

137F.1 Definitions.

For the purpose of [this chapter](#):

1. “*Bed and breakfast home*” means a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than four guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel, or motel, does not require reservations, and serves food only to overnight guests.

2. “*Commissary*” means a food establishment used for preparing, fabricating, packaging, and storage of food or food products for distribution and sale through the food establishment’s own food establishment outlets.

3. “*Cottage food*” means the production and sale of food produced at a private residence other than time/temperature control for safety food as provided in [section 137F.20](#) and food for resale that is not time/temperature control for safety food. “*Cottage food*” includes home-processed and home-canned pickles, vegetables, or fruits that have a finished equilibrium pH value of four and six-tenths or lower or a water activity value of eighty-five hundredths or less for which each batch has been measured by a pH meter or a water activity meter and each container that is sold or offered for sale contains the date the food was processed and canned. “*Cottage food*” does not include any of the following:

a. Milk or milk products regulated under [chapter 192](#) or [194](#).

b. Meat, meat food products, poultry, or poultry food products regulated under [chapter 189A](#).

4. “*Department*” means the department of inspections and appeals.

5. “*Director*” means the director of the department of inspections and appeals.

6. “*Event*” means a significant occurrence or happening sponsored by a civic, business, governmental, community, or veterans organization and may include an athletic contest.

7. “*Farmers market*” means a marketplace which seasonally operates principally as a common market for Iowa-produced farm products on a retail basis for off-the-premises consumption.

8. “*Food*” means a raw, cooked, or processed edible substance, ice, a beverage, an ingredient used or intended for use or sale in whole or in part for human consumption, or chewing gum.

9. “*Food establishment*” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school. “*Food establishment*” does not include the following:

a. A food processing plant.

b. An establishment that offers only prepackaged foods that are not time/temperature control for safety foods.

c. A produce stand or facility which sells only whole, uncut fresh fruits and vegetables.

d. Premises that are a home food processing establishment as defined in [chapter 137D](#).

e. Premises where a person operates a farmers market, if unpackaged time/temperature control for safety foods are not sold or distributed from the premises.

f. Premises of a residence in which food is produced pursuant to [section 137F.20](#).

g. A kitchen in a private home where food is prepared or stored for family consumption or in a bed and breakfast home.

h. A private home that receives catered or home-delivered food.

i. Child care facilities and other food establishment facilities located in hospitals or health care facilities which are subject to inspection by other state agencies or divisions of the department.

j. Supply vehicles, vending machine locations, or boardinghouses for permanent guests.

k. Establishments exclusively engaged in the processing of meat and poultry which are licensed pursuant to [section 189A.3](#).

l. Premises covered by a current class “A” beer permit as provided in [chapter 123](#).

m. The premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; labeled; or from which honey is distributed.

n. A stand operated by a minor.

10. “*Food processing plant*” means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer. “*Food processing plant*” does not include any of the following:

a. A premises covered by a class “A” beer permit as provided in [chapter 123](#).

b. A premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; labeled; or from which honey is distributed.

c. A premises covered by a class “A” wine permit as provided in [chapter 123](#).

11. “*Mobile food unit*” means a food establishment that is readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.

12. “*Municipal corporation*” means a political subdivision of this state.

13. “*Pushcart*” means a non-self-propelled vehicle food establishment limited to serving foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

14. “*Regulatory authority*” means the department or a municipal corporation that has entered into an agreement with the director pursuant to [section 137F.3](#) for authority to enforce [this chapter](#) in its jurisdiction.

15. “*Stand operated by a minor*” means a stand or other facility operated by a person or persons under the age of eighteen at which food is sold directly to consumers that is not time/temperature control for safety food or an alcoholic beverage and that operates on a temporary and occasional basis on private property with the permission of the owner of the property.

16. “*Temporary food establishment*” means a food establishment that operates for a period of no more than fourteen consecutive days in conjunction with a single event.

17. “*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.

18. “*Vending machine*” means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

19. “*Vending machine location*” means the room, enclosure, space, or area where one or more vending machines are installed and operated, including the storage areas on the premises that are used to service and maintain the vending machine.

98 Acts, ch 1162, §6, 30; 99 Acts, ch 192, §33; 99 Acts, ch 208, §28; 2001 Acts, ch 81, §1, 2; 2002 Acts, ch 1149, §1, 3; 2003 Acts, ch 44, §37; 2006 Acts, ch 1032, §4; 2007 Acts, ch 215, §210, 211; 2012 Acts, ch 1064, §1, 3; 2014 Acts, ch 1026, §32; 2016 Acts, ch 1086, §9; 2018 Acts, ch 1144, §5 – 9, 16; 2020 Acts, ch 1084, §1, 2; 2022 Acts, ch 1099, §99, 102; 2022 Acts, ch 1129, §8, 9; 2022 Acts, ch 1153, §57

Referred to in §100.35, 135.16A, 135.185, 137C.35, 189A.3, 190C.1, 331.301, 364.3, 716.7A

⁽¹⁾2022 amendment to subsection 10, paragraph c effective January 1, 2023; 2022 Acts, ch 1099, §102

NEW subsection 3 and former subsections 3 – 18 renumbered as 4 – 19

⁽¹⁾Subsection 9, paragraphs d, e, and f amended

⁽¹⁾Subsection 10, paragraph c amended