



# The National Agricultural Law Center

[nationalaglawcenter.org](http://nationalaglawcenter.org) | [nataglaw@uark.edu](mailto:nataglaw@uark.edu) | [@nataglaw](https://twitter.com/nataglaw)

Cottage Food Law Statutes:

*Iowa*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication  
Cottage Food Laws: Iowa

IA Code § 137D  
IA Code § 137F(.1)(8)

**Iowa Code § 137D.1. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. “Department” means the department of inspections, appeals, and licensing.
2. “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.
3. “Home food processing establishment” means a business on the premises of a residence in which homemade food items are produced for sale or resale, for consumption off the premises, if the business has gross annual sales of less than fifty thousand dollars. However, “home food processing establishment” 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.
  - a. “Homemade food item” means a food that is produced and, if packaged, packaged at a home food processing establishment.
  - b. “Homemade food item” includes all of the following:
    - (1) Food that is not time/temperature control for safety food, but does not include such food if produced and sold under section 137F.20.
    - (2) Made-to-order food that is all of the following:
      - (a) Regularly prepared, promptly served, delivered, or otherwise provided to a consumer immediately upon order.
      - (b) Intended for immediate consumption.
  - c. “Homemade food item” does not include unpasteurized fruit or vegetable juice, raw sprout seeds, foods containing game animals, fish or shellfish, alcoholic beverages, bottled water, packaged ice, consumable hemp products, food that will be further processed by a food processing plant, time/temperature control for safety food packaged using a reduced oxygen packaging method, milk or milk products regulated under



chapter 192 or 194, and meat, meat food products, poultry, or poultry products regulated under chapter 189A, except for any of the following products when sold directly to the end consumer:

(1) Poultry, poultry byproduct, or poultry food product if the producer raised the poultry pursuant to the exemption set forth in 9 C.F.R. §381.10(c)(1) limiting the producer to slaughtering not more than one thousand poultry during the calendar year.

(2) Poultry, poultry byproduct, or poultry food product if the poultry is from an inspected source exempted pursuant to 9 C.F.R. §381.10(d).

(3) Meat, meat byproduct, or meat food product if the meat is from an inspected source exempted pursuant to 9 C.F.R. §303.1(d).

5. “Produce”, with respect to preparing homemade food items, means to prepare a food item by cooking, baking, drying, mixing, cutting, fermenting, preserving, freezing, dehydrating, growing, raising, or other process. “Produce” does not include the preparation methods of low-acid canning, low-acid fermentation, acidification, curing, and smoking for preservation rather than flavor enhancement.

6. “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 food processing establishment until a license has been obtained from the department. The department shall collect a fee of fifty dollars for a license. After collection, the fees shall be deposited in a special fund in the state treasury. Moneys in the fund are appropriated to the department for the administration of this chapter. 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 food processing establishment if the home food processing establishment is unlicensed, the license of the home food processing establishment 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 the department according to rules adopted by the department.

4. The department shall regulate, license, and inspect home food processing establishments in a manner that is consistent with this chapter.

5. The department shall provide for the periodic inspection of a home food processing establishment. The inspector may enter the home food processing establishment 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 may inspect food prepared at a home food processing establishment in a manner that is consistent with this chapter. The inspection may occur at any place where a homemade food item is created, transported, or stored for sale or resale.

7. A home food processing establishment shall affix or label a homemade food item with all of the following information:

a. Information to identify the name of the home food processing establishment.

b. The common name of the food.

c. The ingredients of the homemade food item in descending order of predominance.

d. The net quantity of contents.

e. For refrigerated time/temperature control for safety foods, an expiration date based on food safety.

f. The following statement: “This product was produced at a home food processing establishment.” If the homemade food item contains one or more major food allergens, an additional allergen statement must be included on the label identifying each major allergen contained in the food by the common name of the allergen.

8. The department may adopt rules under chapter 17A to administer this chapter.

### **Iowa Code § 137D.3. Penalty.**

A person who violates a provision of this chapter, including a standard adopted by departmental rule, relating to home food processing establishments or homemade food items produced in a home food processing establishment shall be subject to a civil penalty in the amount of one hundred dollars per violation, to be collected by the department. Moneys collected from civil penalties shall be deposited in the special fund referred to in section 137D.2. Each day that the violation continues constitutes a separate violation.

### **Iowa Code § 137D.4. Injunction.**

A person operating a home food processing establishment or selling homemade food items created at a home food processing establishment in violation of a provision of this chapter may be restrained by injunction from further operating that home food processing establishment. If an imminent health hazard exists, the home food processing establishment must cease operation and notify the department. 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 food processing establishments 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 food processing establishment 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 food processing establishment and is convicted of a serious misdemeanor or a more serious offense as a result.

### **Iowa Code § 137F.1. Definitions.**

For the purpose of this chapter:

1. "Bed and breakfast home" means a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than four guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel, or motel, does not require reservations, and serves food only to overnight guests.
2. "Commissary" means a food establishment used for preparing, fabricating, packaging, and storage of food or food products for distribution and sale through the food establishment's own food establishment outlets.
3. "Cottage food" means the production and sale of food produced at a private residence other than time/temperature control for safety food as provided in section 137F.20 and food for resale that is not time/temperature control for safety food. "Cottage food" includes home-processed and home-canned pickles, vegetables, or fruits that have a finished equilibrium pH value of four and six-tenths or lower or a water activity value of eighty-five hundredths or less for which each batch has been measured by a pH meter or a water activity meter and each container that is sold or offered for sale contains the date the food was processed and canned. "Cottage food" does not include any of the following:



- a. Milk or milk products regulated under chapter 192 or 194.
  - b. Meat, meat food products, poultry, or poultry food products regulated under chapter 189A.
4. “Department” means the department of inspections, appeals, and licensing.
  5. “Director” means the director of the department of inspections, appeals, and licensing.
  6. “Event” means a significant occurrence or happening sponsored by a civic, business, governmental, community, or veterans organization and may include an athletic contest.
  7. “Farmers market” means a marketplace which seasonally operates principally as a common market for Iowa-produced farm products on a retail basis for off-the-premises consumption.
  8. “Food” means a raw, cooked, or processed edible substance, ice, a beverage, an ingredient used or intended for use or sale in whole or in part for human consumption, or chewing gum.
  9. “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 use disorder treatment facility, halfway house substance use disorder 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 that are a home food processing establishment as defined in chapter 137D.
    - e. Premises where a person operates a farmers market, if unpackaged time/temperature control for safety foods are not sold or distributed from the premises.
    - f. Premises of a residence in which food is produced pursuant to section 137F.20.
    - 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.

o.

(1) The premises of a raw milk dairy where raw milk is produced, processed, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195.

(2) The premises of a raw milk dairy where a raw milk product or a raw milk dairy product is manufactured, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195.

10. “Food processing plant” means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer. “Food processing plant” does not include any of the following:

a. A premises covered by a class “A” beer permit as provided in chapter 123.

b. A premises of a residence in which honey is stored; prepared; packaged, including by placement in a container; labeled; or from which honey is distributed.

c. A premises covered by a class “A” wine permit as provided in chapter 123.

d.

(1) The premises of a raw milk dairy where raw milk is produced, processed, labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195.

(2) A premises of a raw milk dairy where a raw milk product or raw milk dairy product is manufactured,



labeled, marketed, or distributed by a raw milk producer in compliance with chapter 195.

11. “Mobile food unit” means a food establishment that is readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day.
12. “Municipal corporation” means a political subdivision of this state.
13. “Pushcart” means a non-self-propelled vehicle food establishment limited to serving foods that are not time/temperature control for safety foods or commissary-wrapped foods maintained at proper temperatures, or limited to the preparation and serving of frankfurters.
14. “Regulatory authority” means the department or a municipal corporation that has entered into an agreement with the director pursuant to section 137F.3 for authority to enforce this chapter in its jurisdiction.
15. “Stand operated by a minor” means a stand or other facility operated by a person or persons under the age of eighteen at which food is sold directly to consumers that is not time/temperature control for safety food or an alcoholic beverage and that operates on a temporary and occasional basis on private property with the permission of the owner of the property.
16. “Temporary food establishment” means a food establishment that operates for a period of no more than fourteen consecutive days in conjunction with a single event.
17. “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.
18. “Vending machine” means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.
19. “Vending machine location” means the room, enclosure, space, or area where one or more vending machines are installed and operated, including the storage areas on the premises that are used to service and maintain the vending machine.

