



MINUTES

OCTOBER 2022 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

| | |
|---|--|
| Senator Waylon Brown, Chair | Representative Megan Jones, Vice Chair |
| Senator Julian B. Garrett | Representative Mike Bousselot [by teleconference] |
| Senator Jesse Green | Representative Amy Nielsen |
| Senator Robert Hogg [by teleconference] | Representative Rick L. Olson |
| Senator Pam Jochum | |

EX OFFICIO, NONVOTING MEMBER: Nate Ristow, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048

BULLETINS NEEDED FOR THIS MEETING: 9/7/22, 9/21/22, 10/5/22

Procedural Business

Senator Brown convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 9 a.m. on Tuesday, October 11, 2022, in Room 116, State Capitol, Des Moines, Iowa. Video of the meeting has been posted here: www.legis.iowa.gov/committees/meetings/meetingsListComm?groupID=705. The minutes of the September 13, 2022, meeting were approved. The next meeting was scheduled for Tuesday, November 15, 2022, at 9 a.m. The meeting was adjourned at 12:30 p.m.

Fiscal Overview

Ms. Maria Wagenhofer, Fiscal Legislative Analyst, presented the LSA fiscal report. Committee members asked if the Legislative Services Agency (LSA) would prepare new revenue projections following the adoption of ARC 6570C. She stated that the LSA would do so soon.

HUMAN SERVICES DEPARTMENT

Representing the agency: Nancy Freudenberg

ARC 6564C (FEAN), Child Care Centers—Staff Requirements, Combining Age Groups, Rules 109.8, 109.11(2)

Committee members stated that the jobs impact analysis for the rulemaking should have been accurately completed earlier in the rulemaking process rather than relying on a survey to complete it after the fact. Members expressed concern that the underlying legislation was described as responding to a workforce shortage while the jobs impact statement for the rulemaking initially indicated that the rulemaking would have no jobs impact.

No action taken on ARC 6564C.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

- ARC 6495C (AF), Collection of Public Assistance Debts—Five-Year Review of Rules, Rules 11.1, 11.2(2), 11.3, 11.5
No discussion on ARC 6495C.
- ARC 6496C (AF), Family Investment Program, Refugee Cash Assistance—Five-Year Review of Rules, Chs. 40, 41, 46, 60
No discussion on ARC 6496C.
- ARC 6497C (AF), Certification of Adoption Investigators—Dependent Adult Abuse, Record Checks and Reports, Forms, Rules 107.4(5), 107.5(2)“a”(6), 107.8(1)
No discussion on ARC 6497C.
- ARC 6498C (AF), Family-Life Homes—Five-Year Review of Rules, Ch. 111
No discussion on ARC 6498C.
- ARC 6502C (AF), Service Administration General Provisions—Five-Year Review of Rules, Rules 130.2(4), 130.3(1), 130.4, 130.6, 130.7
No discussion on ARC 6502C.
- ARC 6503C (AF), Social Casework—Adverse Actions, Rule 131.5
No discussion on ARC 6503C.
- ARC 6504C (AF), Adoption Opportunity Grant Program, Ch. 160
No discussion on ARC 6504C.
- ARC 6505C (AF), Aftercare Services Program—Five-Year Review of Rules, Rules 187.2(3), 187.3, 187.4(1)
No discussion on ARC 6505C.
- ARC 6506C (AF), Iowa Adoption Exchange—Definitions, Process, Rules 203.1, 203.2
No discussion on ARC 6506C.
- ARC 6507C (AF), Guardianship Subsidy Agreements—Five-Year Review of Rules, Ch. 204
No discussion on ARC 6507C.
- ARC 6509C (NOIA), Interstate Compact on the Placement of Children, Ch. 142
No discussion on ARC 6509C.
- ARC 6510C (NOIA), Interstate Compact on Juveniles, Ch. 143
No discussion on ARC 6510C.
- ARC 6511C (NOIA), Quality Improvement Initiative Grants, Rules 166.2, 166.3
No discussion on ARC 6511C.
- ARC 6512C (NOIA), Refugee Services Program, Ch. 61
No discussion on ARC 6512C.
- ARC 6529C (NOIA), Services in Psychiatric Institutions—Five-Year Review of Rules, Ch. 85
No discussion on ARC 6529C.
- ARC 6530C (NOIA), IV-A Emergency Assistance Program—Definitions, Residence, Services, Rules 133.1, 133.3, 133.4
No discussion on ARC 6530C.
- ARC 6531C (NOIA), In-Home Health-Related Care—Nursing Supervision, Program Implementation, Rules 177.1-177.11
Committee members expressed a lack of familiarity with the in-home health-related care program and asked for more information, including the funding, number of individuals served, and what skilled services are provided. Ms. Freudenberg explained that the program provides personal care services in the home, which are usually unskilled. She stated she would provide more information.

No action taken on ARC 6531C.

ARC 6536C (NOIA), Foster Parent Training—Five-Year Review of Rules, Rules 117.1, 117.3, 117.5 (3), 117.7, 117.8, 117.9(1)

Committee members expressed appreciation for the changes made in the rulemaking, particularly in terms of scheduling. Members asked if the amount of first aid training was being increased, and Ms. Freudenberg explained that the training would be required every two years instead of every three years. No action taken on ARC 6536C.

ARC 6556C (AF), Facility Assessments—Five-Year Review of Rules, Rules 36.2, 36.6(2)“c,” 36.7, 36.11(5)“b”

No discussion on ARC 6556C.

ARC 6557C (AF), Rent Reimbursement Program, Ch. 62

No discussion on ARC 6557C.

ARC 6558C (AF), Food Assistance Program—Five-Year Review of Rules, Ch. 65

No discussion on ARC 6558C.

ARC 6559C (AF), Emergency Food Assistance Program—Five-Year Review of Rules, Ch. 66

No discussion on ARC 6559C.

ARC 6560C (AF), Debts Due from Transfers of Assets—Five-Year Review of Rules, Ch. 89

No discussion on ARC 6560C.

ARC 6561C (AF), Medicare Drug Subsidy—Five-Year Review of Rules, Rules 91.1, 91.2(2)“a,” 91.3(2)“a,” 91.6(2), 91.7

No discussion on ARC 6561C.

ARC 6563C (FEAN), Providers of Medical and Remedial Care—Service Documentation, Rule 79.3(2)

Committee members asked for clarification on the effect of the rulemaking being filed emergency after notice. Ms. Freudenberg and Mr. Ewing explained the emergency rulemaking procedures used. Members asked if the rulemaking only concerns services provided in facilities or if it also concerns services provided in the home. Ms. Freudenberg explained that the majority of those receiving services would be receiving them in the home. Members expressed appreciation for the rulemaking and noted that there is a shortage of persons providing such services.

No action taken on ARC 6563C.

ARC 6565C (FEAN), Child Care Assistance Eligibility—Disability of a Parent in a Two-parent Household, 170.2(2)“b”

No discussion on ARC 6565C.

ARC 6586C (NOIA), Eligibility—Five-Year Review of Rules, Rules 51.3, 51.6, 51.9(1)

No discussion on ARC 6586C.

ARC 6587C (NOIA), Payment—Assistance Standards, Rule 52.1

No discussion on ARC 6587C.

ARC 6588C (NOIA), Early and Periodic Screening, Diagnosis, and Treatment—Five-Year Review of Rules, Ch. 84

No discussion on ARC 6588C.

ARC 6589C (NOIA), Intermediate Care Facilities for Persons with an Intellectual Disability—Five-Year Review of Rules, 82.1-82.3, 82.5, 82.7, 82.8, 82.13(1), 82.14, 82.15(1), 82.17(2)

No discussion on ARC 6589C.

ARC 6590C (NOIA), Application for Assistance—Definitions, Forms, Cross-References, Rules 50.1-50.5

No discussion on ARC 6590C.

AGING, DEPARTMENT ON

Representing the agency: Dax Oberreuter

ARC 6591C (NOIA), Special Dietary Needs—Physician Assistants, Rule 7.18(3)
No discussion on ARC 6591C.

PHARMACY BOARD

Representing the agency: Sue Mears

ARC 6521C (AF), Temporary Designation of Controlled Substances, Rule 10.39
No discussion on ARC 6521C.

ARC 6522C (AF), Compounding Practices—Records, Rule 20.23
No discussion on ARC 6522C.

ARC 6532C (NOIA), Temporary Designation of Controlled Substances, Rule 10.39(6)
No discussion on ARC 6532C.

ARC 6533C (NOIA), Iowa Prescription Monitoring Program—Definition of “Opioid Antagonist,” Advisory Council, Rules 37.2, 37.4
No discussion on ARC 6533C.

REVENUE DEPARTMENT

Representing the agency: Tim Reilly, Clara Wulfsen

ARC 6494C (NOIA), Local Government Services Division, Rules 6.1(2), 70.6(1)“b,” 71.14(2), 72.18(8), 78.6(1)“b,” 122.2
No discussion on ARC 6494C.

ARC 6508C (AF), Sales, Use, and Excise Tax, Chs. 4, 16, 27, 34, 67-70, 81-86, 91, 97, 103, 107-109, 120, 122, 150, 210-216, 223, 224, 226, 230, 231, 235, 237-242, 250, 258
No discussion on ARC 6508C.

ARC 6525C (AF), Application of Two-Tier Assessment Limitation, Rule 71.29
No discussion on ARC 6525C.

ARC 6537C (NOIA), Rent Reimbursement Program—Transition Period, Rule 73.35
No discussion on ARC 6537C.

ARC 6538C (NOIA), Withholding, Rules 38.1(8), 46.1(1)“c,” 46.3, 46.5
Committee members asked for more information about the fiscal impact of the rulemaking and questioned whether there was a dispute between the department and the LSA regarding the fiscal impact and whether the rulemaking exceeded the scope of the underlying legislation, 2022 Iowa Acts, House File 2552. Ms. Wulfsen explained that the rulemaking contains both provisions implementing House File 2552 and additional nonsubstantive provisions. She stated she would provide additional information on which portions of the rulemaking pertained to House File 2552. She disagreed that the portions of the rulemaking implementing House File 2552 exceed the scope of the legislation.
No action taken on ARC 6538C.

ARC 6539C (NOIA), Mandatory Electronic Filing of Tax Returns for Certain Taxpayers, Rule 8.7
No discussion on ARC 6539C.

ARC 6550C (AF), Personal Service and Paperless Delivery — Notices, Correspondence, Other Communication, Rules 7.33, 8.6
No discussion on ARC 6550C.

ARC 6551C (AF), Tax-Related Due Dates that Fall on Saturdays, Sundays, or Holidays, Chs. 7, 39, 48, 52, 58, 70, 78, 87, 89
No discussion on ARC 6551C.

ARC 6566C (AF), Failure to File Penalty, Rule 10.9
No discussion on ARC 6566C.

ARC 6567C (AF), Income Tax Returns—Whole Dollars, Rule 8.5(2)“a”
No discussion on ARC 6567C.

ARC 6582C (AF), Appeals, Taxpayer Representation, and Other Administrative Procedures, Rules 7.6, 7.9(6)
No discussion on ARC 6582C.

ARC 6583C (AF), Public Records and Fair Information Practices; General Administration; Tax Return Extension in Disaster Areas, Chs. 5, 6, 10
No discussion on ARC 6583C.

ARC 6570C (AF), Corporate Income Tax Rate Adjustments, Rule 51.10
Committee members expressed appreciation for the removal of the 3 percent variance in the trigger for the change in the corporate tax rate. Members asked if the department will issue a new fiscal impact statement in light of the recently triggered change in the corporate tax rate. Ms. Wulfsen was unsure if a new statement would be issued, but stated the department would work with the LSA on the matter.
No action taken on ARC 6570C.

ARC 6577C (NOIA), Services Subject to Sales Tax, Chs. 26, 203, 211, 213-216, 218, 219, 220, 225
Committee members asked for clarification on the taxability of golf lessons provided at a country club. Mr. Reilly explained that anything sold by a country club was taxable prior to the rulemaking and would remain so afterward.
No action taken on ARC 6577C.

DENTAL BOARD

Representing the agency: Christel Braness

ARC 6513C (NOIA), Board-Approved Specialty—Orofacial Pain, Rule 26.4(2)“b”
No discussion on ARC 6513C.

ARC 6514C (NOIA), Dental Assistants—Trainee Status, Registration, Dental Radiography Qualification, Chs. 1, 11, 15, 20, 22
Committee members asked what public comments the board had received on the rulemaking. Ms. Braness explained that the comments were evenly divided, with some supportive of the rulemaking and others opposed to the changes to on-the-job training for dental assistants. She noted that dental assistants are more limited in the care they can provide than dentists or dental hygienists.
No action taken on ARC 6514C.

ARC 6515C (NOIA), Expanded Functions, Rules 23.1-23.7
Committee members asked the board to provide the committee with any public comments it received, and Ms. Braness stated she would do so.
No action taken on ARC 6515C.

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT

Representing the agency: Colin Tadlock

ARC 6499C (NOIA), Federal Wholesome Meat Act Regulations, Voluntary Inspections of Exotic Animals—Adoption by Reference, Rules 76.2, 76.13
No discussion on ARC 6499C.

ARC 6500C (NOIA), Pesticides—Registration Fees, Rule 45.3
No discussion on ARC 6500C.

ARC 6516C (NOIA), E-15 Access Standard, Ch. 86
No discussion on ARC 6516C.

ARC 6517C (NOIA), Research Facilities, Rule 67.18
No discussion on ARC 6517C.

ARC 6552C (AF), Marketing, Ch. 52
Committee members asked if the department will have a website or list for participants in the Choose Iowa Promotional Program. Mr. Tadlock explained that the department is in the process of a request for proposals for a website to be launched in 2023, which will list all sellers within a given radius. The department is also hiring a person to oversee the program.
No action taken on ARC 6552C.

ARC 6581C (NOIA), Advertisement of the Price of Liquid Petroleum Products for Retail Use—Decals, Octane Rating, Ethanol Percentage by Volume, Rule 85.48
No discussion on ARC 6581C.

VETERINARY MEDICINE BOARD

Representing the agency: Colin Tadlock

ARC 6523C (AF), Veterinarian/Client/Patient Relationships, Rules 1.4, 12.1
No discussion on ARC 6523C.

INSURANCE DIVISION

Representing the agency: Angela Burke Boston

ARC 6547C (AF), Five-Year Review of Rules, Rules 35.21, 35.40, 40.12(4), 55.20(7), 58.3(2), 58.16(3), 71.14(9), 101.1, 101.8(12), 101.9, 102.3
No discussion on ARC 6547C.

ARC 6548C (AF), Travel Insurance, Ch. 10
No discussion on ARC 6548C.

ECONOMIC DEVELOPMENT AUTHORITY

Representing the agency: Lisa Connell

ARC 6492C (AF), Iowa Energy Center—Purpose, Quorum, Electronic Meetings, Rules 403.1, 403.3
No discussion on ARC 6492C.

ARC 6546C (NOIA), Historic Preservation Tax Credit, Ch. 49
No discussion on ARC 6546C.

IOWA FINANCE AUTHORITY

Representing the agency: Kristin Hanks-Bents

ARC 6543C (NOIA), Nine Percent Qualified Allocation Plan, Rules 12.1(2), 12.2(2)
No discussion on ARC 6543C.

EDUCATION DEPARTMENT

Representing the agency: Thomas Mayes

ARC 6584C (NOIA), English Learners—Terminology, Chs. 19, 23, 41, 60, 67, 68, 77, 79, 98, 120
No discussion on ARC 6584C.

ARC 6585C (NOIA), Operational Function Sharing; Supplementary Weighting, Rule 97.7
No discussion on ARC 6585C.

RACING AND GAMING COMMISSION

Representing the agency: Barb Blake

ARC 6542C (NOIA), Alternative Simulcast Operators; Waiver Summary Reports; Conduct Accountability; Occupational Licenses; Vendor Licenses; Advance Deposit Wagering; Physician Assistants, Chs. 1, 5, 6, 8
No discussion on ARC 6542C.

IOWA PUBLIC INFORMATION BOARD

Representing the agency: Margaret Johnson

ARC 6540C (NOIA), Complaints—Administrative Resolution; Contested Cases—Withdrawal, Rules 2.1(6), 4.17

Committee members asked for clarification on how this rulemaking is different from a similar previous rulemaking. Ms. Johnson explained that a controversial provision from the previous rulemaking was not included in this rulemaking, which only includes minor changes to the board's rules. Members asked for more information about the content of the rulemaking relating to resolution of complaints. She explained that the board has never used the language being rescinded and does not have the authority to give orders as described in that language.

No action taken on ARC 6540C.

LAW ENFORCEMENT ACADEMY

Representing the agency: Russell Rigdon

ARC 6545C (NOIA), Certification; Training, Rules 2.1(11), 3.2, 3.4(1), 3.5(1), 4.1(1), 4.2(1), 9.1, 9.2(2), 10.1
Committee members asked why the experience requirement for instructors was being shortened. Mr. Rigdon explained many law enforcement agencies, particularly smaller ones, have been experiencing greater turnover, and some no longer have any officers that meet the current requirement. He noted that firearms and driving instructors are particularly important for law enforcement agencies. Reducing the requirement will reduce the number of waivers requested for the requirement. He noted that a new supervision requirement is included with the reduction. Members expressed concern about lowering the training requirement and suggested that increasing pay is a more effective solution for increased turnover. Members also expressed concern that this change was being done by rule rather than through legislation.

Committee members asked for clarification on what the 18-month period in the rulemaking entails. Mr. Rigdon explained that instructors, whether employed by the academy or employed elsewhere but providing instruction at the academy, need 18 months of prior field experience in order to begin the process of becoming certified as an instructor. Additional standards must be met to complete the certification.

Committee members asked what the requirements are to become an instructor in other states. Mr. Rigdon was unsure. Members requested additional information about the academy's reasoning for lowering the standards as well as standards used in other states. He agreed to provide such information.
No action taken on ARC 6545C.

ENVIRONMENTAL PROTECTION COMMISSION

Representing the agency: Dave Schelling, Courtney Cswercko

ARC 6493C (AF), NPDES General Permit Nos. 5 through 9, Rule 64.15
No discussion on ARC 6493C.

ARC 6501C (NOIA), Definition of “Storm Water Discharge Associated with Industrial Activity”; NPDES
General Permit Nos. 1 through 4, Rules 60.2, 64.15
No discussion on ARC 6501C.

NATURAL RESOURCE COMMISSION

Representing the agency: Tyler Harms

ARC 6578C (NOIA), Wild Turkey Hunting—Permitted Weapons, Rules 98.2(1)“a,” 98.12(1), 99.8(1)
No discussion on ARC 6578C.

ARC 6579C (NOIA), Deer Hunting by Residents—Antlerless-Deer-Only Seasons, Deer Depredation Licenses,
Rules 106.1(6), 106.2(5), 106.4(5), 106.6(4), 106.7(5), 106.11(4)
No discussion on ARC 6579C.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT

Representing the agency: Blake DeRouchey

ARC 6526C (NOIA), Report Submissions, Rules 104.1, 104.2
No discussion on ARC 6526C.

ARC 6527C (NOIA), Iowa Comprehensive Plan, 9.1-9.4
No discussion on ARC 6527C.

ARC 6528C (NOIA), 911 Telephone Systems, Rules 10.2, 10.4(2), 10.9(3)“f,” 10.11(1)“c,” 10.14
No discussion on ARC 6528C.

ARC 6534C (NOIA), Mass Notification and Emergency Messaging System, Rules 15.3(1), 15.4
No discussion on ARC 6534C.

ARC 6535C (NOIA), Repair, Calibration, and Maintenance of Radiological Monitoring, Detection, and
Survey Equipment, Ch. 11
No discussion on ARC 6535C.

PUBLIC EMPLOYMENT RELATIONS BOARD

Representing the agency: Erik Helland

ARC 6520C (FEAN), Retention and Recertification Elections—Submission of Voter Eligibility Lists, Rules 15.1, 15.2(2), 15.5

Committee members asked if there were any issues with the first elections using the board's new vendor. Mr. Helland explained that the elections went better than expected and the new system worked well, with 179 employers timely submitting employee lists, and one employer submitting late. Comments from labor and employers were overwhelmingly positive. He stated that many employers failed to upload a list at all. Members asked for more information on employers who did not upload lists. He explained that about 85 percent of education employers failed to upload a list, which he described as a growing trend over the years. He noted that failure to upload a list results in automatic recertification of a bargaining representative. He was unsure how many employers fail to do so because of technical issues and how many choose not to. He explained that some employers state that they are choosing not to upload a list. He further explained that at least one labor representative had stated that they would tell an employer not to upload a list.

No action taken on ARC 6520C.

TRANSPORTATION DEPARTMENT

Representing the agency: Kelli Huser, Willy Sorenson, Mike Harvey, Kristin Haar, Kathleen Meredith Evers, Maria Hobbs

ARC 6489C (AF), Vehicle Recyclers—Licensing, Regulation, Rules 400.23, 431.1-431.3

No discussion on ARC 6489C.

ARC 6490C (AF), Motor Vehicle Leasing Licenses—Contact Information, Definition of “Engage in the Business,” Rule 430.1

No discussion on ARC 6490C.

ARC 6491C (AF), Transportation Network Companies, Rules 540.3, 540.4, 540.6, 540.9(2), 540.11

No discussion on ARC 6491C.

ARC 6519C (NOIA), Commercial Driver Licensing—Third-Party Testing, Rules 607.30, 607.31

No discussion on ARC 6519C.

ARC 6562C (AF), Primary Highway Access Control, Chs. 112, 150

No discussion on ARC 6562C.

ARC 6572C (NOIA), School Transportation Services Provided by Regional Transit Systems—Contact Information, Adoption by Reference of Federal Regulations, Definition of “Automobile,” Driver Physical Fitness, Rules 911.1(2), 911.2, 911.5(1), 911.6(7)

No discussion on ARC 6572C.

ARC 6573C (NOIA), Federal Transit Assistance—State Management Plan, Rule 922.1(2)

No discussion on ARC 6573C.

ARC 6488C (AF), Intermodal Pilot Project Program, Ch. 201

No discussion on ARC 6488C.

ARC 6574C (NOIA), Railroads—Definitions, Submission of Reports, Processing Agreements, Adoption by Reference of Federal Regulations, Chs. 800, 810, 821

No discussion on ARC 6574C.

ARC 6575C (NOIA), Highway-Railroad Grade Crossings, Chs. 811, 812, 820

No discussion on ARC 6575C.

ARC 6576C (NOIA), Quotation Process for Governmental Entities for Public Improvement for Vertical Infrastructure, Ch. 180
No discussion on ARC 6576C.

VETERANS AFFAIRS, IOWA DEPARTMENT OF

Representing the agency: Liz Ledvina

ARC 6580C (NOIA), Veterans License Fee Fund, Rules 17.1-17.3
No discussion on ARC 6580C.

WORKFORCE DEVELOPMENT DEPARTMENT

Representing the agency: Jeffrey Koncsol

ARC 6487C (AF), Unemployment Insurance Benefits—Exceptions, Rule 24.22(3)“c”
No discussion on ARC 6487C.

LABOR SERVICES DIVISION

Representing the agency: Lanny Zieman

ARC 6541C (NOIA), Boiler and Pressure Vessel Codes—Adoption by Reference, 91.1(6), 91.8, 91.10
No discussion on ARC 6541C.

CHILD ADVOCACY BOARD

Representing the agency: Ashleigh Hackel

ARC 6544C (NOIA), Five-Year Review of Rules, Chs. 1-5
No discussion on ARC 6544C.

INSPECTIONS AND APPEALS DEPARTMENT

Representing the agency: Ashleigh Hackel, Mark Speltz

ARC 6518C (AF), Food Assistance Program — Change of Name to Supplemental Nutrition Assistance Program (SNAP); Fraud Control; Debt Recovery, Chs. 22, 72, 75, 90
No discussion on ARC 6518C.

ARC 6571C (NOIA), Health Care Employment Agencies, Ch. 55
No discussion on ARC 6571C.

ARC 6569C (AF), Home Food Processing Establishments, Ch. 34

Committee members stated that the underlying legislation, 2022 Iowa Acts, House File 2431, contemplated two limits on home food processing: a revenue cap and on-premises consumption. Members asked if the rulemaking places other limits on home food processing. Ms. Hackel explained that it was the department’s understanding that it was the intent of House File 2431 to set a distinction between food establishments governed by Iowa Code chapter 137F and home food processing establishments governed by Iowa Code chapter 137D. The department attempted to narrowly craft language governing that distinction. She explained the department’s approach to the distinction, particularly in regard to made-to-order food, which she stated was within the department’s authority under the legislation. Members stated that the rulemaking seemed to contain additional restrictions not provided in the legislation.

Committee members asked for clarification of the made-to-order exception, particularly in regard to bakeries. Ms. Hackel and Mr. Speltz explained that the made-to-order exception is intended more for

restaurant experiences where food is prepared and then picked up immediately. Mr. Speltz stated as an example that picking up a pie that was previously ordered would not be considered made to order, whereas picking up a hamburger and fries would be. Filing an order is not the relevant characteristic for the exception. Additional discussion occurred regarding applicability of the exception to take-and-bake pizzas as opposed to hot pizzas and its applicability to food requiring special refrigeration equipment. Members stated that the rulemaking is unclear. Mr. Speltz noted that meal kits are included in the exception.

Ms. Jessica Dunker, speaking on behalf of the Iowa Restaurant Association, expressed support for the rulemaking. She noted that restaurants are the largest buyers of homemade food. She explained differences between restaurants and home-based businesses, which she stated have a different value proposition. She also explained that restaurants, particularly rural ones, have low profit margins. She stated the rulemaking would encourage innovation and allow restaurants to continue to purchase goods from home-based businesses.

No action taken on ARC 6569C.

ARC 6568C (AF), Food and Consumer Safety; Food Establishment and Food Processing Plant Inspections, Chs. 30, 31

No discussion on ARC 6568C.