

JAN 26 2006
HUMAN RESOURCES

HOUSE FILE 2145
BY UPMEYER

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

A BILL FOR

1 An Act providing for the imposition of food establishment
2 reinspection fees, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

HF 2145

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

3 137F.6 LICENSE AND REINSPECTION FEES.

4 The regulatory authority shall collect the following annual
5 license fees:

6 1. For a mobile food unit or pushcart, twenty dollars.

7 2. For a temporary food establishment per fixed location,
8 twenty-five dollars.

9 3. For a vending machine, twenty dollars for the first
10 machine and five dollars for each additional machine.

11 4. For a food establishment which prepares or serves food
12 for individual portion service intended for consumption on-
13 the-premises, the annual license fee shall correspond to the
14 annual gross food and beverage sales of the food
15 establishment, as follows:

16 a. Annual gross sales of under fifty thousand dollars,
17 fifty dollars.

18 b. Annual gross sales of at least fifty thousand dollars
19 but less than one hundred thousand dollars, eighty-five
20 dollars.

21 c. Annual gross sales of at least one hundred thousand
22 dollars but less than two hundred fifty thousand dollars, one
23 hundred seventy-five dollars.

24 d. Annual gross sales of two hundred fifty thousand
25 dollars but less than five hundred thousand dollars, two
26 hundred dollars.

27 e. Annual gross sales of five hundred thousand dollars or
28 more, two hundred twenty-five dollars.

29 5. For a food establishment which sells food or food
30 products to consumer customers intended for preparation or
31 consumption off-the-premises, the annual license fee shall
32 correspond to the annual gross food and beverage sales of the
33 food establishment, as follows:

34 a. Annual gross sales of under ten thousand dollars,
35 thirty dollars.

1 b. Annual gross sales of at least ten thousand dollars but
2 less than two hundred fifty thousand dollars, seventy-five
3 dollars.

4 c. Annual gross sales of at least two hundred fifty
5 thousand dollars but less than five hundred thousand dollars,
6 one hundred fifteen dollars.

7 d. Annual gross sales of at least five hundred thousand
8 dollars but less than seven hundred fifty thousand dollars,
9 one hundred fifty dollars.

10 e. Annual gross sales of seven hundred fifty thousand
11 dollars or more, two hundred twenty-five dollars.

12 6. For a food processing plant, the annual license fee
13 shall correspond to the annual gross food and beverage sales
14 of the food processing plant, as follows:

15 a. Annual gross sales of under fifty thousand dollars,
16 fifty dollars.

17 b. Annual gross sales of at least fifty thousand dollars
18 but less than two hundred fifty thousand dollars, one hundred
19 dollars.

20 c. Annual gross sales of at least two hundred fifty
21 thousand dollars but less than five hundred thousand dollars,
22 one hundred fifty dollars.

23 d. Annual gross sales of five hundred thousand dollars or
24 more, two hundred fifty dollars.

25 7. For a farmers market where potentially hazardous food
26 is sold or distributed, one seasonal license fee of one
27 hundred dollars for each vendor on a countywide basis.

28 A food establishment covered by subsections 4 and 5 shall
29 be assessed license fees not to exceed seventy-five percent of
30 the total fees applicable under both subsections.

31 In the event that a routine inspection or a complaint
32 investigation of a food establishment or food processing plant
33 licensed under subsection 4, 5, or 6 reveals the presence of
34 one or more critical violations and requires one or more
35 physical reinspections, a reinspection fee equal to the lesser

1 of the annual license fee or fifty dollars shall be assessed
2 for each reinspection. Failure to pay the reinspection fee
3 shall subject a food establishment or food processing plant to
4 suspension or revocation of the food establishment's or food
5 processing plant's license pursuant to section 137F.7 and the
6 penalty provisions of section 137F.17.

7 Fees collected by the department shall be deposited in the
8 general fund of the state. Fees collected by a municipal
9 corporation shall be retained by the municipal corporation for
10 regulation of food establishments and food processing plants
11 licensed under this chapter.

12 Each vending machine licensed under this chapter shall bear
13 a readily visible identification tag or decal provided by the
14 licensee, containing the licensee's business address and phone
15 number, and a company license number assigned by the
16 regulatory authority.

17 EXPLANATION

18 This bill permits the department of inspections and appeals
19 to impose a reinspection fee for food establishments or food
20 processing plants licensed pursuant to Code section 137F.6.
21 This includes a food establishment which prepares or serves
22 food for individual portion service intended for consumption
23 on-the-premises, a food establishment which sells food or food
24 products to consumer customers intended for preparation or
25 consumption off-the-premises, and a food processing plant.
26 The bill provides that the amount of the reinspection fee
27 shall be the lesser of \$50 or the annual licensing fee for
28 each physical reinspection required after an initial
29 inspection reveals the presence of one or more critical
30 violations. The bill makes suspension, revocation, and
31 penalty provisions applicable for failure to pay the required
32 reinspection fee.

33
34
35