

## CHAPTER 137D

## HOME BAKERIES

Referred to in §10A.104, 137F.1, 137F.3A

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**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.

[88 Acts, ch 1220, §7](#)

C89, §170C.1

C91, §137D.1

[2016 Acts, ch 1086, §2, 3](#)

**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 thirty-three dollars and seventy-five cents 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.

[88 Acts, ch 1220, §8](#)

C89, §170C.2

C91, §137D.2

[2007 Acts, ch 215, §209](#); [2016 Acts, ch 1086, §4](#)

### **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.

[88 Acts, ch 1220, §9](#)

C89, §170C.3

C91, §137D.3

[2016 Acts, ch 1086, §5](#)

### **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.

[88 Acts, ch 1220, §10](#)

C89, §170C.4

C91, §137D.4

[2016 Acts, ch 1086, §6](#)

### **137D.5 Duty of county attorney.**

The county attorney in each county shall assist in the enforcement of [this chapter](#).

[88 Acts, ch 1220, §11](#)

C89, §170C.5

C91, §137D.5

### **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.

[88 Acts, ch 1220, §12](#)

C89, §170C.6

C91, §137D.6

[2004 Acts, ch 1086, §39](#); [2016 Acts, ch 1086, §7](#)

### **137D.7 Reserved.**

### **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.

[91 Acts, ch 107, §10](#); [2016 Acts, ch 1086, §8](#)

### **137D.9 Repealed by 99 Acts, ch 208, §41.**