

CHAPTER 137D

HOME FOOD PROCESSING ESTABLISHMENTS

Referred to in §10A.104, 137F.1, 137F.3A

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137D.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Department*” means the department of inspections and appeals.
2. “*Food*” means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption.

3. “*Home food processing establishment*” means a business on the premises of a residence in which homemade food items are produced for sale or resale, for consumption off the premises, if the business has gross annual sales of less than fifty thousand dollars. However, “*home food processing establishment*” does not include a residence in which food is prepared to be used or sold by churches, fraternal societies, charitable organizations, or civic organizations.

4. “*Homemade food item*” means a food that is produced and, if packaged, packaged at a home food processing establishment. “*Homemade food item*” includes food that is not time/temperature control for safety food, but does not include such food if produced and sold under [section 137E.20](#). “*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. 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. Poultry, poultry byproduct, or poultry food product if the poultry is from an inspected source exempted pursuant to [9 C.F.R. §381.10\(d\)](#).

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

5. “*Produce*”, with respect to preparing homemade food items, means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, freezing, dehydrating, growing, raising, or other process. “*Produce*” does not include the preparation methods of low-acid canning, low-acid fermentation, acidification, curing, and smoking for preservation rather than flavor enhancement.

6. “*Time/temperature control for safety food*” means a food that requires time and temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

[88 Acts, ch 1220, §7](#)

C89, §170C.1

C91, §137D.1

[2016 Acts, ch 1086, §2, 3; 2022 Acts, ch 1129, §2; 2022 Acts, ch 1153, §56](#)

Section amended

137D.2 Licenses and inspections.

1. A person shall not open or operate a home food processing establishment until a license has been obtained from the department. The department shall collect a fee of fifty dollars for

a license. After collection, the fees shall be deposited in a special fund in the state treasury. Moneys in the fund are appropriated to the department for the administration of [this chapter](#). A license shall expire one year from date of issue. A license is renewable.

2. A person shall not sell or distribute from a home food processing establishment if the home food processing establishment is unlicensed, the license of the home food processing establishment is suspended, or the food fails to meet standards adopted for such food by the department.

3. An application for a license under [this chapter](#) shall be made upon a form furnished by the department and shall contain the items required by the department according to rules adopted by the department.

4. The department shall regulate, license, and inspect home food processing establishments in a manner that is consistent with [this chapter](#).

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

6. The department shall regulate and may inspect food prepared at a home food processing establishment in a manner that is consistent with [this chapter](#). The inspection may occur at any place where a homemade food item is created, transported, or stored for sale or resale.

7. A home food processing establishment shall affix or label a homemade food item with all of the following information:

- a. Information to identify the name of the home food processing establishment.
- b. The common name of the food.
- c. The ingredients of the homemade food item in descending order of predominance.
- d. The net quantity of contents.

e. For refrigerated time/temperature control for safety foods, an expiration date based on food safety.

f. The following statement: "This product was produced at a home food processing establishment." If the homemade food item contains one or more major food allergens, an additional allergen statement must be included on the label identifying each major allergen contained in the food by the common name of the allergen.

8. The department may adopt rules under [chapter 17A](#) to administer [this chapter](#).

[88 Acts, ch 1220, §8](#)

C89, §170C.2

C91, §137D.2

[2007 Acts, ch 215, §209; 2016 Acts, ch 1086, §4; 2018 Acts, ch 1144, §4, 16; 2022 Acts, ch 1129, §3](#)

Referred to in [§137D.3](#)

Section amended

137D.3 Penalty.

A person who violates a provision of [this chapter](#), including a standard adopted by departmental rule, relating to home food processing establishments or homemade food items produced in a home food processing establishment shall be subject to a civil penalty in the amount of one hundred dollars per violation, to be collected by the department. Moneys collected from civil penalties shall be deposited in the special fund referred to in [section 137D.2](#). Each day that the violation continues constitutes a separate violation.

[88 Acts, ch 1220, §9](#)

C89, §170C.3

C91, §137D.3

[2016 Acts, ch 1086, §5; 2022 Acts, ch 1129, §4](#)

Section amended

137D.4 Injunction.

A person operating a home food processing establishment or selling homemade food items created at a home food processing establishment in violation of a provision of [this chapter](#) may

be restrained by injunction from further operating that home food processing establishment. If an imminent health hazard exists, the home food processing establishment must cease operation and notify the department. Operation shall not be resumed until authorized by the department.

[88 Acts, ch 1220, §10](#)

C89, §170C.4

C91, §137D.4

[2016 Acts, ch 1086, §6; 2022 Acts, ch 1129, §5](#)

Section amended

137D.5 Duty of county attorney.

The county attorney in each county shall assist in the enforcement of [this chapter](#).

[88 Acts, ch 1220, §11](#)

C89, §170C.5

C91, §137D.5

137D.6 Conflicts with state building code.

Provisions of [this chapter](#), including standards for home food processing establishments adopted by the department, in conflict with the state building code, as adopted pursuant to [section 103A.7](#), shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

[88 Acts, ch 1220, §12](#)

C89, §170C.6

C91, §137D.6

[2004 Acts, ch 1086, §39; 2016 Acts, ch 1086, §7; 2022 Acts, ch 1129, §6](#)

Section amended

137D.7 Reserved.

137D.8 Suspension or revocation of licenses.

The department may suspend or revoke a license issued to a person under [this chapter](#) if any of the following occurs:

1. The person's home food processing establishment does not conform to a provision of [this chapter](#) or a rule adopted pursuant to [this chapter](#).
2. The person violates a provision of [this chapter](#) or a rule adopted pursuant to [this chapter](#).
3. The person conducts an activity constituting a criminal offense in the home food processing establishment and is convicted of a serious misdemeanor or a more serious offense as a result.

[91 Acts, ch 107, §10; 2016 Acts, ch 1086, §8; 2022 Acts, ch 1129, §7](#)

Section amended

137D.9 Exemption. Repealed by 99 Acts, ch 208, §41.