule.

24 A transition section provides for the hotel sanitation,
25 home food establishment, and food codes adopted by the
26 director of inspections and appeals and the administrative
27 rules adopted by the department of inspections and appeals to
28 remain in effect until rescinded or modified by the director
29 of public health and the Iowa department of public health.
30 Agreements entered into for municipal corporations to license,
31 inspect, and enforce the hotel sanitation and food codes
32 within the municipal corporation's jurisdiction are deemed to
33 be with the Iowa department of public health in place of the
34 department of inspections and appeals. Appropriations made
35 for fiscal year 2006-2007 for purposes of the affected Code

1 chapters are transferred to the Iowa department of public
2 health. The employees of the department of inspections and
3 appeals performing functions relating to the affected Code
4 chapters become employees of the Iowa department of public
5 health effective July 1, 2006.

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