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Cottage Food Law Statutes:

Iowa



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Cottage Food Laws: Iowa

Iowa Code § 137D Iowa Code § 137F

Iowa Code § 137D.1. Definitions.

As used in this chapter unless the context otherwise requires:

1. “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.
2. “Department” means the department of inspections and appeals.
3. “Home bakery” means a business on the premises of a residence in which prepared food is created for sale or resale, for consumption off the premises, if the business has gross annual sales of prepared food of less than thirty-five thousand dollars. However, “home bakery” 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. “Prepared food” means soft pies, bakery products with a custard or cream filling, or baked goods that are a time/temperature control for safety food. “Prepared food” does not include baked goods that are not a time/temperature control for safety food, including but not limited to breads, fruit pies, cakes, or other pastries that are not a time/temperature control for safety food.
5. “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.

Iowa Code § 137D.2. Licenses and Inspections.

1. A person shall not open or operate a home bakery until a license has been obtained from the department of inspections and appeals. The department shall collect a fee of fifty 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.
2. A person shall not sell or distribute from a home bakery if the home bakery is unlicensed, the license of the home bakery 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 it according to rules adopted by the department.
4. The department shall regulate, license, and inspect home bakeries according to standards adopted by rule.



5. The department shall provide for the periodic inspection of a home bakery. The inspector may enter the home bakery 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 inspect food prepared at a home bakery according to standards adopted by rule. The inspection may occur at any place where the prepared food is created, transported, or stored for sale or resale.

Iowa Code § 137D.3. Penalty.

A person who violates a provision of this chapter, including a standard adopted by departmental rule, relating to home bakeries or prepared foods created in a home bakery, is guilty of a simple misdemeanor. Each day that the violation continues constitutes a separate offense.

Iowa Code § 137D.4. Injunction.

A person operating a home bakery or selling prepared foods created at a home bakery in violation of a provision of this chapter may be restrained by injunction from further operating that home bakery. If an imminent health hazard exists, the home bakery must cease operation. Operation shall not be resumed until authorized by the department.

Iowa Code § 137D.5. Duty of County Attorney.

The county attorney in each county shall assist in the enforcement of this chapter.

Iowa Code § 137D.6. Conflicts with State Building Code.

Provisions of this chapter, including standards for home bakeries 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.

Iowa Code § 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 bakery 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 bakery and is convicted of a serious misdemeanor or a more serious offense as a result.



Added by Acts 1991 (74 G.A.) ch. 107, § 10. Amended by Acts 2016 (86 G.A.) ch. 1086, S.F. 2273, § 8, eff. July 1, 2016.

Iowa Code § 137F. Food Establishments and Food Processing Plants

Iowa Code § 137F.1. Definitions.

For the purpose of this chapter:

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8. “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 which are a home bakery pursuant to chapter 137D.
 - e. Premises where a person operates a farmers market, if time/temperature control for safety foods are not sold or distributed from the premises.
 - f. Premises of a residence in which food that is not a time/temperature control for safety food is sold for consumption off the premises to a consumer customer, if the food is labeled to identify the name and address of the person preparing the food and the common name of the food.
 - 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.
- ...



Added by Acts 1998 (77 G.A.) ch. 1162, § 6, eff. Jan. 1, 1999. Amended by Acts 1999 (78 G.A.) ch. 192, § 33; Acts 1999 (78 G.A.) ch. 208, § 28; Acts 2001 (79 G.A.) ch. 81, §§ 1, 2; Acts 2002 (79 G.A.) ch. 1149, § 1, eff. May 2, 2002; Acts 2003 (80 G.A.) ch. 44, § 37; Acts 2006 (81 G.A.) ch. 1032, S.F. 2305, § 4; Acts 2007 (82 G.A.) ch. 215, S.F. 601, §§ 210, 211; Acts 2012 (84 G.A.) ch. 1064, H.F. 2092, § 1, eff. April 5, 2012; Acts 2014 (85 G.A.) ch. 1026, S.F. 2240, § 32, eff. July 1, 2014; Acts 2016 (86 G.A.) ch. 1086, S.F. 2273, § 9, eff. July 1, 2016; Acts 2018 (87 G.A.) ch. 1144, S.F. 2390, §§ 5 to 9, eff. Jan. 1, 2019; Acts 2020 (88 G.A.) ch. 1084, H.F. 2238, §§ 1, 2, eff. July 1, 2020.

