

# *Starting a Bed and Breakfast in Iowa*

## *— Laws that apply*



By law, a person who solicits and receives payment for overnight lodging must meet the provisions of the Code of Iowa, Chapter 137C, the “Hotel Sanitation Code.” Hotels providing food also must meet the requirements of Chapter 137F, the “Food Establishments and Processing Plants Ordinance.” The Code of Iowa, Sections 137F.1 and 137C.35 provides some exemptions from hotel licensing for bed and breakfast (B&B) homes and inns. The Iowa Department of Inspections and Appeals is the enforcing authority on compliance with these codes.

### **Home or Inn?**

The first step in establishing a B&B in Iowa is to understand the difference between a B&B “home” and a B&B “inn.”

A “bed and breakfast home” is a private residence that provides lodging and meals for guests. The host or hostess resides in the home and no more than four guest families are lodged at the same time. A B&B home may advertise and accept reservations, but reservations are not required. A B&B home does not promote itself to the public as a restaurant, hotel, or motel, and serves food only to overnight guests. The establishment

must be on a public water supply or have its drinking water tested annually (Section 137C.35).

A “bed and breakfast inn” is defined as a hotel with fewer than 10 guestrooms. These B&Bs are exempt from meeting the hotel regulation that requires separate toilet and lavatory facilities for each guestroom. In addition, a bed and breakfast inn is exempt from the food service sanitation code if food is served only to overnight guests (Section 137C.2). Separate kitchen facilities are not required if serving only to overnight guests.

### **Food Service Rules**

Bed and breakfast inns are required to obtain a food service establishment license, which requires separate kitchen facilities. These rules are found in chapter B7F of the Code of Iowa.

#### **• Food preparation knowledge**

The person in charge shall be knowledgeable regarding the preparation and service of food in his or her operation and is responsible for screening and training employees. Meeting the required “Demonstration of knowledge” could be done by completing an approved training course, or satisfactory inspection process, or

satisfactory answers to an inspector’s questions specifically related to the operation. The operator must be knowledgeable about the Iowa Code as it applies to his/her bed and breakfast/food service establishment. The managers must report any employees with Hepatitis A virus.

#### **• Holding food**

All refrigeration must be capable of maintaining 41°F or less. Food prepared one day or more in advance must be clearly date marked in the refrigerator. Holding times are a maximum of seven days at 41°F.

#### **• Purchasing raw produce**

Raw produce may be purchased from other than a licensed food service provider. This means B&Bs may purchase fresh fruits and vegetables locally and from farmers’ markets.

### **Fire Inspections and Hotel Taxes**

Bed and breakfast operators need to be especially concerned about fire safety, zoning, and taxes. Bed and breakfast homes are required to have smoke detectors in each sleeping room and a fire extinguisher on each floor, visible and accessible to guests. In addition,

multi-story homeowners should provide a plan for exit from the bedrooms if the hallway is blocked.

Since bed and breakfast inns (greater than four guest rooms) must be licensed as hotels, two Iowa Codes apply: The State Fire Code and the Uniform Building Code.

The State Fire Code requires that hotels have two exits for rooms on additional floors, a smoke detector in all rooms, a fire extinguisher, and fire resistant construction. State regulations may be superseded by more stringent municipal regulations.

It is possible that enforcing the Uniform Building Code could prevent the operation of many bed and breakfast inns due to the cost of meeting the requirements. However, exemptions are possible for buildings of less than two stories and 3,000 square feet. Municipalities may have a grandfather clause that could exempt the inn because of its age. But any attempt at remodeling may void the grandfather clause, and the “new” operation might need to conform to the more stringent requirements of the current code.

A bed and breakfast is required to collect the hotel/motel tax, if applicable. Operators should request an “Iowa Tax Permit” and complete the section of the application requesting a sales tax permit, inserting “hotel/motel” for major business in the lower left corner. Application forms are available in many state government offices, or from the Taxpayers Assistance Section, Iowa Department of Revenue and Finance, Hoover State Office Building, Des Moines, Iowa 50319, phone 515-281-3114. Or visit the Web site at [www.state.ia.us/tax/](http://www.state.ia.us/tax/).

### Iowa law (Code of Iowa, Section 137F.2) applying to B&Bs

These two regulations apply to a B&B home.

6. 3-201-11(B) allows food prepared by a home food establishment licensed under chapter 137D to be used or offered for sale. *This allows the preparation and sale of food by a licensed home food establishment.*

7.a 3-301.11(B) (1) Food employees should, to the extent practicable, avoid contact with exposed, ready-to-eat food with their bare hands. Where ready-to-eat food is handled by employees, the establishment must have standard operating procedures and employees must use appropriate handwashing practices for handling food.

A B&B serving more than four guest families (a public food service establishment) must meet the following requirements.

7.b 3-301.11(B) (2) In seeking to minimize employees’ physical contact with ready-to-eat foods, no single method or device is universally practical or necessarily the most effective method to prevent the transmission of pathogenic organisms in all situations. As such, each public food service establishment shall **review its operations to identify procedures where ready-to-eat food must be routinely handled by its employees and adopt one or more of the following sanitary alternatives**, to be used either alone or in combination, to prevent the transmission of pathogenic organisms:

(1) The use of **suitable food handling materials** including, but not limited to, deli tissues, appropriate utensils, or dispensing equipment. Such materials must be **used in conjunction with thorough hand washing practices** in accord with paragraph (3).

(2) **Single-use gloves**, for the purpose of preparing or handling ready-to-eat foods, shall be discarded when damaged or soiled or when the process of food preparation or handling is interrupted. Single-use gloves must be used in conjunction with thorough hand

washing practices in accord with paragraph (3).

(3) The use, pursuant to the manufacturer’s instructions, of **anti-microbial soaps**, with the additional optional use of anti-microbial protective skin lotions or anti-microbial hand sanitizers, rinses, or dips. **All such soaps, lotions, sanitizers, rinses, and dips must contain active topical anti-microbial or anti-bacterial ingredients, registered by the United States Environmental Protection Agency**, cleared by the United States Food and Drug Administration, and approved by the United States Department of Agriculture.

(4) The use of such other practices, devices, or products that are found by the division to achieve a comparable level of protection to one or more of the sanitary alternatives in paragraphs (1) through (3).

7.c Regardless of the sanitary alternatives in use, each public foodservice establishment shall establish:

(1) **Systematic focused education and training** of all foodservice employees involved in the identified procedures regarding the potential for transmission of pathogenic organisms from contact with ready-to-eat food. The importance of proper hand washing and hygiene in preventing the transmission of illness, and the effective use of the sanitary alternatives and monitoring systems utilized by the public foodservice establishment, shall be reinforced. The content and duration of this training shall be determined by the manager of the public foodservice establishment.

(2) A monitoring system to demonstrate the proper and effective use of the sanitary alternatives utilized by the public foodservice establishment.

8. 3-501.16: Shell eggs shall be received and held at an ambient temperature not to exceed 45°F or 7°C.

*Taken from Code of Iowa. Available at [www.legis.state.ia.us/IACODE/2003SUPPLEMENT/](http://www.legis.state.ia.us/IACODE/2003SUPPLEMENT/).*

## **For more information**

The following publications also are available at Iowa State University Extension county offices.

*Advertising: An Investment  
in Your Hospitality Business,*  
NCR 299

*Iowa Laws Regarding Sale of  
Home-Prepared Foods,* PM 1294

Additional information and links also are available at the Iowa State University Extension Hotel, Restaurant, Institution Management Web site,  
[www.extension.iastate.edu/hrim/](http://www.extension.iastate.edu/hrim/).

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