

MAR 15 2005
Place On Calendar

HOUSE FILE 770
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 176)

Passed House, Date 3-23-05 Passed Senate, Date 3-29-05
Vote: Ayes 92 Nays 6 Vote: Ayes 49 Nays 1
Re-passed 4-19-05 VETOED 6/10/05
93-6

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, and regulation of egg handlers
4 in place of the department of inspections and appeals.

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

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HF-770

TLSB 2431HV 81

jp/sh/8

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 2005, is
6 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 2005, is
13 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 Iowa
31 department of ~~inspections-and-appeals~~ public health. The
32 department shall collect a fee of twenty-five dollars for a
33 license. After collection, the fees shall be deposited in the
34 general fund of the state. A license shall expire one year
35 from date of issue. A license is renewable.

1 Sec. 7. Section 137F.1, subsections 3 and 4, Code 2005,
2 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 Sec. 8. Section 196.1, subsection 3, Code 2005, is amended
9 to read as follows:

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

12 Sec. 9. Section 331.756, subsection 32, Code 2005, is
13 amended to read as follows:

14 32. Assist the Iowa department of inspections-and-appeals
15 public health in the enforcement of the Iowa food code and the
16 Iowa hotel sanitation code as provided in sections 137F.19 and
17 137C.30.

18 Sec. 10. CODES, RULES, AGREEMENTS, AND APPROPRIATIONS
19 TRANSFER.

20 1. The following codes and standards adopted by the
21 director of the department of inspections and appeals under
22 section 137F.2, Code 2005, shall remain in effect until
23 modified or rescinded by the director of public health:

24 a. Hotel sanitation code adopted under chapter 137C, Code
25 2005.

26 b. Home food establishment standards adopted under chapter
27 137D, Code 2005.

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

29 d. Egg handler standards adopted under chapter 196, Code
30 2005.

31 2. The administrative rules adopted by the department of
32 inspections and appeals under chapters 137C, 137D, 137F, and
33 196, Code 2005, shall remain in effect until modified or
34 rescinded by the Iowa department of public health.

35 3. Effective July 1, 2005, an agreement entered into under

1 chapter 137C or 137F, Code 2005, between the director of the
2 department of inspections and appeals and a municipal
3 corporation for the municipal corporation to license, inspect,
4 and enforce chapter 137C or 137F within the municipal
5 corporation's jurisdiction shall be deemed to be an agreement
6 with the director of public health and shall remain in effect
7 until expiration of the agreement or the agreement is modified
8 or rescinded by the parties to the agreement.

9 4. Effective July 1, 2005, the Iowa department of public
10 health shall assume the departmental duties outlined in the
11 codes, standards, and administrative rules adopted under
12 chapters 137C, 137D, 137F, and 196 in place of the department
13 of inspections and appeals.

14 5. Appropriations made from the general fund of the state
15 for the fiscal year beginning July 1, 2005, and ending June
16 30, 2006, to the department of inspections and appeals for
17 administration and enforcement of chapters 137C, 137D, 137F,
18 and 196 shall be transferred to the Iowa department of public
19 health.

20 Sec. 11. **TRANSITION OF EMPLOYEES.** Effective July 1, 2005,
21 all employees of the department of inspections and appeals
22 performing functions related to chapters 137C, 137D, 137F, and
23 196, as of June 30, 2005, shall become employees of the Iowa
24 department of public health without loss of classification,
25 pay, or benefits.

26 **EXPLANATION**

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

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

1 Code section 135.11 is amended to add these duties in the
2 list of responsibilities provided to the Iowa department of
3 public health.

4 Code chapter 137C, 137D, 137F, and 196 references to the
5 department of inspections and appeals are changed to the Iowa
6 department of public health.

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

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

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S-3069

1 Amend House File 770, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 4 the
4 following:

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

7 2. Page 2, by inserting after line 7 the
8 following:

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

11 147.88 INSPECTIONS.

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

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

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

30 Sec. ____ . Section 158.6, unnumbered paragraph 1,
31 Code 2005, is amended to read as follows:

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

39 3. Page 2, lines 21 and 22, by striking the words
40 and figures "under section 137F.2, Code 2005,".

41 4. Page 2, line 32, by inserting after the figure
42 "137F," the following: "157, 158,".

43 5. Page 3, line 12, by inserting after the figure
44 "137F," the following: "157, 158,".

45 6. Page 3, line 17, by inserting after the figure
46 "137F," the following: "157, 158,".

47 7. Page 3, by inserting after line 19 the
48 following:

49 "Sec. ____ . REVIEW OF FEES. The Iowa department of
50 public health may perform a review of the license and

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Page 2

1 examination fees charged by the department under
2 chapters 137C, 137D, 137F, 157, 158, and 196."

3 8. Page 3, line 22, by inserting after the figure
4 "137F," the following: "157, 158,".

5 9. Title page, by striking line 3 and inserting
6 the following: "establishments, Iowa food code,
7 regulation of egg handlers, and inspection of
8 cosmetology and barbering licensees".

By AMANDA RAGAN

S-3069 FILED MARCH 29, 2005

ADOPTED

**SENATE AMENDMENT TO
HOUSE FILE 770**

H-1205

1 Amend House File 770, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 4 the
4 following:

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

7 2. Page 2, by inserting after line 7 the
8 following:

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

11 147.88 INSPECTIONS.

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

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

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

30 Sec. _____. Section 158.6, unnumbered paragraph 1,
31 Code 2005, is amended to read as follows:

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

39 3. Page 2, lines 21 and 22, by striking the words
40 and figures "under section 137F.2, Code 2005,".

41 4. Page 2, line 32, by inserting after the figure
42 "137F," the following: "157, 158,".

43 5. Page 3, line 12, by inserting after the figure
44 "137F," the following: "157, 158,".

45 6. Page 3, line 17, by inserting after the figure
46 "137F," the following: "157, 158,".

47 7. Page 3, by inserting after line 19 the
48 following:

49 "Sec. _____. REVIEW OF FEES. The Iowa department of
50 public health may perform a review of the license and

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Page 2

1 examination fees charged by the department under
2 chapters 137C, 137D, 137F, 157, 158, and 196."

3 8. Page 3, line 22, by inserting after the figure
4 "137F," the following: "157, 158,".

5 9. Title page, by striking line 3 and inserting
6 the following: "establishments, Iowa food code,
7 regulation of egg handlers, and inspection of
8 cosmetology and barbering licensees".

RECEIVED FROM THE SENATE

H-1205 FILED MARCH 29, 2005

Succ
SF **0770** ed By

HSB 176
HUMAN RESOURCES

Upmeyer
Carroll
Heddens

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON UPMEYER)

Passed House, Date _____ Passed Senate, 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~~7~~~~-twenty~~
24 ~~dollars~~.

25 ~~2-~~ b. For-a A temporary food establishment per fixed
26 ~~location7-twenty-five-dollars~~.

27 ~~3-~~ c. For-a A vending machine~~7-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~~7-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.

5 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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June 10, 2005

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **House File 770**, an Act providing for the Iowa Department of Public Health to administer the hotel sanitation code, regulation of home food establishments, Iowa Food Code, regulation of egg handlers, and inspection of cosmetology and barbering licensees in place of the Department of Inspections and Appeals.

I have serious concerns about the policy change established by this bill relating to food regulation. Moving this program from the Department of Inspections and Appeals to the Department of Public Health is inconsistent with the philosophy of my administration of separating the steering and rowing functions of government. The action to move a regulatory function from a regulatory agency to an agency of advocacy is counterproductive and an inefficient use of government resources. My administration has worked hard to align activities of agencies with their core functions to provide better service to Iowans while improving efficiency. There is no efficiency to be gained by simply transferring regulatory oversight between departments.

The Department of Inspections and Appeals recommended two policy changes to improve the food regulation program that I encourage the Legislature to consider during the next session. Both are supported by the Department of Public Health, local public health agencies, and the Iowa Environmental Health Association. These changes are necessary first steps in working toward a food inspection program that will better protect the health security of Iowans.

First, Iowa policy should recognize the latest scientific advances by keeping the Iowa Food Code up to date with the most recent version of the FDA Food Code. The Iowa Food Code currently references the outdated 1997 FDA edition and needs to be amended by the Legislature.

Second, license fees must be increased to cover the full cost of food inspections. It takes a well-educated, well-trained, well-equipped and dedicated workforce completing regular inspections to provide the public with confidence that the food they purchase at a restaurant or grocery store is safe. For nearly all food inspection agencies in Iowa, license

fees currently fall short of covering the cost of a fully implemented inspection program by over \$800,000. The result is that local governments are forced to make up the difference with taxpayer dollars. Failure to address this inequity will likely result in some counties discontinuing contracts to provide this service, thereby turning the responsibility for food inspection back over to the State. This cost should be borne by inspection fees, and I encourage the Legislature to take action.

For the above reasons, I respectfully disapprove **House File 770**.

Sincerely,

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House

HOUSE FILE 770

AN ACT

PROVIDING FOR THE IOWA DEPARTMENT OF PUBLIC HEALTH TO ADMINISTER THE HOTEL SANITATION CODE, REGULATION OF HOME FOOD ESTABLISHMENTS, IOWA FOOD CODE, REGULATION OF EGG HANDLERS, AND INSPECTION OF COSMETOLOGY AND BARBERING LICENSEES IN PLACE OF THE DEPARTMENT OF INSPECTIONS AND APPEALS.

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

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

9. Administer and enforce this chapter, and chapters 99B, 135B, 135C, 135H, and ~~135J, 137E, 137D, and 137F.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

147.88 INSPECTIONS.

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

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

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

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

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

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

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

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

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

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

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

- a. Hotel sanitation code adopted under chapter 137C, Code 2005.
- b. Home food establishment standards adopted under chapter 137D, Code 2005.

- c. Food code adopted under chapter 137F, Code 2005.
- d. Egg handler standards adopted under chapter 196, Code 2005.

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

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

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

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

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

Sec. 16. TRANSITION OF EMPLOYEES. Effective July 1, 2005, all employees of the department of inspections and appeals performing functions related to chapters 137C, 137D, 137F, 157, 158, and 196, as of June 30, 2005, shall become employees

of the Iowa department of public health without loss of classification, pay, or benefits.

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 770, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Vetoed
Approved 6/10, 2005

THOMAS J. VILSACK
Governor