

SENATE FILE 356

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1211)

Passed Senate, Date _____ Passed House, 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 hotel sanitation code, regulation of home food
3 establishments, Iowa food code, regulation of egg handlers,
4 and inspection of cosmetology and barbering licensees in place
5 of the department of inspections and appeals.

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

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SF 356

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 135J7-137E7-137D7-and-137F.

5 Sec. 2. Section 10A.104, subsection 15, Code 2005, is
6 amended by striking the subsection.

7 Sec. 3. Section 123.3, subsection 15, Code 2005, is
8 amended to read as follows:

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

14 Sec. 4. Section 135.11, subsection 17, Code 2005, is
15 amended to read as follows:

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

18 Sec. 5. Section 137C.2, subsections 2 and 3, Code 2005,
19 are amended to read as follows:

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

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

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

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

29 Sec. 7. Section 137D.2, subsection 1, Code 2005, is
30 amended to read as follows:

31 1. A person shall not open or operate a home food
32 establishment until a license has been obtained from the Iowa
33 department of ~~inspections-and-appeals~~ public health. The
34 department shall collect a fee of twenty-five dollars for a
35 license. After collection, the fees shall be deposited in the

1 general fund of the state. A license shall expire one year
2 from date of issue. A license is renewable.

3 Sec. 8. Section 137F.1, subsections 3 and 4, Code 2005,
4 are amended to read as follows:

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

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

10 Sec. 9. Section 147.88, Code 2005, is amended to read as
11 follows:

12 147.88 INSPECTIONS.

13 The department of inspections and appeals may perform
14 inspections as required by this subtitle, except for the board
15 of medical examiners, the board of pharmacy examiners, the
16 board of nursing, ~~and~~ the board of dental examiners, the board
17 of barber examiners, and the board of cosmetology arts and
18 sciences examiners. The department of inspections and appeals
19 shall employ personnel related to the inspection functions.

20 Sec. 10. Section 157.7, unnumbered paragraph 1, Code 2005,
21 is amended to read as follows:

22 The department ~~of-inspections-and-appeals~~ shall employ
23 personnel pursuant to chapter 8A, subchapter IV, to perform
24 duties related to inspection functions under this chapter.
25 The department ~~of-inspections-and-appeals~~ shall, when
26 possible, integrate inspection efforts under this chapter with
27 inspections conducted under chapter 158.

28 Sec. 11. Section 158.6, unnumbered paragraph 1, Code 2005,
29 is amended to read as follows:

30 The department ~~of-inspections-and-appeals~~ shall employ
31 personnel pursuant to chapter 8A, subchapter IV, to perform
32 duties related to inspection functions under this chapter.
33 The department ~~of-inspections-and-appeals~~ shall, when
34 possible, integrate inspection efforts under this chapter with
35 inspections conducted under chapter 157.

1 Sec. 12. Section 196.1, subsection 3, Code 2005, is
2 amended to read as follows:

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

5 Sec. 13. Section 331.756, subsection 32, Code 2005, is
6 amended to read as follows:

7 32. Assist the Iowa department of ~~inspections-and-appeals~~
8 public health in the enforcement of the Iowa food code and the
9 Iowa hotel sanitation code as provided in sections 137F.19 and
10 137C.30.

11 Sec. 14. CODES, RULES, AGREEMENTS, AND APPROPRIATIONS
12 TRANSFER.

13 1. The following codes and standards adopted by the
14 director of the department of inspections and appeals shall
15 remain in effect until modified or rescinded by the director
16 of public health:

17 a. Hotel sanitation code adopted under chapter 137C, Code
18 2005.

19 b. Home food establishment standards adopted under chapter
20 137D, Code 2005.

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

22 d. Egg handler standards adopted under chapter 196, Code
23 2005.

24 2. The administrative rules adopted by the department of
25 inspections and appeals under chapters 137C, 137D, 137F, 157,
26 158, and 196, Code 2005, shall remain in effect until modified
27 or rescinded by the Iowa department of public health.

28 3. Effective July 1, 2005, an agreement entered into under
29 chapter 137C or 137F, Code 2005, between the director of the
30 department of inspections and appeals and a municipal
31 corporation for the municipal corporation to license, inspect,
32 and enforce chapter 137C or 137F within the municipal
33 corporation's jurisdiction shall be deemed to be an agreement
34 with the director of public health and shall remain in effect
35 until expiration of the agreement or the agreement is modified

1 or rescinded by the parties to the agreement.

2 4. Effective July 1, 2005, the Iowa department of public
3 health shall assume the departmental duties outlined in the
4 codes, standards, and administrative rules adopted under
5 chapters 137C, 137D, 137F, 157, 158, and 196 in place of the
6 department of inspections and appeals.

7 5. Appropriations made from the general fund of the state
8 for the fiscal year beginning July 1, 2005, and ending June
9 30, 2006, to the department of inspections and appeals for
10 administration and enforcement of chapters 137C, 137D, 137F,
11 157, 158, and 196 shall be transferred to the Iowa department
12 of public health.

13 Sec. 15. REVIEW OF FEES. The Iowa department of public
14 health may perform a review of the license and examination
15 fees charged by the department under chapters 137C, 137D,
16 137F, 157, 158, and 196.

17 Sec. 16. TRANSITION OF EMPLOYEES. Effective July 1, 2005,
18 all employees of the department of inspections and appeals
19 performing functions related to chapters 137C, 137D, 137F,
20 157, 158, and 196, as of June 30, 2005, shall become employees
21 of the Iowa department of public health without loss of
22 classification, pay, or benefits.

23 EXPLANATION

24 This bill provides for the Iowa department of public health
25 to administer the hotel sanitation code under Code chapter
26 137C, regulation of home food establishments under Code
27 chapter 137D, Iowa food code under Code chapter 137F,
28 regulation of egg handlers under Code chapter 196, and the
29 inspection of cosmetology and barbering licensees in place of
30 the department of inspections and appeals.

31 Code section 10A.104 is amended to strike these duties from
32 the responsibilities of the department of inspections and
33 appeals.

34 Code section 135.11 is amended to add these duties in the
35 list of responsibilities provided to the Iowa department of

1 public health.

2 Code chapter 123, 137C, 137D, 137F, 157, 158, and 196
3 references to the department of inspections and appeals are
4 changed to the Iowa department of public health.

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

7 A transition section provides for the hotel and food codes
8 adopted by the director of inspections and appeals and the
9 administrative rules adopted by the department of inspections
10 and appeals involving the affected Code chapters to remain in
11 effect until rescinded or modified by the director of public
12 health and the Iowa department of public health. Agreements
13 entered into for municipal corporations to license, inspect,
14 and enforce the hotel sanitation and food codes within the
15 municipal corporation's jurisdiction are deemed to be with the
16 Iowa department of public health in place of the department of
17 inspections and appeals. Appropriations made for fiscal year
18 2005-2006 for purposes of administering and regulating the
19 affected Code chapters are transferred to the Iowa department
20 of public health. The employees of the department of
21 inspections and appeals performing functions relating to the
22 affected Code chapters become employees of the Iowa department
23 of public health effective July 1, 2005.

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SENATE FILE 356

S-3068

1 Amend Senate File 356 as follows:

2 1. By striking page 1, line 1, through page 4,
3 line 22, and inserting the following:

4 "Section 1. Section 10A.104, subsection 9, Code
5 2005, is amended to read as follows:

6 9. Administer and enforce this chapter, and
7 chapters 99B, 135B, 135C, 135H, and 135J, 137C, 137D,
8 and 137F.

9 Sec. 2. Section 123.3, subsection 15, Code 2005,
10 is amended to read as follows:

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

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

19 17. Administer chapters 125, 136A, 136C, 137C,
20 137D, 137F, 139A, 142, 142A, 144, and 147A, and 196.

21 Sec. 4. Section 137C.2, subsections 2 and 3, Code
22 2005, are amended to read as follows:

23 2. "Director" means the director of ~~the department~~
24 ~~of inspections and appeals public health~~ or the
25 director's designee.

26 3. "Department" means the Iowa department of
27 ~~inspections and appeals public health.~~

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

30 2. "Department" means the Iowa department of
31 ~~inspections and appeals public health.~~

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

34 1. A person shall not open or operate a home food
35 establishment until a license has been obtained from
36 the Iowa department of ~~inspections and appeals public~~
37 health. The department shall collect a fee of twenty-
38 five dollars for a license. After collection, the
39 fees shall be deposited in the general fund of the
40 state. A license shall expire one year from date of
41 issue. A license is renewable.

42 Sec. 7. Section 137F.1, subsections 3 and 4, Code
43 2005, are amended to read as follows:

44 3. "Department" means the Iowa department of
45 ~~inspections and appeals public health.~~

46 4. "Director" means the director of ~~the department~~
47 ~~of inspections and appeals public health~~ or the
48 director's designee.

49 Sec. 8. Section 196.1, subsection 3, Code 2005, is
50 amended to read as follows:

S-3068

1 3. "Department" means the Iowa department of
2 ~~inspections and appeals, as established in section~~
3 ~~10A.102~~ public health.
4 Sec. 9. Section 331.756, subsection 32, Code 2005,
5 is amended to read as follows:
6 32. Assist the Iowa department of ~~inspections and~~
7 ~~appeals~~ public health in the enforcement of the Iowa
8 food code and the Iowa hotel sanitation code as
9 provided in sections 137F.19 and 137C.30.
10 Sec. 10. CODES, RULES, AGREEMENTS, AND
11 APPROPRIATIONS TRANSFER.
12 1. The following codes and standards adopted by
13 the director of the department of inspections and
14 appeals under section 137F.2, Code 2005, shall remain
15 in effect until modified or rescinded by the director
16 of public health:
17 a. Hotel sanitation code adopted under chapter
18 137C, Code 2005.
19 b. Home food establishment standards adopted under
20 chapter 137D, Code 2005.
21 c. Food code adopted under chapter 137F, Code
22 2005.
23 d. Egg handler standards adopted under chapter
24 196, Code 2005.
25 2. The administrative rules adopted by the
26 department of inspections and appeals under chapters
27 137C, 137D, 137F, and 196, Code 2005, shall remain in
28 effect until modified or rescinded by the Iowa
29 department of public health.
30 3. Effective July 1, 2005, an agreement entered
31 into under chapter 137C or 137F, Code 2005, between
32 the director of the department of inspections and
33 appeals and a municipal corporation for the municipal
34 corporation to license, inspect, and enforce chapter
35 137C or 137F within the municipal corporation's
36 jurisdiction shall be deemed to be an agreement with
37 the director of public health and shall remain in
38 effect until expiration of the agreement or the
39 agreement is modified or rescinded by the parties to
40 the agreement.
41 4. Effective July 1, 2005, the Iowa department of
42 public health shall assume the departmental duties
43 outlined in the codes, standards, and administrative
44 rules adopted under chapters 137C, 137D, 137F, and 196
45 in place of the department of inspections and appeals.
46 5. Appropriations made from the general fund of
47 the state for the fiscal year beginning July 1, 2005,
48 and ending June 30, 2006, to the department of
49 inspections and appeals for administration and
50 enforcement of chapters 137C, 137D, 137F, and 196

1 shall be transferred to the Iowa department of public
2 health.

3 Sec. 11. TRANSITION OF EMPLOYEES. Effective July
4 1, 2005, all employees of the department of
5 inspections and appeals performing functions related
6 to chapters 137C, 137D, 137F, and 196, as of June 30,
7 2005, shall become employees of the Iowa department of
8 public health without loss of classification, pay, or
9 benefits."

10 2. Title page, by striking lines 1 through 5 and
11 inserting the following: "An Act providing for the
12 Iowa department of public health to administer the
13 hotel sanitation code, regulation of home food
14 establishments, Iowa food code, and regulation of egg
15 handlers in place of the department of inspections and
16 appeals."

By AMANDA RAGAN

S-3068 FILED MARCH 29, 2005

ADOPTED



Ragan co-chair
Johnson co-chair
Quirnbach
Behn

SSB# 1211
Human Resources

Succeeded By
SF HF 356

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CO-CHAIRPERSON RAGAN)

Passed Senate, Date _____ Passed House, 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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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.

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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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