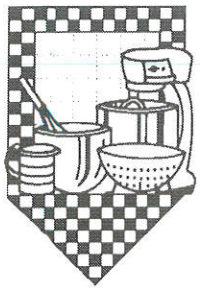

Iowa Laws: Sale of Home-prepared Foods

Iowa law requires inspection and licensing for all people who advertise or distribute potentially hazardous food products prepared in the home for consumption off-the-premise. Licensing is required to sell non-potentially hazardous food and potentially hazardous food on a wholesale basis (such as selling or distributing products to restaurants, retailers, or institutions). Licensing also is required to cater food from the private home.

> *Potentially hazardous food* refers to food that requires refrigeration to 41°F or below after preparation.
>
> *Non-potentially hazardous food* refers to food that does not require refrigeration after preparation.

Licensing Requirements

All home-based firms that sell any volume of food products on a wholesale basis must be licensed. Home-based firms that wholesale bakery products can be licensed as a *home food establishment* if they gross under $20,000 per year, or as a *food processing plant* if they gross over $20,000 per year. In addition, all home-based firms that sell any products besides bakery items on a wholesale basis must be licensed as a food processing plant, regardless of their sales volume.

The *home food establishment license* is limited to only those operations that sell bakery products, which are defined as: breads, cakes, doughnuts, pastries, buns, rolls, cookies, biscuits and pies (except meat pies). If approved on the inspection, the home kitchen can be used for this operation.

Firms whose sales are over $20,000 a year are required to be licensed as either *retail food establishments* (if the majority of sales are made to consumer customers), or as a *food processing plant* (if the majority of sales are made on a wholesale basis). A separate self-contained food preparation area is required to obtain a retail food establishment license or a food processing plant license.

The processing of low-acid foods by retort canning or processing of acidified foods is not allowed, unless these products are commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution. Processing of these food products, without state and federal (FDA) permission, is both a violation of state law and the Federal Food, Drug, and Cosmetic Act. Securing a food processing plant license from the state is one requirement to process these types of foods. For more information contact the Department of Inspections and Appeals.

All meat or poultry products sold to restaurants, grocery stores, or institutions must be processed in an official plant, under state or federal meat inspection.

Exempt from Licensing

Home-based firms that only sell non-potentially hazardous food (including bakery products) on a retail basis are exempt from licensing.

A license is not required to sell raw/unprocessed produce to restaurants and grocery stores. If the produce is cut, bagged and sealed, or processed in any way, then the firm must be licensed.

People can prepare and sell cookies from their homes for sale to the general public. If they sell cookies or other non-potentially hazardous bakery products to restaurants, grocery stores, or to an institution, then the preparer must be licensed as a food processing plant.

Licensing is not required to sell non-potentially hazardous food directly to consumer customers for consumption off-the-premise. The sale of these food products at a farmers market to consumer customers would be exempt from licensing, since this is considered as direct sales to consumer customers.

License Regulations and Fees

Home food establishments (potentially hazardous bakery products only) are regulated under Chapter 137D of the Code of Iowa. License fee is $25 annually.

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Retail food establishments prepare or distribute food for consumption off-the-premise (grocery store) and are regulated under Chapter 137F of the Code of Iowa and the 1997 FDA Food Code.

Food service establishments are places that prepare food for individual portion service and include catering operations. Both retail food establishments and food service establishments are regulated under the 1997 FDA Food Code. The purpose of the Food Code is to safeguard the public health and provide food to consumers that is safe, unadulterated, and honestly presented. Both retail food establishments and food service establishments pay a license fee based on annual gross sales which ranges from $30 to $225 annually.

Food processing plants are firms that primarily manufacture, package, or label food that is not directly sold to consumer customers. These plants sell food to restaurants, grocery stores, retailers, wholesalers, or institutions. Iowa has adopted FDA requirements for the regulation of these firms. In addition to the Good Manufacturing Practices, specific regulations have been adopted for bottling water, retort canning and processing of acidified foods. These firms are all licensed and regulated by the State, not by local county health departments, so contact the Department of Inspections and Appeals for more information.

Farmers Markets
Farmers markets are not required to be licensed. The sale of raw fruits and vegetables, honey, eggs, and non-potentially hazardous food is permitted in these seasonal common marketplaces.

With the sole exception of jams and jellies, *no "home style" canned goods can be sold at farmers markets,* since food in a hermetically sealed container shall be obtained from a licensed food processing plant (Section 3-201.12 of the Food Code which has been adopted by Section 137F.2 of the Code of Iowa).

Labeling
Food products must be properly labeled with

1. Name and complete address of the manufacturer;
2. Product name;
3. List of ingredients in order of predominance (by net weight); and
4. Net weight, net volume, or numerical count.

These labeling requirements do not apply to non-potentially hazardous bakery products prepared in home food establishments or home-based honey operations. Those labels must include only
1. Name and complete address of the manufacturer; and
2. Product name.

These labeling requirements only apply to those products sold in Iowa. More stringent requirements must be met for firms that are involved in interstate commerce, or make a "health" or "nutrient content" claim (such as low in fat). For more information, contact the Department of Inspections and Appeals.

Inspections Required Under Chapter 137F
Obtaining a *food service* or *retail food establishment* license requires a consultation and inspection. Contact the Department of Inspections and Appeals for the name of the local inspector. A copy of the firm's plans should be submitted prior to construction of the food processing area that will be licensed. The food inspection covers those areas of the home that have an impact on the food processing operation.

Basic requirements include the following:

- Demonstrated knowledge of the Food Code, as it applies to the specific operation;

- A self-contained food preparation area that is separate from the family kitchen;

- A three-compartment sink for ware-washing or a commercial style dishwasher;

- Separate drain boards for soiled and clean dishes. Clean dishes must be air dried (no toweling);

- The use of an "approved sanitizer" for food contact surfaces and test kits to check concentration;

- A separate hand-washing sink—the ware-washing sink or mop sink cannot be used for this purpose;

- A separate mop sink;

- Easily cleanable floor surface—no carpeting;

- Cleanable, smooth wall surface (preferably light in color);

- Food contact surfaces that are easily cleanable;

- Lights to be shielded over/around to prevent breakage;

- Vented hood system over the range. Food preparation area should be adequately vented; and

- Thermometers in all cold holding units (41°F or lower).

Where to get help

Questions about local licensing inspections can be answered at the following city and county offices. People living outside the areas listed should contact the Food and Consumer Safety Bureau, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, IA 50319 (515/281-6538).

Dept. of Inspections and Appeals
Food Division, Lucas Bldg.
State Capitol, Des Moines, IA 50319
515/281-6538

City of Ames Health Dept.
515 Clark Ave.
Ames, IA 50010
515/239-5158

Allamakee County Planning & Development
110 Allamakee St.
Waukon, IA 52172
319/568-3014
(Allamakee, Clayton)

A.D.L.M. Environmental Health Office
501 N. 12th St.
Centerville, IA 52544
515/437-1909
(Appanoose, Davis, Lucas, Monroe, Wayne)

Black Hawk County Health Dept.
1407 Independence Ave., 5th Floor
Waterloo, IA 50703
319/291-2413
(Benton, Black Hawk, Bremer, Buchanan, Butler, Delaware, Fayette, Grundy, Tama)

Buena Vista County Health Dept.
Courthouse, 215 E 5th St., P.O. Box 301
Storm Lake, IA 50588
712/749-2555

Calhoun County Health Dept.
1228 High St.
Rockwell City, IA 50579
712/297-7131

Carroll County Health Dept.
Box 702, 17436 Mahogany
Carroll, IA 51401
712/792-9532
(Carroll, Crawford, Greene)

Cedar County Health Dept.
400 Cedar St., Courthouse
Tipton, IA 52772
319/886-2248

Cerro Gordo County Health Dept.
22 N. Georgia, 3rd Floor
Mason City, IA 50401
515/421-9300
(Cerro Gordo, Chickasaw, Floyd, Franklin, Hamilton, Hancock, Hardin, Howard, Kossuth, Mitchell, Webster, Winnebago, Winneshiek, Worth, Wright)

Cherokee County Health Dept.
Courthouse, Box D
Cherokee, IA 51012
712/225-6721

Clinton County Health Dept.
329 E. 11th St.
DeWitt, IA 52742
319/659-8148

City of Council Bluffs Health Dept.
City Hall, 209 Pearl St.
Council Bluffs, IA 51501
712/328-4666

Des Moines County Health Dept.
522 N. Third St.
Burlington, IA 52601
319/753-8217

City of Dubuque Health Dept.
City Hall Annex, 13th & Main Sts.
Dubuque, IA 52001
319/589-4181

Ida County Health Dept.
401 Morehead St.
Ida Grove, IA 51445
712/364-3498

Jackson County Health Dept.
Courthouse, 201 West Platt
Maquoketa, IA 52060
319/652-5658

Jasper County Health Dept.
115 N. 2nd Ave. E.
Newton, IA 50208
515/792-7603

Johnson County Health Dept.
1105 Gilbert Court
Iowa City, IA 52240
319/356-6040

Jones County Health Dept.
500 West Main, Room 8
Anamosa, IA 52205
319/462-4715

Lee County Health Dept.
2218 Ave. H, Suite B
Ft. Madison, IA 52627
319/372-5227
(Henry, Jefferson, Lee, Louisa)

Linn County Health Dept.
501 13th St., NW
Cedar Rapids, IA 52405
319/398-3551

City of Muscatine Health Dept.
City Hall, 215 Sycamore St.
Muscatine, IA 52761
319/262-4141

City of Ottumwa Health Dept.
Municipal Bldg., 105 E. Third St.
Ottumwa, IA 52501
515/683-0651
(includes Wapello County)

Pocahontas County Health Dept.
Courthouse, 99 Court Square
Pocahontas, IA 50574
712/335-3414
(Humboldt, Pocahontas)

Polk County Physical Planning
5895 NE 14th St.
Des Moines, IA 50313
515/286-3376

Sac County Health Dept.
Courthouse Annex, Suite A
116 S. State St.
Sac City, IA 50583
712/662-7929

Scott County Health Dept.
428 Western Ave.
Davenport, IA 52801
319/326-8618

Shelby County Health Dept.
1313 Industrial Parkway
Harlan, IA 51537
712/755-2609
(Adair, Adams, Audubon, Cass, Freemont, Guthrie, Harrison, Mills, Monona, Montgomery, Page, Pottawattamie, Shelby, Taylor, Union)

Siouxland District Health Dept.
205 5th St.
Sioux City, IA 51101
712/279-6212
(Clay, Dickinson, Emmet, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Sioux, Woodbury)

Van Buren County Health Dept.
Courthouse
Keosauqua, IA 52565
319/293-2531

Washington County Health Dept.
Courthouse, P.O. Box 889
Washington, IA 52353
319/653-7782

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